

DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM

PUBLIC NOTICE

1301 Delaware Criminal Justice Information System Rules and Regulations

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 11 of the Delaware Code, Chapter 86, Section 8605, the Delaware Criminal Justice Information System (DELJIS) Board of Managers proposes to revise its regulations. These proposed regulations are applicable to all users of the Delaware Criminal Justice Information System (CJIS) and to any agency requesting access to CJIS from the Board. The proposed regulations will ensure that access to criminal justice information conforms to the statutory requirements outlined in Chapters 85 and 86 of Title 11 of the Delaware Code.

DELJIS will take written comments on these proposed revisions to Regulation 1301 of Title 1 of the Delaware Administration Code from September 1, 2019 to October 4, 2019. Any person who wishes to make written comments must submit same to DELJIS Board of Managers, c/o Lt. Frederick Calhoun, Chair, 800 Silver Lake Boulevard, Suites 101 & 102, Dover, Delaware 19904.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, September 19, 2019 at 5:00pm in the Community Education Building, 1200 N. French Street, Wilmington, DE.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Delaware Health Care Commission

PUBLIC NOTICE

Delaware Health Insurance Individual Market Stabilization Reinsurance Program and Fund

Pursuant to 16 Del.C. §9903, the Delaware Health Care Commission, Department of Health and Social Services, is proposing regulations governing Reinsurance. On September 1, 2019, the Delaware Health Care Commission plans to publish as "proposed" regulations for reinsurance. The regulations include establishing administrative procedures for the reinsurance program.

Copies of the proposed regulations are available for review in the September 1, 2019 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of the Secretary at (302) 255-4783.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit them to Gabriela Kejner by Tuesday, October 1, 2019, at:

Gabriela Kejner
Office of the Secretary
1901 North DuPont Highway
New Castle, DE 19720
Email: Gabriela.Kejner@delaware.gov
Phone: (302) 255-4783

Division of Developmental Disabilities Services

PUBLIC NOTICE

2103 Reportable Incident Management and Corrective Measures

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 Developmental Disabilities Service (DDDS) is proposing to implement oversight and monitoring of reportable incidents pursuant to DHSS Policy Memorandum 46.

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 James Dickinson, Division of Developmental Disabilities, Service Integrity and Enhancement, 1056 South Governor's Avenue, Suite 101, Dover DE 19947, E-Mail:

james.dickinson@delaware.gov by October 1, 2019.

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

Drug Utilization Review (DUR)

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 the DUR, specifically, to update provisions included in section 1004 of the *Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for patients and Communities Act* (P.L. 115-271).

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 1, 2019. Please identify in the subject line: Drug Utilization Review (DUR)

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

Acute Inpatient Hospital Readmission Claims

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 Inpatient Hospital Provider Policy Manual regarding Acute Inpatient Hospital Readmission Claims, specifically, to update policy regarding the time interval.

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 1, 2019. Please identify in the subject line: Acute Inpatient Hospital Readmission Claims.

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

Telehealth Services Originating Site Fees

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 telehealth services specifically, to add facilities to which originating site fees can be paid.

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 1, 2019. Please identify in the subject line: Telehealth Services Originating Site Fees.

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

Obesity 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 Title XIX Medicaid State Plan regarding Prescribed Drugs, specifically, to clarify policy related to drugs indicated for the treatment of obesity.

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 1, 2019. Please identify in the subject line: Obesity 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 Medicaid and Medical Assistance

PUBLIC NOTICE

Excluded Earnings of Temporary Census Workers

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 Excluded Earnings of Temporary Census Workers, specifically, *to add additional eligibility groups to that exclusion*.

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 1, 2019. Please identify in the subject line: Excluded Earnings of Temporary Census Workers.

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

4107 Screening of Newborn Infants for Metabolic, Hematologic, Endocrinologic, and Certain Structural Disorders

Pursuant to 16 Del.C. §122(1), §122(3)h, and Ch. 8C, Family Health Services, Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Screening of Newborn Infants for Metabolic, Hematologic, Endocrinologic, and Certain Structural Disorders. On September 1, 2019, the Division of Public Health plans to publish as "proposed" revisions to the Screening of Newborn Infants for Metabolic, Hematologic, Endocrinologic, and Certain Structural Disorders regulations. The revisions include eliminating the mandatory second screening requirement, including midwives in the regulated community, and updating the timeline that a specimen should be collected and sent to the lab.

Copies of the proposed regulations are available for review in the September 1, 2019 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 them to Alanna Mozeik by Wednesday, October 2, 2019, at:

Alanna Mozeik
Division of Public Health
417 Federal Street

Dover, DE 19901
Email: Alanna.Mozeik@delaware.gov
Phone: (302) 744-4951

Division of Public Health
PUBLIC NOTICE

4455 Delaware Regulations Governing a Detailed Plumbing Code

Pursuant to 16 **Del.C.** §122(3)(e) and §7903, Health Systems Protection, Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing the Plumbing Code. On September 1, 2019, the Division of Public Health plans to publish as “proposed” revisions to the Plumbing Code regulations. The revisions include the adoption of the 2018 International Plumbing Code with amendments.

Copies of the proposed regulations are available for review in the September 1, 2019 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 them to Alanna Mozeik by Wednesday, October 2, 2019, at:

Alanna Mozeik
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: Alanna.Mozeik@delaware.gov
Phone: (302) 744-4951

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
Division of Air Quality
PUBLIC NOTICE

1125 Requirements for Preconstruction Review

The Division of Air Quality (DAQ) is proposing to amend 7 **DE Admin. Code** 1125 to incorporate by reference the most recent revisions to the Environmental Protection Agency’s (EPA) Guideline on Air Quality Models, as set forth in Appendix W to 40 CFR Part 51 – Requirements for Preparation, Adoption, and Submittal of Implementation Plans (Guideline). In 1978, EPA published the Guideline and has subsequently made several revisions, therefore DAQ is proposing to amend 7 **DE Admin. Code** 1125 for consistency with the EPA.

A public hearing will be held on the proposed amendments to 7 **DE Admin. Code** 1125 at 6:00 pm on Wednesday, September 25, 2019 in the DNREC R&R Auditorium, located at 89 Kings Highway, Dover, DE 19901. Persons wishing to submit comment on the proposed amendments may do so either orally or in written form at the public hearing. In lieu of attending the public hearing, written comments may be submitted electronically by clicking the “Comment” button on the following link: <https://dnrec.alpha.delaware.gov/events/460/public-hearing-requirements-for-preconstruction-review/lic> or via USPS to the following address: Theresa Newman, Hearing Officer, DNREC – Office of the Secretary, 89 Kings Highway, Dover, DE 19901. The hearing record will open on September 1, 2019 and will remain open for receipt of comment through the close of business on Thursday, October 10, 2019.

DEPARTMENT OF TRANSPORTATION
Division of Planning
PUBLIC NOTICE

2309 Development Coordination Manual

Pursuant to the authority provided by 17 **Del.C.** §§132(e), 507, and 508, as well as 29 **Del.C.** §8404(8), the Delaware Department of Transportation (DelDOT) adopted the Development Coordination Manual.

The Department, through its Division of Planning and Public Policy, seeks to adopt general revisions to its existing regulations, the Development Coordination Manual, to address procedural changes, add or modify technical requirements and clarify and amend design criteria. These collective changes are both technical and administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

DeIDOT will take written comments on these proposed general revisions to Section 2309 of Title 2, Delaware Administrative Code, from September 1, 2019 through October 1, 2019. The public may submit their comments to:
Wendy Polasko, P.E., Process and Quality Control Engineer, Planning Development Coordination via email
(Wendy.Polasko@delaware.gov) or in writing to her attention,
Division of Planning
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903

Division of Planning

PUBLIC NOTICE

2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund

Pursuant to the authority provided by 29 **Del.C.** §8421, the Delaware Department of Transportation (DeIDOT), is promulgating regulations for the administration of the Transportation Infrastructure Investment Fund. The Transportation Infrastructure Investment Fund is established to provide economic assistance for renovation, construction, or any other type of improvements to roads and related transportation infrastructure in order to attract new businesses to this state, or expand existing businesses in this State, when such an economic development opportunity would create a significant number of direct, permanent, quality full-time jobs.

DeIDOT will take written comments on these proposed regulations, Section 2312 of Title 2, Delaware Administrative Code, from September 1, 2019 through October 1, 2019. The public may submit their comments to:

Marc Coté, P.E., Assistant Director of Development Coordination, Planning

(marc.cote@delaware.gov) or in writing to his attention,

Division of Planning

Development Coordination Section

Delaware Department of Transportation

800 Bay Road PO Box 778

Dover, DE 19903