

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on Wednesday, May 11, 2016 beginning at 1:30 p.m. A business meeting will be held the following month on Wednesday, June 15, 2016 beginning at 10:30 a.m. The hearing 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 and pamela.bush@drbc.nj.gov.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, May 19, 2016 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

Financial Institution Accounts – Delaware Achieving a Better Life Experience (ABLE) Accounts

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 is proposing to amend the Delaware Social Services Manual (DSSM) regarding Financial Institution Accounts, specifically, *to add language that exempts Achieving a Better Life Experience (ABLE) accounts from being counted towards the determination of eligibility for state or local assistance programs.*

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, Planning, Policy and Quality 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 May 31, 2016. Please identify in the subject line: Financial Institution Accounts – Delaware Achieving a Better Life Experience (ABLE) Accounts

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

Long-Term Care Eligibility; Spousal Impoverishment Undue Hardship

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 is proposing to amend the Delaware Social Services Manual (DSSM) by adding a provision regarding long-term care eligibility, specifically, *to add language that allows the spousal impoverishment regulation to be waived in instances of undue hardship.*

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, Planning, Policy and Quality 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 May 31, 2016. Please identify in the subject line: Long-Term Care Eligibility; Spousal Impoverishment Undue Hardship

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
Cottage Food Regulations

Health Systems Protection Section (HSP), Division of Public Health, Department of Health and Social Services, is proposing new regulations governing Cottage Foods. On May 1, 2016, the Division of Public Health plans to publish as "proposed" Cottage Food Regulations. The regulations will allow for the preparation of a limited type of food products in residential kitchens. Current regulations do not allow for production of food products for sale to consumers in residential kitchens. This program will allow for development of a new business community serving a niche market of customers at farm markets and other outlets throughout Delaware. The regulations establish basic food safety requirements for these operations.

A public hearing will be held on Wednesday, May 25, 2016 at 10:00 a.m. in the First Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

Copies of the proposed regulations are available for review in the May 1, 2016 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Jamie Mack by Thursday, June 9, 2016, at:

Jamie Mack
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: jamie.mack@state.de.us
Phone: (302) 744-4951

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP
PUBLIC NOTICE
7402 Shellfish Sanitation Regulations

The current classification of the shellfish growing area is Seasonally Approved (December 1st through April 15th) but due to new US Food and Drug Administration Federal Guidance for prohibited zones around wastewater treatment plants, this area is now being classified as prohibited to the harvest of shellfish. Shellfish for the purpose of this regulation are defined as clams, oysters and mussels.

The closure of this shellfish growing area, through the Secretary's Order NO 2016-WS-0013, exceeds the required prohibited area associated with the Rehoboth Wastewater Treatment Plant year-round. The effective date of this closure was on March 21, 2016 and the regulatory process will update the current Shellfish Sanitation Regulations Appendix 3, Rehoboth Bay 1 (Seasonally Approved) to Regulations Appendix 1, Rehoboth Bay and Indian River Bay: 18 (Prohibited).

There are no costs associated with this regulatory change and there is minimal or no impact to commercial clambers because no recent commercial harvest of clams has been reported in the closure area.

The hearing record on the proposed changes to 7402 Shellfish Sanitation Regulations will be open May 1, 2016. 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 on June 2, 2016 beginning at 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
100 BOARD OF CHARITABLE GAMBLING
PUBLIC NOTICE
101 Regulations Governing Bingo

Pursuant to 28 Del.C. §1507, the Delaware Gaming Control Board has proposed revisions to its rules and regulations. The rules pertaining to bingo and instant bingo are modified to provide additional guidance on allowable games.

A public hearing will be held on May 25, 2016 at 10:00 a.m. in the second floor conference room B of the Cannon

Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Gaming Control Board, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address by June 9, 2016.

**DIVISION OF PROFESSIONAL REGULATION
100 BOARD OF CHARITABLE GAMBLING
PUBLIC NOTICE**

103 Regulations Governing Charitable Gambling Other Than Raffles

Pursuant to 28 **Del. C.** §1507, the Delaware Gaming Control Board has proposed revisions to its rules and regulations. The Charitable Gaming rules are amended to increase the number of games permitted monthly from 1 to 6.

A public hearing will be held on May 25, 2016 at 10:00 a.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Gaming Control Board, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address by June 9, 2016.

**DIVISION OF PROFESSIONAL REGULATION
700 BOARD OF CHIROPRACTIC
PUBLIC NOTICE**

700 Board of Chiropractic

The Delaware Board of Chiropractic, pursuant to 24 **Del.C.** §706(a)(1), proposes to revise its regulations. The proposed regulation further refines the practice of chiropractic and provides for student internships.

The Board will hold a public hearing on the rule change on June 2, 2016 at 8:30 a.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to LaTonya Brown, Administrator of the Board of Chiropractic, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, DE 19904.

**DIVISION OF PROFESSIONAL REGULATION
1795 MIDWIFERY ADVISORY COUNCIL
PUBLIC NOTICE**

The Midwifery Advisory Council, pursuant to 24 **Del.C.** §1799HH(c), proposes to adopt the following regulations governing the practice of midwifery in the State of Delaware. As a newly created Council, regulating a profession that first required licensure by virtue of legislation enacted June 9, 2015, these regulations are comprehensive, and all newly created.

The Council will hold a public hearing on the proposed regulation change on May 25, 2016 at 9:00 a.m., Second Floor, Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Shauna Slaughter, Executive Director of the Delaware Midwifery Advisory Council, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until June 9, 2016 pursuant to 29 **Del.C.** §10118(a).

**DIVISION OF PROFESSIONAL REGULATION
2100 BOARD OF EXAMINERS IN OPTOMETRY
PUBLIC NOTICE**

2100 Board of Examiners in Optometry

The Delaware Board of Examiners in Optometry, pursuant to 24 **Del.C.** §2104(a)(1), proposes to revise its regulations. The proposed regulations seek to clarify and provide more detailed information regarding the use of telehealth services for the provision of optometry services.

The Board originally scheduled a hearing on this matter for April 28, 2016 at 4:30 p.m. but was unable to hold the hearing due to insufficient notice of the hearing under the Delaware Administrative Procedures Act. The Board will now hold a public hearing on the proposed rule change on May 26, 2016 at 4:30 p.m., in the Second Floor Conference Room B,

Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Lisa Smith, Administrator of the Delaware Board of Examiners in Optometry, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until June 10, 2016.

NOTE: Please see the April 2016 issue of the *Register of Regulations* for the text of the proposed regulation.

DIVISION OF PROFESSIONAL REGULATION
3300 BOARD OF VETERINARY MEDICINE
PUBLIC NOTICE
3300 Board of Veterinary Medicine

Pursuant to 24 **Del.C.** §3306(a)(1), the Board of Veterinary Medicine has proposed revisions to its rules and regulations.

A public hearing will be held on June 14, 2016 at 1:00 p.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 Board of Veterinary Medicine, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be June 29, 2016, which is 15 days following the public hearing. The Board will deliberate on all of the public comments at its next regularly scheduled meeting, at which time the Board will decide whether to adopt the revisions as proposed.

The Board proposes a new Section 2.0 to address euthanasia of animals held in shelter, as set forth in 16 **Del.C.** §3004F. Other Sections are revised accordingly to accommodate the specific legal requirements pertaining to shelter animals. The Board also proposes requiring proof of continuing education hours for individuals who do not apply for licensure within the two-year period following examination. In addition, various Sections are amended to clarify the requirements for license renewal, reinstatement and inactive status. Typographical errors are corrected and the Rules are re-numbered to accommodate the new Section 2.0.

It should be noted that a public hearing on proposed revisions was originally scheduled for April 12, 2016. However, prior to the hearing, the Board decided to revise the rules and regulations further. The Board therefore withdraws the rules and regulations published in the March 1, 2016 *Register of Regulations*, Volume 19, Issue 9.

DIVISION OF PROFESSIONAL REGULATION
3900 BOARD OF CLINICAL SOCIAL WORK EXAMINERS
PUBLIC NOTICE
3900 Board of Clinical Social Work Examiners

Pursuant to 24 **Del.C.** §3906(a)(1), the Board of Clinical Social Work Examiners ("the Board") has proposed revisions to its regulations. Subsection 9.3.9, pertaining to computer and internet technology, is stricken. A new Section 11.0 is added to implement standards for the practice of clinical social work through telehealth. New Subsections 7.3.4 and 7.3.5 are added to clarify the continuing education audit process, including hearings and disciplinary sanctions. Finally, certain technical revisions address inconsistencies in the regulations.

A public hearing will be held on June 20, 2016 at 9:00 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 regulations may obtain a copy from the Delaware Board of Clinical Social Work Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to Sandra Wagner, Administrator for the Board, at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be July 5, 2016. The Board will deliberate on the proposed revisions at its next regularly scheduled meeting.

DIVISION OF PROFESSIONAL REGULATION
CONTROLLED SUBSTANCE ADVISORY COMMITTEE
PUBLIC NOTICE
Uniform Controlled Substances Act Regulations

Pursuant to 16 **Del.C.** §4731(a), the Delaware Secretary of State ("Secretary") proposes revisions to the Uniform Controlled Substance Act ("UCSA") rules and regulations.

On July 1, 2015, proposed revisions to the rules and regulations were published in the Delaware *Register of Regulations*, Vol. 19, Issue 1. Specifically, Section 9.0 was added to provide requirements for the prescribing of opiates in

order to address potential prescription drug overdose, abuse and diversion. A public hearing was held on July 29, 2015 before the Controlled Substance Advisory Committee ("Committee"). The Committee deliberated on the evidence presented at its meeting on September 23, 2015 and recommended certain revisions to the Secretary.

The Secretary has considered both the evidence presented and the Committee's recommendations. Based on that review, the Secretary strikes the version of Section 9.0 published in the *Register of Regulations* on July 1, 2015 and proposes a revised Section 9.0 attached hereto as Exhibit A.

Any person who wishes to present written suggestions, testimony, briefs or other written materials concerning the proposed regulation should submit such comments no later than Tuesday, May 31, 2016 to:

Christine Mast, Administrative Specialist III
Office of Controlled Substances
Delaware Division of Professional Regulation
Cannon Building, Suite 203
861 Silver Lake Blvd.
Dover, Delaware 19904
Email: christine.mast@state.de.us
Fax: (302) 739-2711.