

DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION
DELAWARE STANDARDBRED BREEDERS' FUND
PUBLIC NOTICE

502 Delaware Standardbred Breeders' Fund Regulations

The State of Delaware, Department of Agriculture's Standardbred Breeders' Fund ("the Fund") hereby gives notice of its intention to adopt an amended regulation pursuant to the General Assembly's delegation of authority to do so found at 29 **Del.C.** §4815(b)(4)b.2 and in compliance with Delaware's Administrative Procedures Act at 29 **Del.C.** §10115. The proposed amended regulations under 4.2, 9.2, 13.7, and 14.5 address the fiduciary responsibility of "the Fund" to sustain the program into the future while maintaining the current status.

The Fund solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The deadline for the filing of such written comments will be thirty days (30) after these proposed amended regulations are promulgated in the Delaware *Register of Regulations*. Any such submissions should be mailed or hand-delivered to Ms. Judy Davis-Wilson, Administrator, Delaware Standardbred Breeders' Fund Program whose address is State of Delaware, Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 by October 2, 2017.

OFFICE OF THE SECRETARY
PUBLIC NOTICE

1201 Nutrient Management Certification Regulations

The Delaware Nutrient Management Commission, pursuant to 3 **Del.C.** §2220(a), proposes to revise its regulations incorporating by reference the State Technical Standards developed by an appointed committee to establish appropriate standards for nutrient application, development and implementation of nutrient management and animal waste management plans, compliance with CAFO permits, and siting new CAFO facilities. The State Technical Standards can be viewed in person at the Delaware Department of Agriculture or online at http://dda.delaware.gov/nutrients/NM_TechStandards.shtml.

The Commission originally published the proposed regulation change and technical standards on July 1, 2017. As a result of the submission of a public comment, the Commission voted to substantively amend the State Technical Standard regarding temporary field staging to allow for 120 days instead of 90. As such, the Commission will now allow for written comments to be sent to Chris Brosch, Administrator of the Delaware Nutrient Management Commission, 2320 S. DuPont Highway, Dover DE 19901, until October 2, 2017 pursuant to 29 **Del.C.** §10118(a).

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, September 21, 2017 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

Reasonable Limits on Care Expenses

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 Title XIX Medicaid State Plan regarding Reasonable Limits on Care Expenses, specifically, to *clarify remedial care deductions for pre-incurred Medical expenses*.

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 Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on October 2, 2017. Please identify in the subject line: Reasonable Limits on Care Expenses.

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
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 Title XIX Medicaid State Plan regarding Inpatient Psychiatric Hospital Services for Individuals under Age 21, specifically, to *clarify 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, 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 Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on October 2, 2017. 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
4453 Cosmetology and Barbering

The Division of Public Health, Department of Health and Social Services, is proposing revisions to the Regulations Governing Cosmetology and Barbering (4453). The purpose of the amendments is to make technical corrections to the regulations to allow for the practice of threading. On September 1, 2017, DPH 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 September 1, 2017 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the DPH 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, October 6, 2017, 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 LEGAL AND SPECIAL PROJECTS
PUBLIC NOTICE
301 Audited Financial Reports

THE DEPARTMENT OF INSURANCE hereby gives notice of a proposed amendment to Department of Insurance Regulation 301 relating to audited financial reports and financial statements of insurance companies. The Department's internal docket number for this regulatory project is 3575-2017.

The purpose of the proposed amendment to Regulation 301 is to update the existing financial report and audit requirements to conform to the Model Regulation published by the National Association of Insurance Commissioners (NAIC), by adding new section 15, recodifying sections 15 through 19 as 16 through 20 with no change in text, and updating definitions and internal cross references. The model regulation can be viewed on the NAIC's website at

http://www.naic.org/documents/cmt_e_f_materials_%20annual_financial_reporting_model_reg_205.pdf.

The text of the proposed amendment appears below and can also be viewed at the Delaware In-surance

Commissioner's website at <http://insurance.delaware.gov/information/proposedregs/>. The Department of Insurance does not plan to hold a public hearing on the proposed regulation. The Department's Docket number is 3575-2017.

Any person may 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, 2nd day of October, 2017. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist
Dkt. No. 3575-2017
Delaware Department of Insurance
841 Silver Lake Drive
Dover, 19904
(302) 674-7379
Email: Leslie.Ledogar@state.de.us

OFFICE OF LEGAL AND SPECIAL PROJECTS
PUBLIC NOTICE

1301 Internal Review and Independent Utilization Review of Health Insurance Claims

The Department of Insurance (Department) hereby gives notice of proposed amendment to existing Regulation 1301, Internal Review and Independent Utilization Review of Health Insurance Claims. The proposed regulatory amendments to the definition of "Authorized Representative" and to the content of the notice to be provided by carriers to their insureds and codified in Section 4 of this regulation, implement HB 100, which amends 18 **Del.C.** §332 to now require that an insurance carrier, when informing a covered person of its internal review process, must inform the covered person of the availability of legal assistance from attorneys working for the Delaware Department of Justice in the preparation of an appeal of an adverse determination involving treatment for substance abuse. HB 100 was signed into law on May 30, 2017, becomes effective on September 27, 2017 and sunsets on January 1, 2020 unless expressly reauthorized prior to that date. Published elsewhere in this volume of the *Register of Regulations* is a proposal to amend Regulation 1315 to also implement HB 100.

The Department is also taking this opportunity to make non-substantive corrections in punctuation at sub-paragraphs 3.1.6 and 9.4.6, and in style throughout paragraphs 5.7, 7.1 and 11.1, and throughout sections 9 and 10.

The Department does not plan to hold a public hearing on the proposed amendments. The proposed amendments appear below and can also be viewed at the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>. The Department's docket number is DOI Docket No. 3571-2017.

Any person may 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 new regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, the 2nd day, October, 2017. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist
Delaware Department of Insurance
841 Silver Lake Drive
Dover, DE 19904
(302) 674-7379
Email: Leslie.Ledogar@state.de.us

OFFICE OF LEGAL AND SPECIAL PROJECTS
PUBLIC NOTICE

1315 Arbitration of Health Insurance Disputes Between Individuals and Carriers

The Department of Insurance (Department) hereby gives notice of a proposed amendment to the definition of "Authorized Representative" codified in existing Regulation 1315, Arbitration of Health Insurance Disputes Between Individuals and Carriers. The proposed amendment implements HB 100, which amends 18 **Del.C.** §332 to now require that an insurance carrier, when informing a covered person of its internal review process, must inform the covered person of the availability of legal assistance from attorneys working for the Delaware Department of Justice in the preparation of an appeal of an adverse determination involving treatment for substance abuse. HB 100 was signed into law on May 30, 2017, becomes effective on September 27, 2017 and sunsets on January 1, 2020 unless expressly reauthorized prior to that

date. Published elsewhere in this volume of the *Register of Regulations* is a proposal to also amend Regulation 1301 to implement HB 100.

The Department is also taking this opportunity to make non-substantive corrections in punctuation and grammar throughout sections 3, 4 and 5.

The Department does not plan to hold a public hearing on the proposed amendments. The proposed amendments appear below and can also be viewed at the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>. The Department's docket number is DOI Docket No. 3572-2017.

Any person may 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 new regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, the 2nd day, October, 2017. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist
Delaware Department of Insurance
841 Silver Lake Drive
Dover, DE 19904
(302) 674-7379
Email: Leslie.Ledogar@state.de.us

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATER
GROUND WATER DISCHARGES SECTION
PUBLIC NOTICE
7102 Regulations Governing Underground Injection Control

The purpose of the proposed revisions is to bring the regulations into compliance with current federal requirements, as determined by the United States Environmental Protection Agency (EPA). The EPA issued the *Revisions to the Underground Injection Control (UIC) Regulations for Class V Injection Wells*, effective April 2000 and December 2011. With this, the State of Delaware Regulations Governing Underground Injection Control is to be amended. The revised State regulations will also expand the existing regulations to include additional requirements for multiple water management activities. The regulations were published in the May 1, 2017, Delaware *Register of Regulations* and a public hearing was held on May 25, 2017. As a result of additional review and comments received, changes were made to the initial proposed UIC regulations. Since changes were made by the Department subsequent to the hearing record having closed for public comment, the decision was made to republish this revised proposed regulation and to reopen the public comment period for an additional 30 days to provide complete transparency to the public.

The hearing record on the proposed changes to State of Delaware Regulations Governing Underground Injection Control will be re-opened September 1, 2017 for a 30-day public comment period ending at the close of business on October 2, 2017. 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.

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

Pursuant to 28 **Del.C.** §1508(a)(2), 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 September 27 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, attention Meredith Hurley, at the above address by October 13, 2017 in accordance with 29 **Del.C.** §10118(a).

PUBLIC SERVICE COMMISSION
PUBLIC NOTICE

3008 Rules and Procedures to Implement the Renewable Energy Portfolio Standard (Opened August 23, 2005)

The Delaware Public Service Commission, in compliance with the Memorandum Opinion, issued December 30, 2016, in Delaware Division of the Public Advocate v. Delaware Public Service Commission, C.A. N15A-12-002 AML, and pursuant to 26 **Del.C.** §362(b), proposes to revise its regulations for the limited purpose of complying with the Memorandum Opinion, issued December 30, 2016, in Delaware Division of the Public Advocate v. Delaware Public Service Commission, C.A. N15A-12-002 AML; that is, specifically to promulgate regulations to amend 26 Del. Admin. C. § 3008-3.2.21 and related regulations as needed to specify the procedures for freezing the minimum cumulative solar photovoltaic and eligible energy resource requirements under 26 **Del.C.** §§354(i) and (j).

You can review the proposed revised Rules in the September 2017 issue of the Delaware *Register of Regulations*. You can also review the Order and the proposed revised Rules in the PSC's electronic filing system DelaFile at <http://delafile.delaware.gov/> and for docket # input "Reg. 56." If you wish to obtain written copies of the Order and proposed revised Rules, please contact the PSC at (302) 736-7500. Copies in excess of the first twenty pages are \$0.10 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).

Written comments can be filed electronically in DelaFile at <http://delafile.delaware.gov/> by filling out the Public Comment Form located under Public Links. Written comments can also be mailed to Joseph DeLosa, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904 or via email to joseph.delosa@state.de.us, with the subject line "Regulation Docket No. 56." Written comments will be accepted until Monday, October 2, 2017, pursuant to 29 **Del.C.** §10118(a).