

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Tuesday, November 10, 2015** beginning at **1:30 p.m.** A business meeting will be held the following month on **Wednesday, December 9, 2015** 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.

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 adopt the ARCI Endogenous, Dietary, or Environmental Substances Schedule. 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 Chapter 101 of Title 29 of the Delaware Code.

A copy of the proposed regulations is being published in the November 1, 2015 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 December 1, 2015. Written materials submitted will be available for inspection at the above address.

On or after December 1, 2015, following review of the public comment, the Thoroughbred Racing Commission will determine whether to amend its regulations by adopting the proposed changes to rule 15.1.3.1.3 relating to the ARCI Endogenous, Dietary or Environmental Substances Schedule 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, November 19, 2015 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

Pharmaceutical Services Reimbursement – 340B Drug Products

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 U.S.C., §1902(a)(13)(A) of the Social Security Act, 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 Pharmaceutical Services, specifically, *to clarify reimbursement methodology for entities that purchase 340B drug products*.

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 Glyne Williams, 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 December 1, 2015.

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

Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services - Mental Health Services

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 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services, specifically, *coverage and reimbursement methodologies for rehabilitative mental health services*.

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 Glyne Williams, 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 December 1, 2015. Please identify in the subject line: EPSDT – Mental Health Services.

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

Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services - Substance Use Disorder Services

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 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services, specifically, *coverage and reimbursement methodologies for Medicaid rehabilitative substance use disorder services*.

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 Glyne Williams, 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 December 1, 2015. Please identify in the subject line: EPSDT – Substance Use Disorder Services.

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

Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services - Inpatient Psychiatric Hospital Services for Individuals under Age 21

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 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services, addressing Inpatient Psychiatric Hospital Services for Individuals under Age 21, specifically, *coverage and reimbursement methodology for psychiatric residential treatment facilities (PRTFs)*.

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 Glyne Williams, 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 December 1, 2015. Please identify in the subject line: Inpatient Psychiatric Hospital Services for Individuals under Age 21.

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

4304 Medical Orders for Life-Sustaining Treatment or Pre-Hospital Advance Care Directives

Division of Public Health, Department of Health and Social Services, is proposing to repeal and replace regulations for Delaware Medical Orders Scope of Treatment (DMOST). The purpose of replacing existing regulation with the proposed regulations is to improve the quality of care people receive at the end of life by translating patient/resident goals and preferences into medical orders. The proposed regulations will set requirements for use of DMOST forms, provide guidance in the use of the forms and formalize the DMOST form itself. On November 1, 2015, DPH plans to publish as proposed the new regulations, and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the November 1, 2015 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 Friday, December 4, 2015, at:

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

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE

4406 Home Health Agencies--Aide Only (Licensure)

Health Systems Protection Section (HSP), Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Home Health Care Agencies - Aide Only (4406). One purpose of the amendments to these regulations is to allow for the provision of services by these agencies in nursing facilities and hospitals. This change will allow patients to receive the services necessary to safely achieve their highest level of independence and optimal quality of life while residing in their own home or during a necessary hospitalization. In addition, amendments were made to update the requirements to ensure patients receive safe and quality care. On November 1, 2015, HSP plans to publish as proposed the amended regulations, and hold them out for public comment per Delaware law.

A public hearing will be held on Wednesday, December 2, 2015 at 2:00 p.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 November 1, 2015 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, December 17, 2015, at:

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

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE

4410 Skilled Home Health Agencies (Licensure)

Health Systems Protection Section (HSP), Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Home Health Care Agencies - Skilled (4410). One purpose of the amendments to these regulations is to allow for the provision of services by these agencies in nursing facilities and

hospitals. This change will allow patients to receive the services necessary to safely achieve their highest level of independence and optimal quality of life while residing in their own home or during a necessary hospitalization. In addition, amendments were made to update the requirements to ensure patients receive safe and quality care. On November 1, 2015, HSP plans to publish as proposed the amended regulations, and hold them out for public comment per Delaware law.

A public hearing will be held on Wednesday, December 2, 2015 at 2:00 p.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 November 1, 2015 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, December 17, 2015, at:

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

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4469 Personal Assistance Services Agencies

Health Systems Protection Section (HSP), Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Personal Assistance Service Agencies (4469). One purpose of the amendments to these regulations is to allow for the provision of services by these agencies in nursing facilities and hospitals. This change will allow consumers to receive the services necessary to safely achieve their highest level of independence and optimal quality of life while residing in their own home or during a necessary hospitalization. In addition, amendments were made to update the requirements to ensure patients receive safe and quality care. On November 1, 2015, HSP plans to publish as proposed the amended regulations, and hold them out for public comment per Delaware law.

A public hearing will be held on Wednesday, December 2, 2015 at 2:00 p.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 November 1, 2015 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, December 17, 2015, 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 INSURANCE
OFFICE OF THE COMMISSIONER
PUBLIC NOTICE
1801 Registration of Insurance Holding Companies

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amended Department of Insurance Regulation 1801 relating to Registration of Insurance Holding Companies [Formerly Regulation 13]. The docket number for this proposed AMENDED regulation is 2969-2015.

The proposed amended regulation is being submitted to maintain accreditation and replaces the current regulation with

the updated National Association of Insurance Commissioners (NAIC) Model Insurance Holding Company System Model Regulation With Reporting Forms And Instruction, to support the Insurance Holding Company System Regulatory Act. The Delaware Code authority for the change is 18 **Del.C.** §311 and Ch. 50, and 29 **Del.C.** Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed amended regulation. The proposed amended regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at:

www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Tuesday, December 1, 2015. Any such requests should be directed to:

Regulatory Specialist Rhonda West
Delaware Department of Insurance
841 Silver Lake Boulevard
Dover, DE 19904
Phone: (302) 674-7379 / Fax: (302) 739-5566
Email: rhonda.west@state.de.us

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF ENERGY AND CLIMATE

PUBLIC NOTICE

102 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions

The purpose of this action is to propose rules to govern how the Director of the Division of Energy & Climate (Director) and the Division of Energy & Climate (Division) administer their obligations under 26 **Del.C.** §354(i) & (j). The statute directs when and whether the Director may institute a freeze on the implementation of Delaware's Renewable Energy Portfolio Standards as provided for in 26 **Del.C.** §354(a).

Start Action Notice 2012-03 initiating this rule making process was issued April 16, 2012.

This proposed regulation replaces the regulation posted in the *Register* on October 1, 2015, which contained significant typographical errors.

The hearing record on 102 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions (Proposed Rules to Implement 26 **Del.C.** §354(i) & (j)) will open November 1, 2015 and will close December 8, 2015 at 4:30 PM.

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. However, any comments submitted in response to the regulation posted in the October 1, 2015 *Register* will be considered to be part of the record.

The public hearing scheduled for November 3, 2015, starting at 6:00 p.m. in the DNREC Auditorium, 89 Kings Highway, Dover, DE 19901 has been cancelled and rescheduled for November 23, 2015 as noted below.

A public hearing on the proposed amendment will be held on November 23, 2015 beginning at 6:00 p.m. in the Public Service Commission Hearing Room, 861 Silver Lake Blvd., Dover, DE, 19904.

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE

3542 Tilefish

The Department of Natural Resources & Environmental Control (DNREC) initiated the development of regulations pertaining to Tilefish at the request of the Mid-Atlantic Fishery Management Council (MAFMC) and based on guidance from Delaware's Advisory Council on Tidal Finfisheries. Two management options were presented to the public in proposed form (18 **DE Reg.** 951 (06/01/15)) and a public hearing on the matter was held June 24, 2015 at 6:00 PM in the DNREC Auditorium, Dover, DE. Both management options included a commercial trip limit of 300 pounds and a recreational possession limit of no more than seven fish per person; however, one option limited the new regulation to Blueline Tilefish (*Caulolatilus microps*) and one option applied the regulation more broadly (as in Maryland and Virginia) to include both Blueline and Golden Tilefish (*Lopholatilus chamaelonticeps*). The hearing record was closed on July 9, 2015. Following careful consideration of the hearing record, the Department has opted to adopt a Tilefish regulation that affords protections to both Blueline Tilefish and Golden Tilefish (Option 2). Additionally, to provide greater understanding to the regulated community, the

Department proposes to clarify that the term “possess” pertains to individuals “aboard a vessel”.

No additional hearing will be held; the Department will receive written comment through November 30, 2015. Individuals may submit written comments regarding the proposed clarification to **7 DE Admin. Code 3542** 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.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
TANK MANAGEMENT BRANCH
PUBLIC NOTICE
1351 Underground Storage Tank Systems

DNREC is taking action to clarify several issues concerning cleanup liability associated with releases from underground storage tanks resulting from the amendment of 7 Delaware Code Chapter 74, Delaware’s Underground Storage Tank Act in October 2014. These changes clarify when the Department will require a responsible party to perform additional corrective actions following the Department issuing a No Further Action letter. Also, the changes establish an All Appropriate Inquiry Standard for residential properties that if completed would exempt a purchaser from liability associated with the cleanup of a release from an underground storage tank discovered after they purchased the property.

The hearing record on the proposed amendments to **7 DE Admin Code §1351 Underground Storage Tank Regulations** will be open November 1, 2015. 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 amendments will be held on December 1, 2015 beginning at 6:00 PM in the DNREC New Castle Office, located at 391 Lukens Drive, New Castle DE 19720.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
2400 BOARD OF EXAMINERS OF CONSTABLES
PUBLIC NOTICE

Notice is hereby given that the Board of Examiners of Constables, in accordance with 10 **Del.C.** Ch. 27 proposes to amend/adopt Rules: 4.0 – Badges & Vehicle Markings – requires all badges and vehicle markings to be approved by the Board, and; 9.0 – Minimum Training Standards & In-Service Training – clarifies the requirements for the training standards and continuing education through in-service. If you wish to view these amendments/adoptions, contact Ms. Peggy Anderson at 302-672-5304. Any persons wishing to present views may submit them in writing, by December 1, 2015, to Delaware State Police, Professional Licensing, P.O. Box 430, Dover, DE 19903. The Board will hold the annual meeting on Thursday, December 10, 2015, Tatnall Building, 150 Martin L. King, Jr. Boulevard South, Room 112, Dover, DE.

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
PUBLIC NOTICE
Alcoholic Beverage Control Regulations

The Office of the Alcoholic Beverage Control Commissioner intends to amend Title 4 of the Delaware Administrative Code by revising the existing regulations to reflect the current regulatory environment. These amendments will update the regulations to control the manner of the sale of alcoholic beverages to protect the public safety and insure that the sales are in the best interest of the public.

These proposed amendments were previously published in September 2014 and have not been changed since that date. Any comments regarding the previously proposed amendments made:

- a) at the hearings,
- b) in writing with delivery to this Office, and
- c) electronically sent to this Office

will be considered and there is no necessity of repeating these comments.

Should you desire to make additional comments, written comments will be accepted until close of business on December 2, 2015. Written comments should be submitted to Lauren Shinault, Regulation Review, Office of the Alcoholic Beverage Control Commissioner, Carvel Building 3rd Floor, 820 N. French Street, Wilmington, Delaware 19801 or electronically to OABCCrulescomments@state.de.us. A copy of these regulations may be viewed at the above address.