

DELAWARE RIVER BASIN COMMISSION
Public Notice

The Delaware River Basin Commission will hold a public hearing on Tuesday, March 11, 2014 beginning at 1:30 p.m. A conference session and business meeting will be held on the following day, Wednesday, March 12, 2014 beginning at 12:15 p.m. The hearing, conference session and meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania. For more information, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609 883-9500 extension 203.

DEPARTMENT OF AGRICULTURE
THOROUGHBRED RACING COMMISSION
PUBLIC NOTICE
1001 Thoroughbred Racing Rules and Regulations

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the amended regulations is to (i) amend Commission Regulation 9.2.2.3 relating to Jockey Agents; (ii) adopt by reference the ARCI Model Rules for Uniform Medication and Drug Testing as set forth in the January 15, 2014 draft submitted to the Commission; (iii) adopt by reference the RMTC Thresholds for Environmental Contaminants and Androgenic-Anabolic Steroids Rule; and (iv) adopt by reference the Association of Racing Commissioners International (ARCI-011-020) Multiple Medications Violations Penalties. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of 29 **Del.C.** Ch. 101.

A copy of the proposed regulations is being published in the March 1, 2014 edition of the Delaware *Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before April 1, 2014. Written materials submitted will be available for inspection at the above address.

On or after April 1, 2014, following review of the public comment, the Thoroughbred Racing Commission will determine whether to adopt the proposed amended Regulations or make additional changes because of the public comments received.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, March 20, 2014 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MANAGEMENT SERVICES

Submission of Annual Grant Application Under Part C of the Individuals with Disabilities Education Improvement Act of 2004

The Delaware Department of Health and Social Services will submit its annual grant application under Part C of the Individuals with Disabilities Education Improvement Act of 2004. The application will be available until April 21, 2014.

Please contact the Part C Birth to Three office at 302-255-9134 (call collect from Kent and Sussex) to secure a copy of the application or e-mail Inita.joyner@state.de.us. Send your written comments to Part C/Birth to Three, DMS/DHSS, 2nd floor, Main Building, Suite 249, 1901 N. DuPont Hwy, New Castle, DE 19720 or fax to 302-255-4407.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE

Affordable Care Act Section 4106 Preventive Services

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 Medicaid and Medical Assistance (DMMA) intends to submit a state plan amendment to the Centers for Medicare and Medicaid Services (CMS) regarding *the provision of preventive services described in section 4106 of the Affordable Care Act*.

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 March 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

Federal Medical Assistance Percentage Claiming Methodology for the Adult Group

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 Medicaid and Medical Assistance (DMMA) has submitted an amendment to the Medicaid State Plan regarding the Federal Medical Assistance Percentage (FMAP) specifically, *the FMAP claiming methodology for the adult group*.

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 March 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

1915(i) Home and Community-Based Services State Plan Amendment Option

**Please Note: The January 1, 2014 issue of the Delaware Register of Regulations stated that a copy of Delaware's proposed 1915(i) HCBS state plan option Concept Paper and a copy of the proposed 1915(i) HCBS State Plan Amendment would be accessible on the Division of Medicaid and Medical Assistance website at <http://www.dhss.delaware.gov/dhss/dmma>. However, the concept paper and proposed draft were not available for public viewing until January 17, 2014. Therefore, in accordance with 29 Del.C. §10118, this regulation is being republished to extend the opportunity for public comment to March 31, 2014.*

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 Medicaid and Medical Assistance (DMMA) / gives notice to the public that the agency intends to submit a 1915(i) Home and Community-Based Services State Plan amendment to the Centers for Medicare and Medicaid Services (CMS).

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 March 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

Medicaid Reimbursement for Prescription Drugs

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 and with 42 CFR §447.205, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding the drug pricing reimbursement methodology for pharmaceutical products, specifically, implementation of the pricing benchmark, *National Average Drug Acquisition Cost (NADAC)*, as published by the Centers for Medicare and Medicaid Services (CMS).

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 March 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
4458 State of Delaware Food Code Regulations**

The Department of Health and Social Services, Division of Public Health, is proposing regulations which amend Title 16 of the Delaware Code relating to the State of Delaware Food Code. Due to the extensive number of amendments the Division has concluded that the current 4458 State of Delaware Food Code regulations should be repealed and replaced in their entirety with the proposed regulations being published.

The proposed Code, based on the U.S. Food and Drug Administration's (FDA) 2013 Food Code, will introduce several important changes to better serve and protect Delawareans. Changes include:

- A requirement that the Person in charge (PIC) must be certified through an accredited food protection manager certification program.
- "Potentially hazardous food (PHF)" which will be replaced with the new terminology, "time and temperature controlled for safety (TCS)."
- Food establishments will be required to post notification to the public that "a copy of the most recent inspection report is available upon request."

On March 1, 2014, the Division plans to publish the amended 4458 State of Delaware Food Code regulations and hold them out for public comment per Delaware law. Copies of the proposed regulations are available for review in the March 1, 2014 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4546.

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 4:30 p.m. on Monday, March 31, 2014 at:

Deborah Harvey, Division of Public Health
417 Federal Street
Dover, DE 19901
Email: Deborah.Harvey@state.de.us; phone: (302) 744-4700

**DIVISION OF SOCIAL SERVICES
PUBLIC NOTICE
Delaware Temporary Assistance for Needy Families - Employment and Training Program Requirements**

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 Delaware Temporary Assistance for Needy Families (TANF) Employment and Training Program requirements, specifically, *Sanctions and Curing Sanctions*.

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 March 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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH AND WILDLIFE
REGISTER NOTICE SAN#: 2014-01
3507 Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas

This action is to adopt provisions consistent with the proposed federal rule for the recreational black sea bass fishery and remain compliant with Addendum XXV to the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for Summer Flounder, Scup and Black Sea Bass.

Black sea bass are managed cooperatively by the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAFMC) and the National Marine Fisheries Service through the joint Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. The ASMFC and MAFMC jointly approved a coastwide recreational black sea bass harvest limit for 2014 of 2.26 million pounds (1,189,474 fish) at their December 11, 2013 meeting. The ASMFC approved the continuation of ad hoc regional management measures under Addendum XXV at their February 4, 2014 meeting.

Addendum XXV requires the southern region states (Delaware to North Carolina) to implement recreational fishery management measures for black sea bass consistent with those measures required for federal waters. The National Oceanic and Atmospheric Administration's (NOAA) recommended federal recreational black sea bass measures for 2014 include a 12.5 inch minimum size limit, a 15 fish possession limit and open seasons from May 19 - September 18 and October 18 - December 31. These measures when combined with measures being implemented in the northern region (Massachusetts through New Jersey) will achieve the 2014 coastwide recreational harvest limit.

The hearing record on the proposed changes to the black sea bass regulation will be open March 1, 2014. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302)739-9042. A public hearing on the proposed amendment will be held, in conjunction with the public hearing on a proposed summer flounder amendment, on March 26, 2014 beginning at 6:00 PM in the Dover Public Library, located at 35 Lookerman Plaza, Dover, DE 19901.

DIVISION OF FISH AND WILDLIFE
REGISTER NOTICE SAN#: 2014-02
3511 Summer Flounder Size Limits; Possession Limits; Season

This action is to consider amending Delaware's summer flounder (*Paralichthys dentatus*) regulation for consistency with Addendum XXV to the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass. It is anticipated that the amendment will include a liberalization of the recreational minimum size limit.

Summer flounder are managed cooperatively by the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAFMC) and the National Marine Fisheries Service through Amendment 13 to the joint Summer Flounder, Scup and Black Sea Bass Fishery Management Plan and its subsequent addenda. The ASMFC and MAFMC jointly approved a coastwide recreational summer flounder harvest limit for 2014 of 7.01 million pounds (2,421,720 fish) at their December 11, 2013 meeting. The ASMFC approved a regional management approach for states under Addendum XXV at its February 4, 2014 meeting.

Under the regional management approach, states within a region are required to establish the same size and possession limits. Delaware is in a region with Maryland and Virginia. It is anticipated that Delaware will be required to change its existing recreational 17-inch minimum size limit to a 16-inch recreational minimum size limit. Further, it is anticipated that there will be no change in Delaware's present four fish recreational possession limit or year-round recreational summer flounder season. Although unlikely, it should be noted that these proposed measures are subject to change pending the release of additional recreational landings data.

The hearing record on the proposed changes to §3511 Summer Flounder Size Limits; Possession Limits will be open March 1, 2014. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held, in conjunction with the public hearing on a proposed black sea bass amendment, on March 26, 2014 beginning at 6:00 PM in the Dover Public Library, located at 35 Lookerman Plaza, Dover, DE 19901.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
1100 Board of Dentistry and Dental Hygiene

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 **Del.C.** §1106(a)(1), proposes to amend its regulations. The proposed changes identify when a successful practical clinical examination score expires thus requiring a new applicant to re-take the exam. The changes also eliminate language from regulation 10 which is redundant with the statute.

The Board will hold a public hearing on the proposed rule change March 27, 2014 at 3:00 PM, Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Amanda McAtee, Administrator of the Delaware Board of Dentistry and Dental Hygiene, Cannon Building, Suite 203, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until April 14, 2014.

DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
1725 Polysomnography Advisory Council

The Polysomnography Advisory Council, pursuant to 24 **Del.C.** §1799W(c), proposes to adopt the following regulations governing the practice of polysomnography in the State of Delaware. As a newly created Council, regulating a profession that first required licensure by virtue of legislation enacted September 12, 2012, these regulations are comprehensive, and all newly created.

The Council will hold a public hearing on the proposed regulation change on March 28, 2014 at 1:00 p.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Shauna Slaughter, Executive Director of the Delaware Polysomnography Advisory Council, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until April 18, 2014 pursuant to 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION
2900 Real Estate Commission
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission has proposed revisions to its rules and regulations.

A public hearing will be held on April 10, 2014 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be April 25, 2014, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting on May 8, 2014 at 9:30 a.m., at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed an amendment to Rule 13.0 to add a new Rule 13.2.1.4 to clarify the CE hours required where an individual has been licensed for at least eighteen months but less than twenty-four months.

DIVISION OF PROFESSIONAL REGULATION
2925 Real Estate Commission Education Committee
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission has proposed revisions to the Real Estate Commission Education Guidelines (the "Guidelines").

A public hearing will be held on April 10, 2014 at 9:15 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be April 25, 2014, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting on May 8, 2014 at 9:15 a.m., at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed revisions to Rule 7.0 to specify that, where a student requests approval for a continuing

education course, an instructor resume is not required for a Commission or ARELLO approved instructor. Rule 7.0 is further amended to state that Modules 1 – 6 automatically qualify for Module 7 credit. Rule 8.4 is revised to state that the course provider shall determine whether electronic devices may be used during the course.