

DELAWARE RIVER BASIN COMMISSION

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, March 11, 2009 beginning at 10:30 a.m. at the Commission's office building, 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

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, February 19, 2009 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

SUMMARY OF PROPOSED AMENDMENTS

The proposal amends the Title XIX Medicaid State Plan, the Title XXI Delaware Healthy Children Program State Plan and, the Division of Social Services Manual (DSSM) regarding the income disregards utilized in the Medicaid income eligibility determination process. Currently, individuals eligible for coverage under the Medicaid program are allowed disregards for certain types of income in the determination of their eligibility. The proposed change will add a disregard for income earned from temporary employment with the United States Census Bureau in completing a Decennial Census. In the past, the Census Bureau has successfully recruited program participants to help fill these vacancies, and wishes to do the same for the upcoming 2010 Census.

Statutory Authority

- Section 1902(r)(2) of the Social Security Act, The methodology to be employed in determining income and resource eligibility...;
- Section 1931 of the Social Security Act, Assuring coverage for certain low-income families

Basis

CMS, State Health Officials Letter dated February 18, 2000, Eligibility for Those Individuals and Families Who Were Temporarily Hired for the 2000 Census Bureau

Background

Delaware received a request from the United States Census Bureau asking that income from temporary census employment be excluded. The Centers for Medicare and Medicaid Services (CMS) is encouraging states to exclude the earned income of temporary census workers for purposes of eligibility. Doing so would mean that temporary income from census employment would not result in recipients losing access to medical assistance. The exclusion of this income will allow the Census Bureau to hire people to work in the neighborhoods in which they live to ensure the workforce reflects the diversity of the United States population.

Over the course of the 2010 Census, the Census Bureau currently expect to recruit more than 3 million applicants and hire more than 900,000 employees nationwide. Although Local Census Offices will require some staff from the fall of 2008 through the end of 2010, most positions are part of either the Address Canvassing or Nonresponse Follow-up operations occurring in 2009 and 2010, respectively. In 2009, over 100,000 people will be employed as part of the decennial census. Almost 600,000 people will be employed solely for the Nonresponse Follow-up operation in 2010.

Census work provides valuable job skills that could lead to permanent employment elsewhere (enumerators complete four to five days of paid training). Some of the skills involved in Census work include:

- Using handheld computers,
- Following detailed instructions,
- Completing paperwork,
- Working independently,
- Public contact skills, and
- Work during nights, weekends, and/or normal business hours depending on the operation.

Preliminary activities related to the 2010 Census have already begun in some states.

Summary of Proposal

The proposed rule allows the Division of Medicaid and Medicaid Assistance (DMMA) to exercise the federal option, in years in which there is a federal census, to exclude earned income paid by the Census Bureau to temporary census workers from the determination of the individual's eligibility for the following programs:

- Delaware Medical Assistance Program (DMAP);
- Delaware Healthy Children Program (DHCP).

Previous policy/state plan language specifically excluded wages from temporary employment related to Census 2000 activities. This exclusion was applied to the last federal census, but the reference was time-limited. These amendments will make the exclusion permanent.

Please note that this exclusion applies to temporary census workers only; income received by permanent census workers will be treated as countable income in the above programs.

Food and Nutrition Service (FNS) will not allow states to exclude income received by temporary census workers in determining eligibility and benefits for the Food Supplement Program. Delaware's Temporary Assistance for Needy Families (Delaware TANF) Program has also opted not to provide this exclusion.

The Child Care Subsidy Program has had this wage exclusion for temporary Census activities at DSSM 11003.9.1 since October 2005 and will remain in place.

The provisions of the state plan amendments are subject to approval by the Centers for Medicare and Medicaid Services (CMS).

DEPARTMENT OF INSURANCE

PUBLIC NOTICE

Docket No. 1079

1212 Valuation of Life Insurance Policies

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amendments to Department of Insurance **Regulation 1212** relating to **Valuation of Life Insurance Policies**. The docket number for this proposed regulation is 1079.

The Delaware Code authority for the change is 18 **Del.C.** §§ 312, 1113 and 29 **Del.C.** Chapter 101. 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., Monday, April 6, 2009 by delivering said comments to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or emailed to mitch.crane@state.de.us.

Since the wording of the attached emergency regulation is identical to the wording the Department intends to adopt as a final regulation, public comment on the emergency regulation shall be deemed to be public comment on the proposed regulation as would otherwise be permitted under 29 **Del.C.** § 10115.

IT IS SO ORDERED this 17th day of February, 2009

Karen Weldin Stewart, CIR-ML
Insurance Commissioner

DEPARTMENT OF INSURANCE

PUBLIC NOTICE

Docket No. 1080

1215 Recognition of Preferred Mortality Tables for use in Determining Minimum Reserve Liabilities

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amendments to Department of Insurance **Regulation 1215** relating to **Recognition of Preferred Mortality Tables for use in Determining Minimum Reserve Liabilities**. The docket number for this proposed regulation is 1080.

The Delaware Code authority for the change is 18 **Del.C.** §§ 311, and 1113. 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., Monday, April 6, 2009 by delivering said comments to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or emailed to mitch.crane@state.de.us.

Since the wording of the attached emergency regulation is identical to the wording the Department intends to adopt as a final regulation, public comment on the emergency regulation shall be deemed to be public comment on the proposed regulation as would otherwise be permitted under 29 **Del.C.** § 10115.

IT IS SO ORDERED this 17th day of February, 2009

Karen Weldin Stewart, CIR-ML
Insurance Commissioner

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT

NOTICE OF PUBLIC HEARING

REGISTER NOTICE SAN # 2008-30

Title of the Regulations:

1302 Regulations Governing Hazardous Waste (DRGHW)

Brief Synopsis Of The Subject, Substance and Issues:

In order for the State of Delaware to maintain authorization from the U. S. Environmental Protection Agency (EPA) to administer its own hazardous waste management program, the State must maintain a program that is equivalent to and no less stringent than the Federal program. To accomplish this, the State must periodically seek authorization from the EPA to administer the program, and Delaware is preparing the 7th such program reauthorization. For Delaware's Hazardous Waste program to be authorized, the EPA has requested minor, miscellaneous corrections to align the State's program with the Federal program.

Notice of Public Comment:

The public hearing on the proposed amendments to DRGHW will be held on Tuesday March 24, 2009 starting at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

Prepared By:

Bill Davis, Environmental Scientist, Solid and Hazardous Waste Management - (302) 739-9403

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
3800 BOARD OF DIETETICS/NUTRITION
PUBLIC NOTICE**

The Delaware State Board of Dietetics/Nutrition in accordance with 24 **Del.C.** §3805(a) has proposed amendments to its rules and regulations as the result of the enactment in the 144th General Assembly of House Bill 38, as amended, providing for the licensure of dieticians and nutritionist in the State of Delaware.

A public hearing will be held on April 17, 2009 at 1:45 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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware State Board of Dietetics/Nutrition, 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.

12 DE Reg. 1239 (03/01/09)