

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

The State Board of Education will hold its monthly meeting on Thursday, October 20, 2011 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**Asset Verification System**  
**PUBLIC NOTICE**

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) provides notice of intent to submit a State Plan Amendment (SPA) to implement section 1940 of the Social Security Act that requires all States to implement *Asset Verification System*, a system for verifying the assets of aged, blind or disabled applicants for and recipients of Medicaid.

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 October 31, 2011.

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**  
**Program of All Inclusive Care for the Elderly (PACE)**  
**PUBLIC NOTICE**

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) is proposing to amend the Delaware Title XIX Medicaid State Plan to add Medicaid coverage for *Program of All Inclusive Care for the Elderly (PACE)* as an optional service.

The proposed amends the Delaware Title XIX Medicaid State Plan to add Medicaid coverage for *Program of All Inclusive Care for the Elderly (PACE)* as an optional service. PACE is a provider type under Medicare that allows states the option to pay for PACE services under Medicaid. The PACE program is capitated by both Medicare and Medicaid to provide all medical and long-term care 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 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 October 31, 2011.

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**  
**Payment Error Rate Measurement (PERM)**  
**PUBLIC NOTICE**

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) provides notice of intent to submit a State Plan Amendment (SPA) to elect the option to substitute the Payment Error Rate Measurement (PERM) eligibility process for the traditional Medicaid Eligibility Quality Control reviews.

The proposal serves as notice of intent of the Division of Medicaid and Medical Assistance (DMMA) to submit a

State Plan Amendment (SPA) to elect the option to substitute the Payment Error Rate Measurement (PERM) eligibility process for the traditional Medicaid Eligibility Quality Control reviews.

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 October 31, 2011.

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**  
**Benefit Restorations for Cash Assistance and Food SNTamps**  
**PUBLIC NOTICE**

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, *Issuing Benefit Restorations*.

**DSSM 2011, ~~Benefit Restorations for Cash Assistance and Food Stamps~~ *Issuing Benefit Restorations*:** The name of the section is being changed to more clearly indicate the content of the policy. Policy is being reformatted for clarity and ease of readability. Federal citations are also added to the policy section.

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 October 31, 2011.

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**  
**Treatment of Income and Resources of Certain Non-Household Members**  
**PUBLIC NOTICE**

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, *Treatment of Income and Resources of Certain Non-Household Members*.

**DSSM 9076, *Treatment of Income and Resources of Certain Non-Household Members* and **DSSM 9076.1, *Intentional Program Violation, Felony Drug Conviction or Fleeing Felon Disqualifications or and Work Requirement Sanctions***:** Senate Bill (SB) 12 of the 146<sup>th</sup> General Assembly eliminated the bar to receipt of food benefits for those convicted of a felony drug conviction. This policy change removes text from the policy manual that says individuals convicted of a felony drug conviction are ineligible for food benefits. SB 12 was effective upon the Governor's signature on June 22, 2011 and affects benefits beginning July 1, 2011.

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 October 31, 2011.

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**  
**Electronic Benefit Transfer**  
**PUBLIC NOTICE**

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 regarding *Electronic Benefit Transfer*.

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 October 31, 2011.

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**  
**Delaware's Temporary Assistance for Needy Families (TANF) State Plan Renewal**  
**PUBLIC NOTICE**

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 (DSS) is proposing to renew Delaware's eligibility status for the Temporary Assistance for Needy Families (TANF) program provided for in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), (P.L. 104-193).

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 November 15, 2011. A draft copy of the Delaware TANF State Plan has been prepared which reflects amendments as well as basic improvements to the various descriptions of programs and services. This document may be viewed and downloaded from the Internet at the Division of Social Services' website at <http://www.dhss.delaware.gov/dhss/dss/>.

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.

Future amendments to the State Plan will incorporate suggestions and recommendations received during the comment period. The 45-day comment period begins on the date this notice is published in the *Delaware Register of Regulations*. Comments received within 45 days will be reviewed and considered for any subsequent revision of the TANF State Plan.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**  
**DIVISION OF AIR AND WASTE MANAGEMENT**  
**Delaware's Regulations Governing Hazardous Waste (RGHW)**  
**PUBLIC NOTICE**

In order for the State of Delaware to maintain authorization from the U. S. Environmental Protection Agency (EPA) to administer its own hazardous waste management program, the State must maintain a program that is equivalent to and no less stringent than the Federal program. To accomplish this, the State is proposing to make miscellaneous changes to the *RGHW* that correct existing errors in the hazardous waste regulations, add clarification or enhance the current hazardous waste regulations. Some of the changes DNREC is proposing to make are already in effect at the federal level. Additionally, DNREC is proposing to adopt required federal regulations and miscellaneous changes to correct errors and add consistency or clarification.

Amendments to DRGHW are proposed and amended in accordance with the provisions found at 7 Delaware Code, Chapters 60 and 63.

The public hearing on the proposed amendments to RGHW will be held on Monday, October 24, 2011 starting at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY**  
**DIVISION OF STATE POLICE**  
**1300 Board of Examiners of Private Investigators & Private Security Agencies**  
**PUBLIC NOTICE**

Notice is hereby given that the Board of Examiners of Private Investigators and Private Security Agencies, in accordance with Del. Code Title 24 Chapter 13 proposes to amend Adopted Rule 2.0 - Use of Rifle and Shotgun and Adopted Rule 4.0 - Training Requirements. The amendment to Rule 2.0 changes the Department of Homeland Security threat level to comply with the Federal levels. The amendment to Rule 4.0 requires a new training certification for each new application or re-application. 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 October 31, 2011, to Delaware State Police, Professional Licensing Section, P.O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Thursday, October 27, 2011, 10:00am, at the Tatnall Building, 150 William Penn Street, Room 113 in Dover, Delaware.

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**Gaming Control Board**  
**103 Regulations Governing Charitable Gambling Other Than Raffles**  
**PUBLIC NOTICE**

The Delaware Board of Charitable Gaming will seek public comments on the issue of whether certain amendments to its current rules should be adopted.

One proposed amendment is to add two new definitions to Rule 1.0 in 10 **DE Admin. Code** 103. One amendment would add a definition of the term "charitable gaming vendor" which would be the term used to describe third party vendors who assist charitable organizations in conducting Texas Hold 'Em and charitable gaming events. The other would add a definition of the term "officer" to indicate that the term includes investors, managers and others involved in the operation of the charitable gaming vendor.

A second proposed amendment would add a new Rule 14.0 and renumber current Rule 14.0 to become Rule 16.0 in 10 **DE Admin. Code** 103. The new rule would explain the requirements for the licensing of charitable gaming vendors and the required background checks required of officers of such vendors.

A third proposed amendment would add a new Rule 15.0 in 10 **DE Admin. Code** 103, which would explain the Board's view on the number of events organizations may have when they are affiliated with other organizations.

Persons wishing to present their views regarding this matter may do so by appearing at a public hearing on Thursday, November 3, 2011 at the meeting of the Delaware Board of Charitable Gaming, 861 Silver Lake Boulevard, Cannon Building, Suite 203, Dover, DE 19904. Persons may also submit written comments by the close of business on or before October 31, 2011 at the same address. A copy of these regulations is available from the above address or may be viewed at the Division of Professional Regulation business office at the same address.

**DIVISION OF PROFESSIONAL REGULATION**  
**Gaming Control Board**  
**104 Regulations Governing Texas Hold 'Em Poker**  
**PUBLIC NOTICE**

The Delaware Board of Charitable Gaming will seek public comments on the issue of whether certain amendments to its current rules should be adopted.

One proposed amendment would create a new rule in 10 **DE Admin. Code** 104 explaining the requirements for licensing dealers in Texas Hold 'Em tournaments. These requirements are currently found in the statute at 28 **Del.C.** §1832, and would be essentially the same requirements as for licensing charitable gaming vendors.

Persons wishing to present their views regarding this matter may do so by appearing at a public hearing on Thursday, November 3, 2011 at the meeting of the Delaware Board of Charitable Gaming, 861 Silver Lake Boulevard, Cannon Building, Suite 203, Dover, DE 19904. Persons may also submit written comments by the close of business on or before October 31, 2011 at the same address. A copy of these regulations is available from the above address or may be viewed at the Division of Professional Regulation business office at the same address.

The amendments would add a definition of the term "charitable gaming vendor" and "officer" and also explain in detail the licensure requirements for such vendors so that the Board may adhere to new legislation calling for it to license third party vendors who assist charitable organizations in conducting gaming events, and the new legislation's requirement that the Board mandate criminal background checks of vendors and their officers. A similar rule would appear showing licensure requirements for Texas Hold 'Em dealers, which requirements already appear in the statute. A new rule will explain that organizations are limited in the number of events that can be held. If an organization has affiliated entities, they must share in the number of permitted events. But if the organization is operating under another charitable organization's status and with that organization's permission, such as local branches of national charities where the local branches are independent of each other, then each of those local entities is entitled to have the maximum number of events without the

need to share them with the other local branches.

**DIVISION OF PROFESSIONAL REGULATION**  
**1700 Board of Medical Licensure and Discipline**  
**PUBLIC NOTICE**

The Delaware Board of Medical Licensure and Discipline in accordance with 24 **Del.C.** §1713(a)(12) has proposed changes to its rules and regulations. The proposal creates new Regulation 32 - Use of Controlled Substances for the Treatment of Pain.

The Board will hold a public hearing on November 1, 2011 at 3:00 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public may offer comments on the regulations as republished. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Medical Licensure and Discipline, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward the written comments to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION**  
**3600 Board of Registration of Geologists**  
**PUBLIC NOTICE**

The Delaware Board of Geologist pursuant to 24 **Del.C.** §3606(a)(1) proposes to revise their rules and regulations. The proposed revisions to the rules are an attempt to update the rules by adding provisions concerning a lapsed license, creating an inactive status, adding online courses and web seminars to CEU list and adding to the list of automatically approved course work for CEU requirements.

The Board will hold a public hearing on the proposed rule change on November 4, 2011 at 10 00 am., Second floor conference room B, Cannon Building, 861 Silver Lake Blvd., Dover DE 19904. Written comments should be sent to Sandra Wagner, Administrator of the Delaware Board of Geologist, Cannon Building, 861 Silver Lake Blvd., Dover DE 19904.

**DIVISION OF PROFESSIONAL REGULATION**  
**8500 Rules and Regulations Regarding Mandatory Information to be Supplied to the State Bureau of Identification**  
**PUBLIC NOTICE**

The Delaware Division of Professional Regulation (Division) in cooperation with the Executive Director of the Delaware Criminal Justice Information System is proposing to adopt regulations governing what information the Division must supply to the State Bureau of Identification regarding the Division's investigations, civil enforcement actions or complaints, and changes in license status when such information is related to alleged criminal conduct.

The Director of the Division and the Executive Director of the Delaware Criminal Justice Information System Board solicit, and will consider, timely filed written comments from interested individuals and groups concerning these proposed regulations. The deadline for the filing of such written comments will be thirty days (30) after the proposed amended regulations are published in the Delaware *Register of Regulations*.

Written comments should be submitted to the Director in care of Shauna Slaughter, Division of Professional Regulation, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

The Director will review written submission and consider promulgating the proposed regulations after comment period closes.

**PUBLIC SERVICE COMMISSION**  
**3008 Rules and Procedures to Implement the Renewable Energy Portfolio Standard**  
**PUBLIC NOTICE**

Under the "Renewable Energy Portfolio Standards Act," 26 **Del.C.** §§351-364 (the "RPS Act"), each electric supplier making retail electric sales in Delaware must accumulate a portfolio of "renewable energy credits" equivalent to a specified percentage of its overall retail electric supply sales. In 2006, the Delaware Public Service Commission ("PSC") adopted "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" (the "RPS Rules"), 10 DE Reg. 151-157 (July 1, 2006). The PSC has amended the RPS Rules several times since then to conform to subsequent RPS Act

amendments.

On July 7, 2011, Senate Bill No. 124, as amended by Senate Amendment No. 1 (78 Del. Laws ch. 99) (July 7, 2011), which amends several sections of the RPS Act was signed into law. The recently enacted law, among other things:

- Amends the definitions section of 26 **Del.C.** §352 to include definitions for “Qualified Fuel Cell Provider” and “Qualified Fuel Cell Provider Project;”
- Transfers the responsibility for procuring renewable energy credits (“RECs”) and solar renewable energy credits (“SRECs”) and any other required attributes necessary to comply with the RPS Act to Commission-regulated electric companies;
- Creates special provisions for Qualified Fuel Cell Providers with respect to recovery of certain costs; and
- Creates special provisions for Commission-regulated electric companies to recover certain costs with respect to their purchase of the output from Qualified Fuel Cell Providers.

The PSC now proposes to revise the RPS Rules to incorporate, and assure consistency with, the statutory changes made by the recently enacted law.

You can review PSC Order No. 8026 (September 6, 2011) (the “Order”) and the proposed revised RPS Rules in the October 2011 issue of the *Delaware Register of Regulations*. You can also review the Order and the proposed revised RPS Rules at the PSC’s Internet website located at <http://depsec.delaware.gov>. If you wish to obtain written copies of the Order and proposed revised RPS Rules, please contact the PSC at (302) 736-7500. Copies are \$0.50 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

The PSC now solicits comments, suggestions, compilations of data, briefs, or other written materials about the proposed revisions to its RPS Rules. If you wish to file any such materials, you should submit an original and ten copies of such written documents on or before November 3, 2011. You should file such materials with the PSC at the following address:

Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware, 19904  
Attn: Reg. Dckt. No. 56

If possible, you should accompany such written comments with an electronic version of the submission. Such electronic copy may be filed on a copy-capable CD-ROM disk or sent as an attachment to an Internet e-mail addressed to [pamela.knotts@state.de.us](mailto:pamela.knotts@state.de.us).

The PSC will also conduct a public evidentiary hearing on the new proposed regulations on December 1, 2011 at 1:00 P.M. at the PSC’s office at the address set forth above.

Any individual with a disability desiring to participate in these proceedings or to review the filings should contact the PSC to discuss any auxiliary aids or services needed. The PSC Staff can also provide additional information about this docket. Please e-mail Staff Analyst Pamela Knotts at [pamela.knotts@state.de.us](mailto:pamela.knotts@state.de.us). The PSC’s toll-free telephone number within Delaware is 1-800-282-8574. The PSC may be reached at (302) 736-7500 (including text telephone communications).

**15 DE Reg. 560 (10/01/11)**