

**DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT COMMISSION
NOTICE OF PUBLIC COMMENT PERIOD**

Synopsis:

Nutrient Management Certification Regulation Amendments (Exhibit A): Certification by the Delaware Nutrient Management Program, 2320 S. Dupont Hwy., Dover, DE 19901, is required (3 **Del.C.** §2201 - 2290) for all who apply fertilizer and/or animal manure greater than 10 acres or who manage animals greater than 8,000 pounds of live animal weight. The proposed changes to the certification regulations establish nutrient handling requirements for certain nutrient handlers. The proposed regulation addresses application timing and placement for commercial inorganic fertilizer and organic fertilizer

Comments on the proposed changes will be accepted from April 1, 2007 until April 30, 2007. Any comments should be provided to the Nutrient Management Program office located at 2320 S. Dupont Hwy., Dover, DE 19901, ATTN: William Rohrer.

DEPARTMENT OF EDUCATION

The Department of Education will hold its monthly meeting on Thursday, April 15, 2007 at 9:00 a.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
NOTICE OF PUBLIC COMMENT PERIOD**

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 child care subsidy program policies in the Division of 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 Sharon L. Summers, Policy, Program and 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 (new fax number) by April 30, 2007.

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
NOTICE OF PUBLIC COMMENT PERIOD**

1301 Internal Review, Arbitration and Independent Utilization Review of Health Insurance Claims

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of proposed amendments to Department of Insurance **Regulation 1301** relating to **Internal Review, Arbitration and Independent Utilization Review of Health Insurance Claims**. The docket number for this proposed regulation is 356.

The Department of Insurance proposes to amend Regulation 1301 by rescinding the current regulation and substituting in lieu thereof revised provisions for the review and arbitration of health insurance claims. As a result of the enactment of Senate Bill 295 on July 6, 2006, it became necessary to re-promulgate Regulation 1301

to provide for the review of claims from managed care organizations formerly under the regulatory authority of the Department of Health and Social Services. The Delaware Code authority for the change is 18 Del.C. §§311, 332 and 6401 *et seq.* The text can also be viewed at the Delaware Insurance Commissioner's website at www.delawareinsurance.gov and clicking on the link for "Proposed Regulations."

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 change must be received by the Department of Insurance no later than 4:30 p.m., Wednesday, May 2, 2007 by delivering said comments to Deputy Attorney General Michael J. Rich, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.5566 or emailed to michael.rich@state.de.us.

DEPARTMENT OF INSURANCE
NOTICE OF PUBLIC COMMENT PERIOD
1307 Group Coordination Benefits (Formerly Regulation 61)

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of a proposed change to **Regulation 1307** relating to **Group Coordination Benefits**. The docket number for this proposed amendment is 383.

The proposed change to the regulation provides that, upon the request of either parent of a dependent child, a carrier shall provide an insurance card to the requesting parent and that if the benefits are not assigned and would be paid to an individual other than the provider, the carrier shall issue the benefits to the parent who sought the treatment for the dependent child. The regulation will also contain non-substantive changes to the numbering of the sections and non-substantive wording changes for better clarity. The proposed amendment can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.state.de.us/inscom/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. 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 change must be received by the Department of Insurance no later than 4:30 p.m., Wednesday May 2, 2007, and should be addressed to Deputy Attorney General Michael J. Rich, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.5566 or email to michael.rich@state.de.us.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**
DIVISION OF AIR AND WASTE MANAGEMENT
PUBLIC NOTICE

SAN # 2005-10

Title of the Regulations:

Regulation No. 1148, "Control Of Stationary Combustion Turbine Electric Generating Unit Emissions"

Brief Synopsis of the Subject, Substance and Issues:

DNREC is proposing to develop a new regulation to reduce emissions of nitrogen oxides (NO_x) from combustion turbine electric generating units, typically known as peaking units.

Delaware's emission inventory data demonstrates that combustion turbines in Delaware are significant NO_x emitting sources. While some combustion turbines in Delaware generate electricity to meet base-load demands, other combustion turbines generate electricity to meet peak demands. Those periods of peak demand frequently correspond with summer ozone action days. This means that emissions from these units are frequently

at their highest when the health threat from ozone is at its worst. Many of Delaware's peaking units have high emission rates of nitrogen oxides and, therefore, should be evaluated for additional NO_x emission controls.

The proposed regulation will also reduce NO_x emissions in the State of Delaware from the subject units during high electric demand days (HEDD). This will meet Delaware's obligation to support the regional HEDD NO_x reduction initiative for the units subject to this regulation.

Notice of Public Comment:

The public comment period for this proposed regulation will extend through at least May 1, 2007. Interested parties may submit comments in writing during this time frame to: Mark A. Prettyman, Air Quality Management Section, 156 S. State St., Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Thursday, April 26, 2007, beginning at 6:00 PM in the DNREC auditorium at the Richardson and Robbins Building, 89 Kings Highway, Dover, DE 19901.

Prepared By:

<u>Mark A. Prettyman 302-739-9402</u>	<u>3/15/2007</u>
Name/Phone #	Date
Email address:	<u>mark.prettyman@state.de.us</u>

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1770 Respiratory Care Practice Advisory Council
PUBLIC NOTICE**

PLEASE TAKE NOTICE, pursuant to 29 **Del.C.** Ch. 101 and 24 **Del.C.** §1775(c), the Respiratory Care Practice Advisory Council of the Delaware Board of Medical Practice proposes to revise its rules and regulations. The proposed revision adds two (2) new sections to the rules and regulations to address and regulate the administration of sedation and analgesia by respiratory care practitioners.

A public hearing will be held on the proposed rules and regulations on May 15, 2007 at 2:00 p.m., in the Second Floor Conference Room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Council will receive and consider input in writing from any person concerning the proposed rules and regulations. Any written comments should be submitted to the Board office in care of Gayle MacAfee at the above address. The final date to submit written comments shall be at the above scheduled public hearing. Anyone wishing to obtain a copy of the proposed rules and regulations or to make comments at the public hearing should notify Gayle MacAfee at the above address or by calling her at (302) 744-4520.

**DIVISION OF PROFESSIONAL REGULATION
2000 Board of Occupational Therapy
NOTICE OF RESCHEDULED PUBLIC HEARING**

The Delaware Board of Occupational Therapy, in accordance with 24 **Del.C.** §2006(a)(1), has proposed changes to its Regulations 2.0 and 3.0 to change the audit process for license renewal so that continuing education attestations will be audited after the license renewal period is over, rather than before the expiration date. The changes will also extend the period of time during each biennial licensure period during which licensees may obtain required CE credits from May 31st of each renewal year to July 31st of each renewal year, to correspond with the license renewal period.

The Board has rescheduled the public hearing, which had been scheduled for March 7, 2007. The public hearing will be held on May 2, 2007 at 4:45 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 Delaware Board of Occupational

Therapy, 861 Silver Lake Blvd., Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward these 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
2500 Board of Pharmacy
NOTICE OF PUBLIC HEARING**

The Delaware Board of Pharmacy, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §2509, proposes amendments to its regulation 2.0. Specifically, the amendments to 2.0 Grounds for Disciplinary Proceeding codify the Board's position that, in good faith and upon reasonable belief, a Pharmacist may withhold a suspected forged prescription for release to law enforcement without fear of disciplinary action by the Board. Minor grammatical, typographic, and stylistic changes are also included.

A public hearing is scheduled for Wednesday, June 20, 2007 at 10:00 a.m. in the second floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Board care of Judy Letterman at the above address. The final date to submit written comments shall be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Judy Letterman at the above address or by calling (302) 744-4504.

The Board will consider promulgating the proposed regulations immediately following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION
2900 Real Estate Commission
PUBLIC NOTICE**

The Delaware Real Estate Commission, in accordance with 24 **Del.C.** §2905(a)(1), has proposed changes to its Rule 8.0 of its rules and regulations to clarify and simplify the online renewal process. The revisions to Rule 8.0 also eliminate language regarding the assessment of a delinquency fee, because the Division of Professional Regulation determines all fees pursuant to 29 **Del.C.** §8725(c). The Commission also proposed to revise Rule 10.0 of its rules and regulations to implement the changes necessary upon the enactment of House Bill 122, with House Amendment No. 1 and Senate Amendment No. 1 of the 143rd General Assembly. Finally, the Commission proposes to eliminate Regulation 14.0 in its entirety. Regulation 14.0 is no longer necessary because, with the enactment of Senate Bill 370 of the 143rd General Assembly, offerings of out-of-state land sales and promotions are no longer required to be registered with the Delaware Real Estate Commission.

A public hearing will be held on May 10, 2007 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. 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 Blvd., Cannon Building, Suite 203, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission 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
3300 Board of Veterinary Medicine
PUBLIC NOTICE**

The Board of Veterinary Medicine pursuant to 24 **Del.C.** §3306 purposes to change Professional Regulation 9.1.2 and 14.1.2. The Board will hold a public hearing on May 8, 2007. Written comments should be sent to Jennifer Myer, Administrative Assistant to the Board of Veterinary Medicine, Division of Professional Regulation, Cannon Building, 861 Silver Lake Boulevard, Suite 203, Dover, DE 19904-2467.

The proposed changes are for the purpose of allowing and facilitating online continuing education attestation.

**DIVISION OF PROFESSIONAL REGULATION
3700 Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers
PUBLIC NOTICE**

The Delaware Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §3706(a)(1), proposes amendments to its regulation 8.0 relating to the continuing education reporting period and process and the licensure renewal process. Specifically, the proposed amendments to **8.0 Continuing Education For All Licensees** provide for online license renewal, allow for attestation of continuing education (CE) compliance, push the CE completion deadline back to July 31st of renewal years, and shift the CE compliance audit from pre-renewal to post-renewal. Minor grammatical, typographic, or stylistic changes are also included.

A public hearing is scheduled for Wednesday, May 9, 2007 at 2:00 p.m. in the second floor Conference Room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Board care of Sandra Wagner at the above address. The final date to submit written comments shall be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Sandra Wagner at the above address or by calling (302) 744-4532.

The Board will consider promulgating the proposed regulations immediately following the public hearing.

PUBLIC SERVICE COMMISSION

Notice of Proposed Rule-making: Amendment of Rules for Granting and Supervising Certificates Of Public Convenience and Necessity for Water Utilities

To: All Water Utilities, Consumers, and Other Interested Persons

Under 26 **Del.C.** §203C, the Public Service Commission ("PSC") holds the authority to grant a Certificate of Public Convenience and Necessity ("CPCN") to authorize an entity to begin water utility operations or to allow an existing water utility to expand its operations or business to a new proposed service territory. This CPCN authority encompasses water utilities subject to the PSC's regulation as well as municipal and other governmental water utilities, districts, or authorities. In 2001, the PSC adopted "Regulations Governing Water Utilities Including the Public Service Commission's Jurisdiction to Grant and Revoke Certificates of Public Convenience and Necessity." See 5 DE Reg. 212 (July 1, 2001). Those regulations set forth the process and criteria for reviewing, granting, or denying requests for CPCNs filed by water utilities.

Pursuant to 26 **Del.C.** §§203C(c) and 209(a), the PSC now proposes to repeal those 2001 rules and replace them with the new "Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities." As outlined in PSC Order No. 7142 (Mar. 20, 2007), the PSC believes the new rules will make improvements in the administration of the CPCN process. The new rules provide for more detailed requirements for notice to affected landowners of the CPCN application and provide specific requirements on the form of notice to

be sent to affected landowners to inform them of their options. The new regulations also set forth new definitions for "Proposed Service Areas" under a requested CPCN, including limiting such territories to contiguous parcels served by the same infrastructure in the case of a CPCN sought under 26 Del.C. §203C(e)(1)b. In addition, the new regulations add new provisions that require a water utility to certify that it will serve a new Proposed Service Area within three years and that call for a procedure to explore whether a CPCN should continue if service is not made available within such period.

You can review PSC Order No. 7142 (Mar. 20, 2007) and the proposed new rules in the April, 2007 issue of the Delaware Register of Regulations. You can also review the Order and the new regulations at the PSC's Internet website located at www.state.de.us/delpsc. Written copies of the Order and proposed regulations can be obtained at the PSC's office at the address located below, for \$0.25 per page.

The PSC now solicits comments, suggestions, compilations of data, briefs, or other written materials about the proposed repeal of the 2001 Water Utility CPCN rules and the adoption of the proposed new Water Utility CPCN rules. If you want to file any such materials, you should submit an original and ten copies of such written documents on or before May 4, 2007. 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. 51

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 send as an attachment to an Internet e-mail addressed to Karen.nickerson@state.de.us.

The PSC will also conduct a public hearing on the new proposed regulations on Wednesday, May 16, 2007. That hearing will begin at 10:00 o'clock A.M. and will be held at the PSC's office at the address set forth above. You may also submit comments and materials at such public hearing.

If you are disabled and need assistance or help to participate in the proceedings, please contact the PSC to discuss that assistance. If you want more information or have questions, you can contact the PSC about this matter at (800) 282-8574 (toll-free in Delaware) or (302) 4247 (including Text Telephone). Inquiries can also be sent by Internet e-mail addressed to andrea.maucher@state.de.us.

10 DE Reg. 1633 (04/01/07)