

DELAWARE RIVER BASIN COMMISSION
NOTICE OF PUBLIC HEARING AND BUSINESS MEETING

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, March 12, 2008 beginning at 1:30 p.m. at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. For more information visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Esq., Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, March 20, 2008 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE****NOTICE OF PUBLIC COMMENT PERIOD****School-Based Wellness Center Services**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) with 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 amending the Title XIX Medicaid State Plan to add specific reimbursement methodology language for School-Based Wellness Center 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) 255-4454 by March 31, 2008.

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**NOTICE OF PUBLIC COMMENT PERIOD****Fair Hearing Procedures**

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 amend the Division of Social Services Manual (DSSM) regarding Fair Hearing procedures.

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 March 31, 2008.

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
NOTICE OF PUBLIC COMMENT PERIOD
Long Term Care Resource Exclusions - Automobiles

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 existing rules in the Division of Social Services Manual (DSSM) used to determine eligibility related to Long Term Care Resource Exclusions – Automobiles.

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 March 31, 2008.

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
NOTICE OF PUBLIC COMMENT PERIOD
Child Care Subsidy Program

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 amend the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program.

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 March 31, 2008.

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
606 Proof of Automobile Insurance [Formerly Regulation 31]
NOTICE OF PUBLIC COMMENT PERIOD

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance Regulation 606 relating to the standardization of insurance identification cards and notification to the Department of Motor Vehicles of the termination of automobile insurance. The docket number for this proposed amendment is 638.

The purpose of the proposed amendment to regulation is to eliminate the requirement that insurance identification cards be issued for periods of less than six months when the payment period is for a period of less than six months. The text of the proposed amendment is reproduced in the March 2008 edition of the Delaware Register of Regulations. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/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, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:30 p.m., Monday April 7, 2008, and should be addressed to Mitchell G. Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or email to mitch.crane@state.de.us.

DEPARTMENT OF LABOR**DIVISION OF INDUSTRIAL AFFAIRS****NOTICE OF PUBLIC HEARING****1342 Health Care Provider Certification
Workers Compensation Regulations**

The Health Care Advisory Panel, in accordance with 19 Del.C. §2322D, has proposed a certification process for the Health Care Provider Application for Certification ("Certification"). This proposal sets forth the Certification process and form.

A public hearing will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on April 14, 2008, at the Delaware Department of Labor, Fox Valley Annex, 4425 N. Market Street, Wilmington, Delaware 19802 where members of the public can offer comments. Anyone wishing to receive a copy of the proposed Certification and form may obtain a copy from John Kirk, Administrator, Delaware Workers' Compensation Division, Department of Labor, P.O. Box 9828, 4425 N. Market Street, Wilmington, DE 19809-9954. Persons wishing to submit written comments may forward these to the Council at the above address. The final date to receive written comments will be at the public hearing.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL****DIVISION OF FISH AND WILDLIFE****REGISTER NOTICE OF PUBLIC HEARING AND COMMENT PERIOD****3511 Summer Flounder Size Limits; Possession Limits; (Formerly Tidal Finfish Reg. 4)****Title of the Regulations:**

Tidal Finfish Regulations

Brief Synopsis of the Subject, Substance and Issues:

The Summer Flounder Fishery Management Plan (FMP) details the annual process that the Atlantic States Marine Fisheries Commission's Summer Flounder Fishery Management Board, the Mid-Atlantic Fisheries Management Council and the National Marine Fisheries Service are to use for establishing conservation equivalency for the recreational summer flounder fishery. These agencies agreed that the states would implement conservationally equivalent measures rather than a coastwide management program for summer flounder in 2008. Delaware is obligated to cap the summer flounder recreational harvest at 64,000 fish for 2008. The harvest cap has been adjusted downward from the previous year's level of 76,608 fish because of slower than projected rebuilding in the stock. Although Delaware and all the coastal states in the management regime must adjust their harvest cap downward, estimates of Delaware's 2007 harvest (109,696 fish) indicated that landings of summer flounder exceeded the harvest cap imposed for 2007. As such, it is anticipated that management measures for summer flounder in 2008 will need to achieve a 41.3 percent harvest reduction from the estimated harvest in 2007. It is proposed that a suite of management options will be developed that take into consideration measures that have been successfully employed in the past to achieve reductions in harvest while attempting to meet the needs of the fishing public. These options will include potential minimum size limits ranging between 18.5 and 19.5 inches in combination with various creel limits that can range from 1 to 4 fish per day and also incorporate seasonal closures. Five management options for Delaware have been reviewed by the ASMFC Summer Flounder Technical Committee to determine if the correct data sets and analyses were used to project landings under the various options. All five options were deemed technically valid by the ASMFC Summer Flounder technical committee and were also approved by the ASMFC Summer Flounder Board on February 7, 2008. These approved options will be presented at a public hearing on March 27, 2008 in order to receive input from the fishing community on the various management strategies.

Notice of Public Comment:

Individuals may present their comments or request additional information by contacting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901, (302) 739-9914. A public hearing on these proposed amendments will be held on March 27, 2008 at 7:00 P.M. in the DNREC Auditorium, 89 Kings Highway, Dover, DE 19901. The record will remain open for written comments until 4:30 PM, April 2, 2008.

Prepared By:

Richard Cole, (302) 739-4782, February 6, 2008.

DIVISION OF FISH AND WILDLIFE**REGISTER NOTICE OF PUBLIC HEARING AND COMMENT PERIOD****3716 Crab Pot Number Buoys and Vessel Panel Color Code and Number Requirements, and 3771 Oyster Harvesting Licensee Requirements****Brief Synopsis of the Subject, Substance and Issues:**

This proposed revision of Shellfish Regulation 3716 would allow only one color code to be used per vessel even if the allowable limit of up to three crab pot licensees fish their pots from the same vessel. This proposed change will facilitate enforcement of the pot limits and will simplify painting and retrieving of crab pot floats for those crabbers who routinely partner to fish from the same vessel. There is no proposed change to the numbering system for each crabber except that if two or three crabbers fish from the same vessel, then all numbers must be displayed on the 2' by 2' marker panel displayed on the vessel. One of the numbers from a crabber on that vessel must be displayed on a color-coded buoy attached to each crab pot fished from that vessel. This regulation is proposed to go into effect January 1, 2009 in order to give the crabbers an opportunity to re-paint their floats if necessary to comply with the new regulation.

The proposed revision to Shellfish Regulation 3771 would modify the required procedures for applying oyster harvesting tags. Each tag issued by the Department shall be cinched around the top of the oyster bag and locked such that the bag may not be opened nor oysters removed from the bag without breaking the tag or seal. Bags shall be tagged prior to the vessel leaving the shellfish harvest grounds and returning to port. This change will facilitate enforcement of tagging requirements and should discourage the illegal, yet common practice of re-using oyster tags after the bags are emptied. This regulation would go into effect immediately upon promulgation.

Possible Terms of the Agency Action:

Changes to regulation 3716 would not go into effect until January 1, 2009. Changes to regulation 3771 would take effect immediately upon promulgation. These regulation revisions would remain in effect indefinitely or until changed.

Notice of Public Comment:

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, (302)739-3441. A public hearing on these proposed regulations will be held in the Department of Natural Resources and Environmental Control Auditorium, at 89 Kings Highway, Dover, DE at 7:00 PM on March 31, 2008. Individuals may present their opinion and evidence either at the hearing or in writing to Lisa Vest, Hearing Officer, Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901 or via e-mail to Lisa.Vest@state.de.us. The hearing record will remain open for written or e-mail comments until 4:30 PM April 2, 2008.

Prepared By:

Roy W. Miller, 302-739-9914, February 12, 2008.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
2700 Board of Professional Land Surveyors
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, pursuant to 29 **Del.C.** Chapter 101 and 24 **Del.C.** Chapter 27, Section 2706(a)(1), the Delaware Board of Professional Land Surveyors proposes to revise its Rules and Regulations. The proposed Rules and Regulations are being updated to change references to the Board Chair, better define the field experience requirement for those seeking licensure, adopt a process for foreign credentialing, eliminate a table dealing with the licensure process, and other items.

A public hearing will be held on the proposed Rules and Regulations on Thursday, April 17th, 2008 at 9:00 a.m. in Conference Room A, second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person on the proposed Rules and Regulations. Any written comments shall be submitted to the Board in care of the Division of Professional Regulation 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 make comments at the Public Hearing should notify the Division of Professional Regulation at (302) 744-4500.

DIVISION OF PROFESSIONAL REGULATION
3500 Board of Examiners of Psychologists
NOTICE OF PUBLIC HEARING

The Delaware Board of Examiners of Psychologists, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §3506(a)(1), proposes amendments to its regulation 11.0. Specifically, the proposed modification of regulation **11.0 Professional Conduct** would require licensees to adhere to the American Psychological Association's current Record Keeping Guidelines.

A public hearing is scheduled for Thursday, April 7, 2008 at 9:00 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 Nancy Fields 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 Nancy Fields at the above address or by calling (302) 744-4500.

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

DIVISION OF PROFESSIONAL REGULATION
Controlled Substance Committee
NOTICE OF PUBLIC HEARING

Consistent with a recent statutory amendment which relocated the Office of Controlled Substances to the Division of Professional Regulation, Department of State, the Delaware Controlled Substance Committee, in accordance with 29 **Del.C.** Chapter 101 and 16 **Del.C.** §4731, proposes amendments to its controlled substance regulations.

The public hearing has been rescheduled for Tuesday, March 11, 2008 at 1:00 p.m. in the Conference Room of the Medical Examiners Office, 200 South Adams Street, Wilmington, DE 19801. The Controlled Substance Committee will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Committee care of David Dryden, Division of Professional Regulation, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. 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 David Dryden at the above address or by calling (302) 677-7313.

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

11 DE Reg. 1269 (03/01/08)