

**DEPARTMENT OF AGRICULTURE**  
**HARNESS RACING COMMISSION**  
**PUBLIC NOTICE**  
**501 Harness Racing Rules and Regulations**

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rule in Section 7-7.1.3.4. The Commission will hold a public hearing on the proposed rule changes at Harrington Raceway on August 12, 2014 at 10:15 am. Written comments should be sent to Mark Davis, Racing Administrator of the Delaware Harness Racing Commission, Department of Agriculture, 2320 South DuPont Highway, Dover, DE 19901. Written comments will be accepted from publication in the July 1, 2014 *Register of Regulations* until August 27, 2014.

The proposed changes are for the purpose of updating the Rules to reflect current policies, practices and procedures. Copies are published online at the *Register of Regulations* website: [http://regulations.delaware.gov/services/current\\_issue.html](http://regulations.delaware.gov/services/current_issue.html) A copy is also available for inspection at the Harness Racing Commission office.

**DEPARTMENT OF EDUCATION**  
**PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, July 17, 2014 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**PUBLIC NOTICE**  
**Telemedicine**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), with 42 CFR §447.205 and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) intends to submit a state plan amendment regarding telemedicine, specifically, *to clarify provider types authorized to deliver medically necessary services via telemedicine.*

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning & Policy Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by July 31, 2014.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**PUBLIC NOTICE**

**Increased Medicaid Payment for Primary Care Services – Section 1202 of the Affordable Care Act**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Delaware Title XIX Medicaid State Plan regarding *additional codes eligible for enhanced primary care payments.*

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning & Policy Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by July 31, 2014.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**DIVISION OF PUBLIC HEALTH**  
**PUBLIC NOTICE**  
**4405 Free Standing Surgical Centers**

The Office of Health Facilities Licensing and Certification, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, is proposing revisions to the State of Delaware Regulations Governing Free Standing Surgical Centers. Due to the extensive number of amendments the Division has concluded that the current regulations should be repealed and replaced in their entirety with the proposed regulations being published. The purpose of the amendments is to update the requirements so that they are in concert with current healthcare standards and to align them more closely with current federal requirements. On July 1, 2014, the Division plans to publish as proposed the amended regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the July 1, 2014 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Facilities Licensing and Certification at (302) 283-7220.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Deborah Harvey by Thursday, July 31, 2014 at:

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)  
Phone: (302) 744-4913

**DIVISION OF SOCIAL SERVICES**  
**PUBLIC NOTICE**  
**Food Supplement Program**  
**Determining Income Deductions**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, *Determining Income Deductions*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by July 31, 2014.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**DIVISION OF SOCIAL SERVICES**  
**PUBLIC NOTICE**  
**Child Care Subsidy Program**  
**Prioritizing Service Needs**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Prioritizing Service Needs*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by July 31, 2014.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other

interested persons.

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY**  
**DIVISION OF STATE POLICE**  
**PUBLIC NOTICE**  
**5500 Bail Enforcement Agents**

Notice is hereby given that the Board of Examiners of Bail Enforcement Agents, in accordance with 24 **Del.C.** Chapter 55 proposes to amend Adopted Rule 4.0 – Firearms Policy, Adopted Rule 5.0 – Nightstick, PR 24, Mace, Peppergas, Chemical Spray, and Handcuffs. The amendment to Rule 4.0 specifies the shoot dates and who the instructors are approved by; Rule 5.0 specified who the instructors are approved by. If you wish to view the complete Rules, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by July 31, 2014, to Delaware State Police, Professional Licensing Section, P.O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Thursday, August 28, 2014, 10:00am, at the Tatnall Building, 150 Martin Luther King, Jr. Boulevard South, Room 112, Dover, DE.

**DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES**  
**DIVISION OF FAMILY SERVICES**  
**OFFICE OF CHILD CARE LICENSING**  
**PUBLIC NOTICE**  
**101 Rules for Early Care and Education and School-Age Centers**

The Office of Child Care Licensing (OCCL) proposes to amend the DELACARE Rules for Early Care and Education and School-Age Centers. A comprehensive review process was held in which all providers were asked to participate as part of the public hearing process for Executive Order 36 and a preliminary draft was created. The preliminary draft was posted on the OCCL website and comments were invited and received. Additional public comments were received from the Provider Advisory Board, from providers and stakeholders during a series of Task Force meetings, as well as written comments from other providers and stakeholders.

The proposed changes provide clarity, reflect changes in laws, align with current best practices, and improve standards of care. The revisions represent a consensus of participants including licensed providers and subject experts, and are based on best practice, a review of regulations promulgated by other States, research on subjects related to early care and education and school-age center care, internal OCCL review and discussion, and identified issues and services within existing programs within Delaware.

Regulations published here are numbered in administrative code format. To facilitate the comparison of this new document to the current regulations and the location of information in the current regulations, in many instances a current rule number still appears in this document in parentheses regardless of whether the text has been edited or remains the same. (Example: Rules 102-104). Some current regulations have been eliminated and new information and regulations added. These referencing rule numbers will be eliminated in the next publication of these regulations in the *Register*.

Interested parties wishing to offer comments on the proposed regulations or submit written suggestions, data, briefs, or other materials concerning the proposed regulations must submit same to Elizabeth Timm, Office of Child Care Licensing, 1825 Faulkland Road, Wilmington, Delaware 19805 or by fax to 302-633-5112 by the close of business on August 31, 2014. Comments may also be offered at public meetings to be held in each county. Participants may attend any meeting. While the meetings begin at 6:00 p.m., participants may arrive at any time prior to the close of the meetings at 7:45 p.m. Time allotted to each speaker will be limited. The meetings will be held as follows:

**New Castle County:    Tuesday, June 24, 2014, 6:00 – 7:45 p.m.**  
Paul J. Sweeney Public Safety Building  
(also known as New Castle County Public Safety Building)  
3601 N. DuPont Highway, New Castle, DE 19720

**Sussex County:        Wednesday, July 9, 2014, 6:00 – 7:45 p.m.**  
Thurman Adams State Service Center  
(also known as Georgetown State Service Center)  
546 South Bedford Street, Georgetown, DE 19947

**Kent County:            Wednesday, July 16, 2014, 6:00 – 7:45 p.m.**

DelDOT Administration Building, Farmington Room  
800 Bay Road, Dover, DE 19903

**DEPARTMENT OF STATE**  
**DIVISION OF HISTORICAL AND CULTURAL AFFAIRS**  
**PUBLIC NOTICE**  
**100 Historic Preservation Tax Credit Program**

The Historic Preservation Tax Credit Act (30 **Del.C.** Ch. 18, Subch. II) was first enacted by the General Assembly in 2001 and was amended in 2002, 2003, 2004, 2005 and 2010. Program regulations were adopted on July 11, 2002 (6 **DE Reg.** 108 published 07/01/02), and were amended on July 11, 2004 (8 **DE Reg.** 194 published on 07/01/04), on January 11, 2005 (8 **DE Reg.** 1031 published 01/01/05), and on October 11, 2010 (14 **DE Reg.** 485, published 11/01/2010). The 2014 amendments to the legislation provide for revisions to §1816(a) to set aside a portion of the available tax credits for projects located in Downtown Development Districts. The purpose of the following proposed regulatory amendments is to implement the code changes of 2014 and to clarify or to make minor editorial changes to various sections of the regulations. The proposed amendments address the changes to the way in which credits are awarded under this program in new section 7.9 with an associated definition added to section 3.0. As to the clarification of the regulations, the proposed amendments modify seven sections of the regulations (3.0, 5.8, 7.2, 7.4-7.6, and 11.1) and editorial changes have been made to twelve sections of the regulations (1.0, 3.0, 4.5, 5.8, 6.1-6.5, 7.1, 7.3, 8.1). The Historic Preservation Tax Credit Act is designed to promote community revitalization and redevelopment through the rehabilitation of historic property by providing tax credits for expenditures made to rehabilitate a certified historic property.

The State Bank Commissioner and the Division of Revenue may adopt regulations or issue guidelines for tax elements of the Historic Preservation Tax Credit Act.

**PLEASE TAKE NOTICE**, pursuant to 29 **Del.C.**, Ch. 101, the Division of Historical and Cultural Affairs proposes to amend rules and regulations pursuant to its authority under 30 **Del.C.** §1815(b). The Division will receive and consider all written comments on the proposed rules and regulations related to implementation of amendments to the Historic Preservation Tax Credit Act. Submit comments to the Division in care of Timothy A. Slavin, Director, Division of Historical and Cultural Affairs, 21 The Green, Dover, DE 19901. The final date to submit comments is July 30, 2014. Anyone wishing to obtain a copy of the proposed amendments to the rules and regulations should notify Timothy A. Slavin at the above address or call 302-736-7400. This notice will be published in two newspapers of general circulation.

**DIVISION OF PROFESSIONAL REGULATION**  
**3000 BOARD OF PROFESSIONAL COUNSELORS OF MENTAL HEALTH AND CHEMICAL DEPENDENCY**  
**PROFESSIONALS**  
**PUBLIC NOTICE**

The Delaware Board of Mental Health and Chemical Dependency Professionals, pursuant to 24 **Del.C.** §3006(a)(1), proposes to revise its regulations. The proposed amendments to the regulations seek to bring the regulations into conformity with the statutory provisions which govern the Board; eliminate regulatory references to the "Academy of Clinical Mental Health Counselors," a non-existent organization; and eliminate regulations stating that professional counselors must obtain licensure by first becoming assistant counselors.

The Board will hold a public hearing on the proposed rule change on August 27, 2014 at 12:00 p.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jessica Williams, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until September 11, 2014.