

DELAWARE SOLID WASTE AUTHORITY

PUBLIC NOTICE

501 Regulations of the Delaware Solid Waste Authority

Pursuant to 7 **Delaware Code**, Sections 6403, 6404, 6406 and other pertinent provisions of 7 **Delaware Code**, Chapter 64; the Delaware Solid Waste Authority ("DSWA") is proposing amendments to the Regulations of the Delaware Solid Waste Authority (the "Regulations") to modify the Regulations last amended effective September 10, 2013.

*****Notice of Hearing:** A public hearing will be held immediately following the hearing scheduled at 3:00 p.m. November 2, 2015, addressing contemporaneous amendments to the Statewide Solid Waste Management Plan, in the Corporate Training Center, **Education and Technology Meeting Room**, Delaware Technical and Community College Terry Campus, 100 Campus Drive, Dover, DE 19904. The hearing is to provide an opportunity for public comment on the proposed amendments.

Written Comments: The DSWA will receive written comments, suggestions, briefs or other written material until the close of business, November 17, 2015. Written comments, suggestions, compilations of data or other written material shall be submitted to Michael D. Parkowski, Chief of Business Services and Government Relations, Delaware Solid Waste Authority, 1128 South Bradford Street, Dover, Delaware 19904. Anyone wishing to obtain a copy of the proposed amendments may obtain a copy from the Delaware Solid Waste Authority, 1128 South Bradford Street, Dover, Delaware 19904, (302) 739-5361.

DELAWARE SOLID WASTE AUTHORITY

PUBLIC NOTICE

502 Statewide Solid Waste Management Plan

Pursuant to 7 **Delaware Code**, Sections 6403, 6404, 6406 and other pertinent provisions of 7 **Delaware Code**, Chapter 64; the Delaware Solid Waste Authority ("DSWA") is proposing amendments to the Statewide Solid Waste Management Plan (the "Plan") to modify the Plan adopted effective May 10, 2010 and amended effective on May 10, 2013.

*****Notice of Hearing:** A public hearing will be held on November 2, 2015 at 3:00 p.m. in the Corporate Training Center, **Education and Technology Meeting Room**, Delaware Technical and Community College Terry Campus, 100 Campus Drive, Dover, DE 19904. The hearing is to provide an opportunity for public comment on the proposed amendments.

Written Comments: The DSWA will receive written comments, suggestions, briefs or other written material until the close of business, November 17, 2015. Written comments, suggestions, compilations of data or other written material shall be submitted to Michael D. Parkowski, Chief of Business Services and Government Relations, Delaware Solid Waste Authority, 1128 South Bradford Street, Dover, Delaware 19904. Anyone wishing to obtain a copy of the proposed amendments may obtain a copy from the Delaware Solid Waste Authority, 1128 South Bradford Street, Dover, Delaware 19904, (302) 739-5361.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, October 15, 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

Private Duty Nursing 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 proposed to amend the Title XIX Medicaid State Plan and the Delaware Medical Assistance Program Provider Specific Policy Manual to revise and clarify Private Duty Nursing (PDN) services, specifically, *service requirements, coverage criteria, provider qualifications, service limitations and reimbursement methodology*.

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 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 October 30, 2015. Please identify in the subject line: *Private Duty Nursing 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

Reimbursement Methodology for Home 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 Home Health services, specifically, *to update the methods and standards governing reimbursement methodology language for home 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 Sharon L. Summers, 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 October 30, 2015. Please identify in the subject line: Reimbursement Methodology for Home 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

Reimbursement Methodology for State Plan Personal Care 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 State Plan Personal Care Services, specifically, regarding State Plan Personal Care Services (PCS), specifically, *to remove personal care as a service option from the Medicaid State Plan as coverage of PCS will be provided under the Home Health Services benefit*.

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 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 October 30, 2015. Please identify in the subject line: Sunset State Plan Personal Care 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.

DEPARTMENT OF INSURANCE

OFFICE OF THE COMMISSIONER

PUBLIC NOTICE

504 Continuing Education for Insurance Agents, Brokers, Surplus Lines Brokers and Consultants

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amended Department of Insurance Regulation 504 relating to Continuing Education for Insurance Agents, Brokers, Surplus Lines Brokers and Consultants. The docket number for this proposed AMENDED regulation is 2929-2015.

The proposed amended regulation makes changes to the requirements for continuing education courses related to flood insurance and for individuals who have been continuously licensed for twenty-five years. The Delaware Code authority for the change is 18 **Del.C.** §§311 and 1718, 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, Friday, October 30, 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

OFFICE OF THE COMMISSIONER
PUBLIC NOTICE

1208 New Annuity Mortality Table for Use in Determining Reserve Liabilities for Annuities

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amended Department of Insurance Regulation 1208 relating to New Annuity Mortality Table for Use in Determining Reserve Liabilities for Annuities. The docket number for this proposed AMENDED regulation is 2930-2015.

The proposed amended regulation changes the current valuation standards for individual annuity or pure endowment contracts by adopting the 2012 Individual Annuity Reserve Table (2012 IAR Table) to be used for the minimum reserve valuation for individual annuity or pure endowment contracts issued on or after January 1, 2015. These proposed amendments are consistent with the National Association of Insurance Commissioner's current Model regulation 821, which was amended in 2012. The Delaware Code authority for the change is 18 **Del.C.** §311, 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, Friday, October 30, 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.

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 October 1, 2015 and will close November 18, 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. A public hearing on the proposed amendment will be held on November 3, 2015 beginning at 6:00 p.m. in the DNREC Auditorium, 89 Kings Highway, Dover, DE 19901.

DIVISION OF WATERSHED STEWARDSHIP
SHORELINE AND WATERWAY MANAGEMENT SECTION
PUBLIC NOTICE

5102 Regulation Governing Beach Protection and the Use of Beaches

The purpose of revising the regulation is to incorporate legislative changes to the Beach Preservation Act (Del. Code Title 7, Chapter 68), to incorporate Division policies and construction standards that will result in less damages to structures and protections of the dune and beach resource. The revisions will also harmonize various provisions of the regulations.

The hearing record on the proposed changes to 7 **DE Admin. Code** 5102 Regulations Governing Beach Protection and the Use of Beaches will be open October 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 amendment will be held on November 7, 2015 beginning at 10:00 AM at the Lewes Fire Department, Station 2, 32198 Janice Road, Lewes, DE 19958. Please note that all comment submitted to the Department in this matter should be limited to the scope of this proposed regulatory promulgation, to wit: *only regarding the proposed amendments to the aforementioned regulations found at 7 DE Admin. Code 5102.*

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
300 BOARD OF ARCHITECTS
PUBLIC NOTICE

The Delaware Board of Architects, pursuant to 24 **Del.C.** §306(a)(1), proposes to revise regulations 6.2.1 and 6.2.1.1. The proposed change seeks to allow licensees to carry over up to four continuing education credits every calendar year.

The Board will hold a public hearing on the proposed regulation change on November 4, 2015 at 1:30 p.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Flora Peer, Administrative Specialist of the Delaware Board of Architects, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until November 19, 2015 pursuant to 29 **Del.C.** §10118(a).

A hearing for the proposed regulation change was originally scheduled to take place on September 2, 2015 in Conference Room B of the Cannon Building; however, due to a technical error as to notice of the hearing, it was canceled. As such, the proposed regulation is being republished without change in order to change the hearing date to November 4, 2015 as set forth above.

DIVISION OF PROFESSIONAL REGULATION
2000 BOARD OF OCCUPATIONAL THERAPY PRACTICE
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2006(a)(1), the Delaware Board of Occupational Therapy Practice has proposed revisions to its rules and regulations. The rules pertaining to renewal of an expired license are amended and a regulation addressing telehealth is added.

A public hearing will be held on November 4, 2015 at 4:30 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 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 Board of Occupational Therapy Practice, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION
2500 BOARD OF PHARMACY
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy has proposed revisions to its rules and regulations.

A public hearing was held on August 19, 2015 at 9:30 a.m. to address proposed revisions concerning the subject of pharmaceutical compounding. Regulation 5.1.7 was amended to provide that compounded products may *not* be sold to a practitioner for use in his or her office to administer to patients. Regulation 10.0 was re-written to establish comprehensive requirements for non-sterile and sterile compounding consistent with USP Chapters 795 and 797.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments was September 3, 2015. Extensive written comment was submitted. The Board deliberated on all of the comments at its meeting on September 16, 2015. While the Board voted to accept Regulation 10.0 as proposed, the Board decided to make substantive revisions to Regulation 5.1.7.1. The proposed substantive revisions amend Regulation 5.1.7.1 to state that non-patient specific compounded products may not be sold to a practitioner for office use unless covered under federal authority. The signed Final Order with respect to Regulation 10.0 will be submitted for publication in the *Register of Regulations* on November 1, 2015, after the Board members have affixed their signatures.

A public hearing will be held on October 21, 2015 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 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 Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board liaison, Christine Mast, at the above address.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be November 5, 2015 which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its next regularly scheduled meeting, at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.

DIVISION OF PROFESSIONAL REGULATION
3000 BOARD OF PROFESSIONAL COUNSELORS OF MENTAL HEALTH AND CHEMICAL
DEPENDENCY PROFESSIONALS
PUBLIC NOTICE

The Delaware Board of Mental Health and Chemical Dependency Professionals, pursuant to 24 **Del.C.** §3006(a)(1), proposes to revise its regulations. The proposed amendments to the regulations seek to clarify and provide more detailed information regarding the credentials and experience required of supervisors of LACMHs and LPCMH candidates.

The Board will hold a public hearing on the proposed rule change on October 28, 2015 at 12:00 p.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jessica Williams, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until November 12, 2015.

DIVISION OF PROFESSIONAL REGULATION
3700 BOARD OF SPEECH/LANGUAGE PATHOLOGISTS, AUDIOLOGISTS AND HEARING AID DISPENSERS
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §3706(a)(1), the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board") has proposed revisions to its rules and regulations.

A public hearing will be held on November 17, 2015 at 2:00 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address.

The Board's proposed amendments strike the current Rule 9.2.1.4, which addresses practice by telecommunications, and add a new Rule 10.0, pertaining to telepractice. The new Rule 10.0 sets forth standards and requirements in order to allow licensees to engage in telepractice while protecting the public.

In accordance with 29 **Del.C.** § 10118(a), the final date to receive written comments will be December 2, 2015, which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its next regularly scheduled

meeting, at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.

EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
PUBLIC NOTICE

Guidelines for Agency Regulatory Statements Required under the Regulatory Flexibility Act

Pursuant to its authority under the Regulatory Flexibility Act 29 **Del.C.** §10409 et seq. the Office of Management and Budget proposes these guidelines and form to establish procedures relating to the preparation of agency regulatory statements.

The Office of Management and Budget will hold a public hearing at which members of the public may present comments on the proposed guidelines and form on October 20, 2015 from 2 p.m. to 3 p.m. at the Tatnall Building, room 112, 150 Martin Luther King Jr. Blvd South, Dover, DE 19901. Additionally, interested persons may submit written comments to Robert Scoglietti, via email at robert.scoglietti@state.de.us or via U.S. Mail at the Office of Management and Budget, attn.: Robert Scoglietti, 122 Martin Luther King Blvd. South, 3rd Floor, Dover, DE 19901. The public comment period will close on November 5, 2015.
