

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, May 14, 2008 beginning at 10:30 a.m. at the Independence Seaport Museum at Penn's Landing located at 211 South Columbus Boulevard and Walnut Street, Philadelphia, Pennsylvania. 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 AGRICULTURE
HARNES RACING COMMISSION
NOTICE OF PUBLIC HEARING
501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rule 8 by a change to Rule 8.3.5.9.4. The Commission will hold a public hearing on the proposed rule changes on June 10, 2008. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations* on May 1, 2008.

The proposed changes are for the purpose of updating Rule 8 to reflect current policies, practices and procedures. Copies are published online at the Register of Regulations website: http://regulations.delaware.gov/services/current_issue.shtml. A copy is also available for inspection at the Racing Commission office.

DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, May 15, 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
DRA 2005 - Third Party Data Exchange

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 the Title XIX Medicaid State Plan regarding the DRA 2005 Third Party Data Exchange Mandate.

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 May 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
School-Based Health Services

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 the Title XIX Medicaid State Plan related to School-Based Health 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 302-255-4425 by May 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
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 Division of Motor Vehicles of the termination of automobile insurance. The docket number for this proposed amendment is 730.

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 and to delete the requirement that fleet vehicles carry vehicle-specific identification cards. The text of the proposed amendment is reproduced in the May 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 June 2, 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
OFFICE OF WORKERS' COMPENSATION
NOTICE OF PUBLIC HEARING AND COMMENT PERIOD

The Secretary of Labor in accordance with 19 **Del.C.** §§2322B and §2322F(j) has proposed rules and regulations relating to workers' compensation. These proposals set forth health care payment system with coordinated instructions and guidelines developed by the Health Care Advisory Panel to assist in the health care treatment in workers' compensation ("Practice Guidelines") and also set forth the utilization review program developed by the Health Care Advisory Panel and associated utilization request form to assist in the health care treatment in workers' compensation ("Utilization Review" and "Utilization Review Form").

A public hearing will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on May 12, 2008, in the 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 rules and regulations may obtain a copy from John Kirk, Administrator, Workers' Compensation, Division of Industrial Affairs, Department of Labor, P.O. Box 9828, 4425 N. Market Street, Wilmington, Delaware 19809-0828. Persons wishing to submit written comments may forward these to the Panel at the above address. The final date to receive written comments will be at the public hearing.

The Panel will consider making a recommendation to the Secretary at the regularly scheduled meeting following the public hearing.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE NOTICE OF PUBLIC COMMENT PERIOD 3901 Wildlife

19.0 Bald Eagle Protection

The purpose of this action is to ensure that Delaware's Bald Eagle population persists after protection from the federal Endangered Species Act was terminated on 8 August 2007. Bald eagles are very sensitive to disturbance which may result in failure of nests or abandonment of nest sites. In Delaware, the acreage of development in proximity to current nest sites is proposed to double in the next five years. Scientific studies from this region show eagles require significant no-disturbance buffers around their nests in order to persist. The purpose of this regulation is to maintain the same level of protection to eagle nest sites that was in place under the Endangered Species Act prior to August 2007. Eagles are a significant non-consumptive wildlife resource that will require protection in order to persist.

The Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, will conduct a public hearing on the proposed new regulation 19.0 Bald Eagle Protection. Bald eagles are very sensitive to disturbance. **Delaware Code** currently protects eagles from disturbance but does not define disturbance. The new regulation will define disturbance by proposing to adopt the same protection to eagle nest sites that was formerly provided under the Endangered Species Act of 1973 prior to the eagle's removal from the federal Endangered Species List in August of 2007.

The proposed regulation may be inspected at the Department's offices located in room B234 at the Richardson and Robbins Building, 89 Kings Highway, Dover Delaware, 19901. For additional information interested parties can also contact Karen Bennett (302-739-9912) or Christopher Heckscher (302-653-2880).

A public hearing will be held in the DNREC auditorium in the Richardson and Robbins Building, 89 Kings Highway, Dover, on 4 June 2008 at 7 pm. Citizens may address comments in writing to the Wildlife Section, Division of Fish and Wildlife, 4876 Hay Point Landing Road, Smyrna, 19977. E-mail comments may be sent to Karen.bennett@state.de.us, Christopher.Heckscher@state.de.us or Lisa.Vest@state.de.us. The record will remain open for written comments until 4:30 pm June 14, 2008. Prior to the hearing, a public workshop will be given in the DNREC auditorium in the Richardson and Robbins Building, 89 Kings Highway, Dover, 28 May 2008. The purpose of this workshop will be to provide information to the public regarding the proposed regulation.

PREPARED BY:

Christopher M. Heckscher 302-653-2880

8 April 2008

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
400 Delaware Gaming Control Board
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, pursuant to 29 **Del.C.** Chapter 101 and 28 **Del.C.** Chapter 11, Section 1122 (a)(2), and 28 **Del.C.** section 1503, the Delaware Gaming Control Board proposes to revise its Rules and Regulations. The proposed Rules and Regulations will make regulatory changes to the maximum wagering limits for charitable gambling other than raffles as well as add a definition of the term week as it relates to charitable gambling. Bingo, Raffles, Charitable Gambling other than Raffles and No Limit Texas Hold'em Poker have had the application submission time lines added to the appropriate section of the rules and regulations.

A public hearing will be held on the proposed Rules and Regulations on **Thursday, June 5th, 2008 at 12:30 p.m.** in Conference Room B, 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
1400 Board of Electrical Examiners
NOTICE OF PUBLIC HEARING

The Delaware Board of Electrical Examiners, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §1406(a)(1), proposes amendments to its regulation sections 1.0 through 3.0, 5.0 through 7.0, and 15.0.

Changes to section 1.0 include deleting language that unnecessarily repeats statutory language and making explicit licensees' obligation to notify the Board of a change of address. Changes to sections 2.0, 3.0, 5.0, and 6.0 are technical, including deleting language that repeats statutory language. Section 5.0 is proposed for deletion as unnecessary.

The proposed addition to **7.0 Expiration and Renewal** creates a mandatory audit of all late-renewed licensees to verify compliance with the continuing education and insurance requirements. The proposed addition to **15.0 Inspection agencies** clarifies the word "salary" as used in 24 **Del.C.** §1421(j).

A public hearing is scheduled for Wednesday, June 4, 2008 at 8:30 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) 744-4500.

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

DIVISION OF PROFESSIONAL REGULATION
2600 Examining Board of Physical Therapists and Athletic Trainers
NOTICE OF PUBLIC HEARING

Pursuant to 24 **Del.C.** §2604(a)(1), the Examining Board of Physical Therapists and Athletic Trainers has proposed revisions to its rules and regulations.

A public hearing will be held on May 27, 2008 at 5:15 p.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 Examining Board of Physical Therapists and Athletic Trainers, 861 Silver Lake Boulevard, Dover, Delaware 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 proposes amendments to Rule 1.2.3, which addresses supervision of a Physical Therapist Assistant who has one year or more experience. Currently, the Physical Therapist Assistant must receive on-site, face to face supervision, by the supervising Physical Therapist, at least once every fifth treatment day or once every three weeks, whichever occurs first. These supervisory visits require the presence of two practitioners: the Physical Therapist and the Physical Therapist Assistant. The amended Rule 1.2.3 requires on-site face to face supervision at least once every **twelfth** visit or once every **four** weeks, whichever occurs first. This change in supervision requirements decreases the number of required supervisory visits involving the presence of two practitioners. Consequently, practitioners would be able to see more patients with the benefit of enhancing the provision of physical therapy services to the public.

Rule 1.2.3. is further revised to state that, in addition to providing the required supervision of the Physical Therapist Assistant, the supervising Physical Therapist must also see the patient at least once every sixth treatment day. Thus, although there will be a decrease in the number of supervisory visits, the patient will be seen by the Physical Therapist on a regular basis. This amendment ensures that the change in supervision of the Physical Therapist Assistant will not adversely impact patient care.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

DIVISION OF PROFESSIONAL REGULATION
2930 Council On Real Estate Appraisers
NOTICE OF PUBLIC HEARING

Pursuant to 24 **Del.C.** § 4006(a)(1), the Council on Real Estate Appraisers has proposed an amendment to its rules and regulations. A new Rule 2.5.10 is added to specify that at least 14 hours of continuing education per licensure period must be taken in a traditional classroom setting, including the mandatory 7 hour USPAP update course. In addition, the mandatory 2 hour Delaware law, rules and regulations course must be taken in a traditional classroom setting, in Delaware. This new Rule 2.5.10 will supersede the version of Rule 2.5.10 set forth in the Final Order on rule revisions published in the Register of Regulations on May 1, 2008.

A public hearing will be held on June 17, 2008 at 9:45 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 Council on Real Estate Appraisers, 861 Silver Lake Boulevard, Dover, Delaware 11904. 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.

The Council will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

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), has proposed 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 on the proposed changes was originally scheduled for Thursday, April 7, 2008 but has

been rescheduled. The public hearing will now take place on Monday, May 5, 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
5300 Board of Massage and Bodywork
NOTICE OF PUBLIC HEARING

The Delaware Board of Massage and Bodywork, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §5306(a)(1), proposes amendments to its regulation sections 1.0, 2.0, and 7.0. Specifically, the proposed additions to **1.0 Definitions** define the two categories of allowable continuing education. The proposed amendments to **2.0 Filing of Application for Licensure as Massage/Bodywork Therapist** clarify the language of that section but do not alter the substance of the provision.

The proposed amendments to **7.0 Continuing Education** provide for online licensure renewal, allow half of continuing education requirements to be fulfilled online, clarify the categorical restrictions on continuing education, and provide for the automatic approval of the content of continuing education courses approved by either the National Certification Board for Therapeutic Massage and Bodywork ("NCBTMB") or the American Massage Therapy Association ("AMTA").

A public hearing is scheduled for Thursday, June 19, 2008 at 1:30 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 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.

DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES
NOTICE OF PUBLIC COMMENT PERIOD
2221 Use of Translators

The Delaware Division of Motor Vehicles gives notice of intent to adopt proposed Division of Motor Vehicles Regulation 2221 relating to the use of translators by driver license applicants who cannot speak or read English.

Any person who wishes to make written suggestions, briefs or other written materials concerning this proposed new regulation must submit the same to Jack E. Eanes, Chief of Operations, Delaware Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19903, or by fax to (302) 739-2042 by May 30, 2008.

11 DE Reg. 1501 (05/01/08)