

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, November 9, 2016** beginning at **1:30 p.m.** A business meeting will be held the following month on **Wednesday, December 14, 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, November 17, 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

Patient Pay Calculation for Division of Developmental Disabilities Services (DDDS) Waiver Recipients

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, to revise and update, specifically, *to the Delaware Social Services Manual (DSSM)*.

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, by email to Kimberly.xavier@state.de.us, or by fax to 302-255-4425 by December 1, 2016. Please identify in the subject line: DDDS Waiver - Patient Pay.

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

Pharmaceutical Services – Reimbursement of Covered Outpatient Drugs

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 Title XIX Medicaid State Plan regarding Pharmaceutical Services, specifically, *to clarify reimbursement methodology for covered outpatient drugs*.

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, by email to Kimberly.Xavier@state.de.us, or by fax to 302-255-4425 by December 1, 2016. Please identify in the subject line: Pharmaceutical Services - Reimbursement of Covered Out-Patient Drugs

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

4205 Vital Statistics

Office of Vital Statistics (OVS), Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Vital Statistics (4205). The regulations are being revised to accommodate changes to the gender listed on an individual's birth certificate. On November 1, 2016, OVS 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 November 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 Monday, December 12, 2016, at:

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

DELAWARE HEALTH CARE COMMISSION
DELAWARE HEALTH RESOURCES BOARD
PUBLIC NOTICE
Delaware Health Resources Management Plan

The Delaware Health Resources Board (DHRB) pursuant to Title 16 Chapter 93 of the Delaware Code proposes to revise its Health Resources Management Plan (HRMP) regulation 16 **Del.C.** §9303(d)(1). The purpose of the plan is to establish the core set of common review considerations for use in reviewing Certificate of Public Review (CPR) applications. The proposed amendment seeks to clarify detail and fully update the edition of the HRMP to promote alignment with Delaware's existing statewide policy aimed at improving health outcomes, health care quality and patient experience, lowering growth in per capital health care costs and enhancing provider satisfaction. As per recommendations of Joint Sunset Committee in 2012, this is the first full document revision of the HRMP.

The board will hold a public hearing on the proposed HRMP amendment on December 5, 2016 at 1:00 p.m. at Delaware Technical Community College Terry Campus, Corporate Training Center, Rooms 400 A and B, 100 Campus Drive, Dover DE. Written comments should be sent to Latoya Wright, Staff to the DHRB at Delaware Health Care Commission, 410 Federal Street, Suite 7, Margaret O'Neill Building, Third Floor, Dover, DE 19901. Written comments will be accepted until January 5, 2017.

DEPARTMENT OF JUSTICE
FRAUD AND CONSUMER PROTECTION DIVISION
INVESTOR PROTECTION UNIT
PUBLIC NOTICE
Rules Pursuant to the Delaware Securities Act

In compliance with the State's Administrative Procedures Act (APA -Title 29, Chapter 101 of the Delaware Code) and section 73-102(b) of Title 6 of the Delaware Code, the Investor Protection Unit of the Delaware Department of Justice ("the Unit") hereby publishes notice of a proposed revision to the Rules Pursuant to the Delaware Securities Act.

Persons wishing to comment on the proposed revision may submit their comments in writing to:

Gregory C. Strong
Investor Protection Director
Department of Justice, Investor Protection Unit
State Office Building, 5th Floor
820 N. French Street
Wilmington, DE 19801

The comment period on the proposed revision will be held open for a period of thirty days from the date of the publication of this notice in the Delaware *Register of Regulations*.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

PUBLIC NOTICE

1305 Universal Recycling Regulations

The purposes of the proposed regulations are to ensure: the proper programs and collection services for recyclable materials are implemented, maintained, and consistent with the law; the collected recycled materials are diverted from landfill disposal or incineration; the recyclable materials are otherwise properly processed and enter the marketplace; recycling in Delaware can be effectively measured; and that waste diversion is maximized through the reduction of solid waste deposited in our landfills.

The hearing record on the proposed Universal Recycling Regulations will be open on November 1, 2016. Individuals may submit written comments regarding the proposed changes via e-mail to Robert.Haynes@state.de.us or via the USPS to Robert Haynes, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE. 19901, (302)739-9921. A public hearing on the proposed regulations will be held on November 21, 2016 beginning at 4:00 PM in the DNREC Auditorium, located in the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901, (302)739-9003.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

PUBLIC NOTICE

1352 Aboveground Storage Tanks

The proposed regulations reflect changes to definitions needed to clarify technical requirements applicable to aboveground storage tank systems. The changes also clarify which version of industry-based reference standards, published by the American Petroleum Institute and other trade organizations, are applicable to aboveground storage tanks that are subject to regulation. Also proposed are minimum distances for locating new aboveground storage tanks near private and public wells that mirror those contained in the Department's Well Permitting Regulations. Lastly, the proposed changes address technical requirements associated with release reporting and corrective action needed when releases from aboveground storage tanks occur.

The hearing record on the proposed amendments to 7 **DE Admin Code** Section 1352 Regulations Governing Aboveground Storage Tanks will be open November 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 amendments will be held on December 6, 2016 beginning at 6:00 PM at the DNREC New Castle Office, 391 Lukens Drive, New Castle, DE 19720.

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

1700 BOARD OF MEDICAL LICENSURE AND DISCIPLINE

PUBLIC NOTICE

The Delaware Board of Medical Licensure and Discipline, pursuant to 24 **Del.C.** §§1713(a)(12) & 1769D, proposes to revise its regulations adding a new regulation clarifying the language in the Medical Practice Act pertaining to telemedicine and telehealth. The Board will hold a public hearing on the proposed regulation change on January 3, 2017 at 3:00 p.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Devashree Brittingham, Executive Director of the Delaware Board of Medical Licensure and Discipline, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until January 18, 2017 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 December 8, 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 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 Nicole Williams, administrative specialist for the Commission, at the above address. Pursuant to 29 Del.C. §10118(a), the final date to receive written comments will be December 23, 2016, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting, at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed revisions to provide that licensees are required to update their addresses with the Division of Professional Regulation, and a licensee's failure to provide an updated address will not excuse that licensee from discipline for continuing education violations. Section 15.0 has been amended to remove crimes not related to the practice of real estate and thereby eliminate unjustified obstacles to licensure. Certain changes have been proposed in the interests of clarity.

EXECUTIVE DEPARTMENT
DELAWARE ECONOMIC DEVELOPMENT AUTHORITY
PUBLIC NOTICE
401 Procedures Regarding Non-State Guaranteed Bonds

The Delaware Economic Development Authority gives notice of a proposed amendment to the Procedures Governing Non-State Guaranteed Bonds. The purpose of this amendment is to provide guidelines for the review of Non-State Guaranteed bond offerings to protect the financial integrity of the State's authority to issue non-guaranteed and general obligation financing. This amendment is particularly focused on non-rated or below investment grade Non-State Guaranteed Bond offerings. The amendment will require the Secretary to consult a qualified independent investment advisor to assess the financial viability of applications for bonds. The Chairperson will have the discretion to waive this requirement if the proposed bond offering is projected or rated above BBB- by a nationally recognized rating agency, or a bank is underwriting the offering.

The Authority 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 Economic Development Office's website at: <http://dedo.delaware.gov>. Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amended regulation. Any written submission in response to this notice and relevant to the proposed amended regulation must be received by the Authority no later than December 1, 2016. Any such requests should be directed to:

Amber Mudri
Delaware Economic Development Authority
99 King's Highway
Dover, DE 19901
Phone: (302) 672-6818
Fax: (302) 739-5749
Email: amber.mudri@state.de.us

DELAWARE ECONOMIC DEVELOPMENT OFFICE
PUBLIC NOTICE
476 Energy Alternatives Program Regulation
477 Information Technology Training Grant Program Regulation
478 Neighborhood Assistance Act Tax Credit Program Regulation

The Delaware Economic Development Office (DEDO) conducted public hearings in Kent, New Castle and Sussex counties as part of the Governor's Executive Order designed to re-assess the need for the agency's regulations. Based on the public hearings and internal agency review of its regulations, DEDO proposes that Section 476 (Energy Alternatives Program Regulation); Section 477 (Information Technology Training Grant Program); and, Section 478 (Neighborhood Assistance Act Tax Credit Program) should be deleted from the administrative code because the programs do not exist or the authorizing statute has been repealed.

DEDO does not plan to hold a public hearing on the proposed amendments to be eliminated. The proposed amendments to be eliminated appear below and can also be viewed at the Delaware Economic Development Office's website at: <http://dedo.delaware.gov>. Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amended regulations. Any written submission in response to this notice and relevant to the proposed amended regulations must be received by DEDO no later than December 1, 2016. Any such

requests should be directed to:

Amber Mudri

Delaware Economic Development Authority

99 King's Highway

Dover, DE 19901

Phone: (302) 672-6818

Fax: (302) 739-5749

Email: amber.mudri@state.de.us