

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on Tuesday, May 7, 2013 beginning at 12:00 p.m. A business meeting will be held on the following day, Wednesday, May 8, 2013 beginning at 12:15 p.m. Both the hearing and the meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania 18977. Without exception, however, photo identification will be required for admission. For more information, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION
Delaware Standardbred Breeders' Fund
502 Delaware Standardbred Breeders' Fund Regulations
PUBLIC NOTICE

The State of Delaware, Department of Agriculture's Standardbred Breeders' Fund ("the Fund") hereby gives notice of its intention to adopt amended regulations pursuant to the General Assembly's delegation of authority to do so found at 29 **Del.C.** §4815(b)(3)b.2.D and in compliance with Delaware's Administrative Procedures Act at 29 **Del.C.** §10115. The proposed amended regulation under 1.2 expands eligibility to participate in Fund-sponsored races to foals of Delaware sires regardless of the out of state residence of the owner/ lessee of the foal and reduces paperwork. Under Proposed Regulation 2.0 Definitions, the terms "Delaware sire" and "stand" are more clearly articulated and the penalty for racing out of state before the end of Delaware's breeding season has been moved to Regulation 10.2. Proposed Regulation 10.0 Responsibilities of Owners or Lessees of Standardbred Stallions, changes the heading to conform with the new terminology of proposed Regulations 1.2 and 2.0 while proposed amended Regulation 10.2 elaborates the responsibilities of owners and lessees of Delaware sires and provides a one-year disqualification for violating the out-of-state racing limitation.

The Fund solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The deadline for the filing of such written comments will be thirty days (30) after these proposed amended regulations are promulgated in the Delaware *Register of Regulations*. Any such submissions should be mailed or hand-delivered to Ms. Judy Davis-Wilson, Administrator, Delaware Standardbred Breeders' Fund Program whose address is State of Delaware, Department of Agriculture, 2320 South duPont Highway, Dover, Delaware 19901 by June 1, 2013.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, May 16, 2013 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF FINANCE
OFFICE OF THE STATE LOTTERY
203 Video Lottery and Table Game Regulations
PUBLIC NOTICE

The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current rules should be adopted.

The proposed amendments are to Rule 4.3, Rule 4.6.1, Rule 4.6.2 and Rule 20.2 in 10 **DE Admin. Code** 203.

The first amendment is to Rule 4.3 and would change the amount of business that must be transacted before a non-gaming vendor must file a vendor registration form (VRF) from \$10,000 to \$50,000 per year.

The second proposed amendment is to Rule 4.6.1 and would provide that a non-gaming vendor shall be deemed to be transacting regular and continuing business if the total dollar amount of transactions with a single video lottery agent is at least \$750,000 in any twelve-(12) month period, rather than \$400,000.

The third amendment is to Rule 4.6.2 and would provide that a non-gaming vendor shall be deemed to be transacting regular and continuing business if the total dollar amount of transactions with all video lottery agents is at least \$1,500,000 in any twelve-(12) month period, rather than \$750,000.

The fourth amendment is to Rule 20.2 and would provide that the table game drop may be performed by at least two persons, one of whom shall be a table games supervisor, rather than a shift supervisor.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before May 31, 2013 at the offices of the Delaware State Lottery at 1575 McKee Road, Suite 102, Dover, DE 19904. A copy of these regulations is available from the above address or may be viewed at the Delaware State Lottery office at the same address.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF LONG TERM CARE RESIDENTS PROTECTION
3102 Long Term Care Transfer, Discharge and Readmission Procedures
PUBLIC NOTICE

The Division of Long Term Care Residents Protection (DLTCRP) is proposing a complete revision of Regulation 3102, Long Term Care Discharge and Impartial Hearing Regulations.

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 Mary Peterson, Director, Division of Long Term Care Residents Protection, 3 Mill Road, Suite 308, Wilmington, DE 19806 by Monday June 3, 2013.

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
Diamond State Health Plan Plus 1115 Demonstration Waiver
PUBLIC NOTICE

In accordance with the public notice requirements of 42 U.S.C. §1315(d) and 42 CFR Part 431, Subpart G, Delaware Health and Social Services (DHSS), Division of Medicaid and Medical Assistance (DMMA) gives notice of its intent to file an application with the Centers for Medicare and Medicaid Services (CMS) to request a three-year extension of the Diamond State Health Plan 1115 Demonstration Waiver, which is scheduled to expire on December 31, 2013.

Under a waiver of Section 1115(a) of the Social Security Act, the Diamond State Health Plan (DSHP) implemented a mandatory Medicaid managed care demonstration program statewide on January 1, 1996. Using savings achieved under managed care, Delaware expanded Medicaid health coverage to additional low-income adults in the State with incomes less than 100% of the Federal Poverty Level (FPL).

Goals of the DSHP are to improve and expand access to healthcare to more adults and children throughout the State, create and maintain a managed care delivery system emphasizing primary care, and to strive to control the growth of healthcare expenditures for the Medicaid population.

In order for the Diamond State Health Plan 1115 Demonstration Waiver to continue past the expiration date, the State must request an extension no later than June 30, 2013. The duration of the extension being requested is January 1, 2014 through December 31, 2016.

Under the Diamond State Health Plan (DSHP) renewal, Delaware seeks to build on the successes of the existing waiver while integrating the waiver's programs and benefits to deliver better health outcomes more efficiently and to align the waiver with the Affordable Care Act's new requirements. Delaware plans on the following specific proposed waiver renewal initiatives:

- To expand Medicaid eligibility to individuals with income at or below 133% of the Federal Poverty Level (FPL) beginning January 1, 2014;
- To incorporate the new simplified Medicaid eligibility methodology called "modified adjusted gross income" (MAGI) to the extent required by the ACA;
- To follow MAGI eligibility groups once federal regulations are finalized; and,
- To ensure enrollment without interruption in coverage to the maximum extent possible for individuals who are not categorically eligible for Medicaid, the State also plans to implement a transition plan consistent with the provisions of the ACA.

A draft of Delaware's waiver renewal application is currently available on the Division of Medicaid and Medical Assistance (DMMA) website at: <http://dhss.delaware.gov/dhss/dmma/>.

Hard copies are available for review at the Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, Holloway Campus, Lewis Building, Conference Room 198, New Castle, Delaware 19720 from 8:00 a.m. – 4:30 p.m.

The public is invited to review and comment on the State's proposed waiver renewal request. Written comments may be sent 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 via fax to 302-255-4425. For consideration, written comments must be received by 4:30 p.m. on June 12, 2013. Please identify in the subject line: Proposed Diamond State Health Plan 1115 Waiver Renewal.

As required by 42 CFR Part 431, Subpart G, the State agency is providing the following opportunities to the public to comment on the proposed waiver renewal application in person. Two (2) public hearings are scheduled. The detailed information for each public hearing is shown below.

1. NEW CASTLE COUNTY

Wednesday, May 22, 2013, 1:00-3:00 pm
Delaware State Police, Troop 2,
Robert Paris Community Room
100 Lagrange Avenue
Newark, DE 19702

2. KENT COUNTY

Thursday, May 23, 2013, 1:00-3:00 pm
DNREC
Richardson and Robbins Building
DNREC Auditorium
89 Kings Highway
Dover, DE 19901

The State will take verbal and written comments at the public hearings. The outcome of this process and the input provided will be summarized for CMS upon submission of the final application for a waiver renewal extension.

If you are unable to attend the public hearing in person, you may participate by teleconference. To participate via teleconference, on the date and time of the public hearing, call 1-877-366-0711 and enter passcode 95099070#.

If you require special assistance or auxiliary aids and/or services to participate in the public hearing (e.g., sign language or wheelchair accessibility), please call the following contact at least five (5) days prior to the hearing for arrangements:

Latoya Wright at (302) 255-9561

The prompt submission of requests helps to ensure the availability of qualified individuals and appropriate accommodations in advance.

**DIVISION OF SOCIAL SERVICES
Food Supplement Program
Time Limit for Able-bodied Adults
PUBLIC NOTICE**

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 policies in the Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, ~~Time Limit for Able-bodied Adults~~ Maintaining and Regaining ABAWD Eligibility.

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 May 31, 2013.

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 SUBSTANCE ABUSE AND MENTAL HEALTH
House Bill 311 Regulations
6002 Credentialing Mental Health Screeners and Payment for Voluntary Admissions
PUBLIC NOTICE**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 16 of the Delaware Code, Chapter 51, Delaware Health and Social Services (DHSS) / Division of Substance Abuse and Mental Health is proposing regulations for credentialing mental health screeners and paying for voluntary admissions to privately operated psychiatric hospitals.

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 Dara Schumaier, Division of Substance Abuse and Mental Health, 1901 North DuPont Highway, New Castle, Delaware 19720 or by fax to (302) 255-4428 by May 31, 2012.

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
OFFICE OF THE COMMISSIONER
1003 Credit for Reinsurance
PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed Department of Insurance Regulation 1003 relating to Credit for Reinsurance [Formerly Regulation 79]. The docket number for this proposed regulation is 2202.

The proposed regulation supports the Credit for Reinsurance Act (18 **Del.C.** §§910-916) and reinsurance collateral reforms by establishing requirements for regulating qualified reinsurers, reinsurance risk diversification and notice requirements for ceding insurers. The Delaware Code authority for the change is 18 **Del.C.** §311 and §915; and 29 **Del.C.**, Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed regulation. The proposed regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at: www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml

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 regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Friday, May 31, 2013. Any such requests should be directed to:

Regulatory Specialist Rhonda West
Delaware Department of Insurance
841 Silver Lake Boulevard
Dover, DE 19904
Phone: (302) 674-7379
Fax: (302) 739-5566
Email: rhonda.west@state.de.us

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH AND WILDLIFE
3581 Spiny Dogfish
PUBLIC NOTICE

The purpose of this action is to amend the spiny dogfish (*Squalus acanthias*) regulation with modification to the daily commercial "take, land or possess" limit. The Department was requested to consider an increase in the "daily take, land or possess" limit from 3,000 pounds to 10,000 pounds at a recent Advisory Council on Tidal Finfisheries meeting. This request was subsequently endorsed by the Council.

The Northeast Fisheries Science Center's most recent update on the status of spiny dogfish found that the population is not overfished and overfishing is not occurring. Spawning stock biomass has exceeded target levels for the past five years. In response, the Atlantic States Marine Fisheries Commission (ASMFC) roughly doubled the annual quota for Delaware with the adoption of Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish. Addendum III allows states from New York through North Carolina to set possession limits as best meets their needs.

In 2011, 30,670 pounds (17%) of Delaware's 179,200 pound quota were harvested. Spiny dogfish have a low market value and the current 3,000 pound daily limit makes it economically unfeasible for commercial harvesters to target the species. Further, spiny dogfish often occur in tremendous schools and allowing a higher daily limit would minimize discard losses and improve harvest efficiency in the gill net fishery. In recent years, the high biomass of spiny dogfish has been implicated in the decline of several ecologically and economically important species, including weakfish and herrings.

The spiny dogfish quota is monitored using mandatory catch reports and a federal dealer reporting system, making it unlikely that Delaware would exceed its quota allocation.

The hearing record on the proposed changes to §3581 Spiny Dogfish will be open May 1, 2013. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on May 23, 2013 beginning at 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES
DIVISION OF FAMILY SERVICES
301 Criminal History Record Checks for Child Care Persons
PUBLIC NOTICE

The Office of Child Care Licensing proposes to amend Criminal History Record Checks for Child Care Persons in order to clarify and streamline regulations and to comply with changes to Delaware and Federal Code.

A copy of the proposed regulations is being published in the May 1, 2013 edition of the Delaware *Register of Regulations*. Interested parties wishing to offer comments on the proposed regulations or submit written suggestions, data, briefs or other materials concerning the proposed regulations must submit same to Elizabeth Timm, Office of Child Care Licensing, 1825 Faulkland Road, Wilmington, Delaware 19805 or by fax to 302-633-5112 by the close of business on May 31, 2013.

The action concerning the determination of whether to adopt the proposed regulations will be based upon staff analysis and the consideration of the comments and written materials filed by other interested persons.

DIVISION OF FAMILY SERVICES
302 Child Abuse Registry Checks for Child Care and Health Care Persons
PUBLIC NOTICE

The Office of Child Care Licensing proposes to amend Child Abuse Registry Checks for Child Care and Health Care Persons in order to clarify and streamline regulations and to comply with changes to Delaware Code.

A copy of the proposed regulations is being published in the May 1, 2013 edition of the Delaware *Register of Regulations*. Interested parties wishing to offer comments on the proposed regulations or submit written suggestions, data, briefs or other materials concerning the proposed regulations must submit same to Elizabeth Timm, Office of Child Care Licensing, 1825 Faulkland Road, Wilmington, Delaware 19805 or by fax to 302-633-5112 by the close of business on May 31, 2013.

The action concerning the determination of whether to adopt the proposed regulations will be based upon staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
2900 Real Estate Commission
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission has proposed revisions to its rules and regulations.

A public hearing will be held on June 13, 2013 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 Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be June 28, 2013, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting on July 11, 2013 at 9:30 a.m., at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed an addition to Rule 13.0 to permit licensees to obtain continuing education credit for completion of a broker's licensing course. In addition, there is a typographical correction to Rule 13.1.

DIVISION OF PROFESSIONAL REGULATION
2925 Real Estate Commission Education Committee
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission has proposed revisions to the Real Estate Commission Education Guidelines (the "Guidelines").

A public hearing will be held on June 13, 2013 at 9:15 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 Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be June 28, 2013, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting on July 11, 2013 at 9:15 a.m., at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed revisions to Rule 3.0, pertaining to the composition of the Education Committee. These revisions will facilitate the appointment and retention of Education Committee members and ensure that their meetings have a quorum. In addition, Rule 6.7 is added to permit licensees to obtain continuing education credit for completion of a broker's licensing course.

**DIVISION OF PROFESSIONAL REGULATION
5300 Board of Massage and Bodywork
PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §5306(a)(1), the Delaware Board of Massage and Bodywork has proposed revisions to its rules and regulations.

A public hearing will be held on June 20, 2013 at 1:45 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 Massage and Bodywork, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be July 5, 2013, which is 15 days following the public hearing. The Board will deliberate on all of the public comments at its regularly scheduled meeting on August 15, 2013, at 1:45 p.m., at which time the Board will decide whether to adopt the revisions as proposed.

The Board has proposed extensive revisions to the rules and regulations. Certain revisions implement amendments to the Board's licensing law, Chapter 53 of Title 24 of the Delaware Code. In particular, all certified massage technicians shall be required to provide clients with client disclosure forms stating that services will be provided by a certified massage technician and not by a licensed massage therapist. This disclosure form will further advise clients that certified massage technicians are not authorized to treat medically diagnosed conditions. The revisions also add Standards of Professional Conduct for licensees and fines for unlicensed practice. The rules and regulations pertaining to continuing education have been revised to specify that, effective the 2014 – 2016 renewal period, all licensees must complete 24 hours of continuing education. Finally, the rules and regulations are updated for clarity and consistency.

**DIVISION OF PROFESSIONAL REGULATION
CONTROLLED SUBSTANCE ADVISORY COMMITTEE
Uniform Controlled Substances Act Regulations
PUBLIC NOTICE**

Pursuant to 16 **Del.C.** §4731, the Delaware Controlled Substance Advisory Committee has proposed revisions to its rules and regulations. The rules and regulations are re-organized for greater clarity and expanded to incorporate pertinent provisions from Chapter 47 of Title 16. The rules pertaining to security in dispensing, now set forth in Rule 7.0, are amended for greater public protection. Rule 8.0 is added to address dispensing by practitioners.

A public hearing will be held on May 29, 2013 at 9:30 a.m., Buena Vista Conference Center, 661 South DuPont Highway, New Castle, DE 19720. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Controlled Substance Advisory Committee, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Committee at the above address. In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be June 13, 2013, which is 15 days following the public hearing.

16 DE Reg. 1206 (05/01/13)