

**DEPARTMENT OF AGRICULTURE
DELAWARE STANDARDBRED BREEDERS' FUND**

PUBLIC NOTICE

502 Delaware Standardbred Breeders' Fund Regulations

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 adopt such measures found at 29 **Del.C.** §4815(b)(3)b.2.D and in compliance with Delaware's Administrative Procedures Act, 29 **Del.C.** §10115. The proposed amended regulation constitutes a modification of one existing regulation. The proposed amendment of regulation 13.8 adds two words which clarify the qualification requirement for horses earning a place in finals at each racetrack.

The Fund solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulation. The deadline for the filing of such written comments will be thirty days (30) after this proposed amended regulation is promulgated in the *Delaware Register of Regulations*.

Any such submissions should be mailed or delivered to Ms. Judy Davis-Wilson, Administrator, Delaware Standardbred Breeders' Fund whose address is State of Delaware, Department of Agriculture, 2320 South duPont Highway, Dover, Delaware 19901 by December 1, 2010.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, November 18, 2010 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

Medicaid-Related General Assistance (GA) Program and Temporary Assistance for Needy Families (TANF) Program Changes

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 amending the Title XIX Medicaid State Plan and the Division of Social Services Manual (DSSM) regarding Medicaid-related General Assistance and TANF changes.

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 November 30, 2010.

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

PUBLIC NOTICE

Public Assistance Reporting Information System (PARIS)

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 Delaware Title XIX Medicaid State Plan and the Division of Social Services Manual regarding the *Public Assistance Reporting Information System (PARIS)*.

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 November 30, 2010.

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
PUBLIC NOTICE

Delaware Medicaid and CHIP Managed Care Quality Assessment & Improvement Strategy Draft

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 announcing a thirty (30)-day public comment period on its draft of the State's Draft Quality Strategy for healthcare 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 November 30, 2010.

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
PUBLIC NOTICE

DSSM: Citizenship and Alienage

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 make administrative changes to the Division of Social Services Manual (DSSM) regarding *Citizenship and Alienage*.

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 November 30, 2010.

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 JUSTICE

DIVISION OF SECURITIES

PUBLIC NOTICE

Rules and Regulations Pursuant to the Delaware Securities Act

In compliance with the State's Administrative Procedures Act (APA -Title 29, Chapter 101 of the Delaware Code) and section 7325(b) of Title 6 of the Delaware Code, the Division of Securities of the Delaware Department of Justice hereby publishes notice of a proposed revision to the Rules and Regulations Pursuant to the Delaware Securities Act. The Division hereby proposes numerous changes to the rules and regulations governing administrative proceedings before the Securities Commissioner for the State of Delaware.

Persons wishing to comment on the proposed revision may submit their comments in writing to:

Peter O. Jamison, III
Securities Commissioner
Department of Justice
State Office Building, 5th Floor
820 N. French Street
Wilmington, DE 19801

The comment period on the proposed revision will be held open for a period of thirty days from the date of the publication of this notice in the Delaware Register of Regulations.

VICTIMS' COMPENSATION ASSISTANCE PROGRAM ADVISORY COUNCIL

301 Victims' Compensation Assistance Program Rules and Regulations

PUBLIC NOTICE

The Department of Justice Victims Compensation Assistance Program proposes to add an additional section, 28.0, to Regulation 301 relating to payment of claims. The VCAP currently pays medical claims for approved crime victims when they do not have other insurance which covers the medical expenses. The VCAP is the payer of last resort for these medical claims and other health insurance. Medicaid and/or Medicare must pay first before VCAP pays. In 1992 the Violent Crimes Compensation Board (now VCAP) developed letters of agreement with most local hospitals to pay 80% of the billed amount; and the hospitals agreed to accept this as payment in full.

This regulation would require that VCAP pay all medical providers at 80% of the usual and customary charge for services. This amount would be considered payment in full, and the medical provider would be unable to collect any additional monies from the victim, or from third parties. Enactment of this regulation would help preserve and extend the Victims Compensation Assistance Program funds and bring VCAP more in line with other companies who pay medical claims.

The VCAP Advisory Council considered applying this formula to mental health and dental claims, as well; but deferred action on that pending further study and comment.

The Department of Justice Victims Compensation Assistance Program will hold public hearings on these proposed amendments on Monday November 22 beginning at 5pm in the Carvel State Office Building Auditorium and on Tuesday November 23 beginning at 3pm at the Tatnall Building Room 113, Dover Delaware. Interested persons may submit comments in writing to Barbara Brown, VCAP, 900 King Street, Suite 4, Wilmington Delaware. Statements and testimony may be presented either orally or in writing at the public hearings.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**

DIVISION OF AIR AND WASTE MANAGEMENT

1302 Delaware Regulations Governing Hazardous Waste

TITLE OF THE REGULATIONS:

Delaware Regulations Governing Hazardous Waste (RGHW)

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 is proposing to make miscellaneous changes to the *RGHW* that correct existing errors in the hazardous waste regulations, add clarification or enhance the current hazardous waste regulations. Some of the changes DNREC is proposing to make are already in effect at the federal level. Additionally, DNREC is proposing to adopt required federal regulations and miscellaneous changes to correct errors and add consistency or clarification.

NOTICE OF PUBLIC COMMENT:

The public hearing on the proposed amendments to RGHW will be held on Wednesday December 1, 2010 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

DIVISION OF FISH AND WILDLIFE

3214 Horseshoe Crab Annual Harvest Limit

TITLE OF THE REGULATIONS:

3214 Horseshoe Crab Annual Harvest Limit

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

This action extends the effective date of Delaware's annual horseshoe crab quota allocation through April 30, 2013. This regulatory modification is required for Delaware to be compliant with Addendum VI to the Atlantic State's Marine Fisheries Commission's Interstate Fishery Management Plan for Horseshoe Crab. Addendum VI extends the provisions of Addendum V through April 30, 2013. The addendum prohibits the directed harvest and landing of all horseshoe crabs in Delaware from January 1 through June 7, and female horseshoe crabs from June 8 through December 31. Delaware's annual harvest is restricted to 100,000 male horseshoe crabs per year. If Delaware's annual horseshoe crab quota allocation is exceeded in any calendar year, the overage is deducted from the following year's quota allocation.

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 November 23, 2010 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, November 30, 2010.

PREPARED BY:

Stewart Michels 735-2970 stewart.michels@state.de.us 28 September 2010

DIVISION OF PARKS AND RECREATION
9202 Regulations Governing Natural Areas and Nature Preserves

TITLE OF THE REGULATIONS:

Regulations Governing Natural Areas and Nature Preserves

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

To clarify processes associated with nominating and delisting Natural Areas and dedicating Nature Preserves. The current regulations are confusing and erroneous in some sections, and focus on Nature Preserve management plans. A total rewrite of the regulations provide a better focus on identifying Natural Areas and dedicating Nature Preserves. There is no cost associated with the proposed regulation.

NOTICE OF PUBLIC COMMENT:

Oral or written comments may be presented at a public hearing to be held on Wednesday, December 1, 2010 beginning at 5:00 PM in the DNREC Richard and Robbins Auditorium, 89 Kings Highway, Dover, DE. Interested parties may submit comments in writing to: Eileen M. Butler, DNREC Parks and Recreation, 89 Kings Highway, Dover, DE 19901.

PREPARED BY:

Eileen M. Butler (302) 739-9235 Eileen.Butler@state.de.us October 15, 2010

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
OFFICE OF THE SECRETARY
PUBLIC NOTICE

1101 Regulations Governing Travel Restrictions During A State Of Emergency

Type of Regulatory Action Required

Promulgation of Rules and Regulations pursuant to 20 Del. C. Sections 3116(b) (12) and 3121

Synopsis of Subject Matter of the Regulation

The Secretary of Safety and Homeland Security intends to promulgate rules and regulations as they relate to travel restrictions during a State of Emergency.

The proposed regulation develops a system and structure for the activation of travel restrictions during a State of Emergency and creates an avenue for the Secretary of Safety and Homeland Security to grant waivers to persons and/or entities which have a valid significant health, safety or business necessity.

Any person may submit their views, comments, concerns and recommendations by close of business on or before November 30, 2010 to Elizabeth Olsen, Deputy Secretary, at the Department of Safety and Homeland Security, 303 Transportation Circle, P.O. Box 818, Dover, Delaware 19903. A copy of the proposed regulations is available from the above address.

OFFICE OF HIGHWAY SAFETY
1201 Driving Under the Influence Evaluation Program, Courses Of Instruction,
Programs of Rehabilitation and Related Fees
1204 Drinking Driver Programs Standard Operating Procedures
PUBLIC NOTICE

The Secretary of Safety and Homeland Security intends to amend 2 **DE Admin. Code** 1201 and 1204 for the purpose of increasing the fees DUI Evaluation, Education, and Referral programs are permitted to charge offenders. These programs are fee-for-service and are governed by the Department of Safety and Homeland Security, Office of Highway Safety.

These providers were last permitted to increase their fees in 2001. Proposed fee increases are below the fair market value of these services in the private sector.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before November 30, 2010 to Lisa Shaw, Deputy Director, Office of Highway Safety, PO Box 1321, Dover, DE 19903. A copy of this regulation is available from the above address.

OFFICE OF HIGHWAY SAFETY
1206 Approved Motorcycle Helmets and Eye Protection
PUBLIC NOTICE

The Delaware Department of Safety and Homeland Security proposes to amend Regulation 1207 of the Office of Highway Safety's regulations to more clearly specify what motorcycle helmets and eye protection are approved for use in Delaware by the Secretary of the Department. Written comments concerning this proposed amendment should be submitted to Jana Simpler, Director, Office of Highway Safety, P.O. Box 1321, Dover, DE. 19903 on or before December 1, 2010, for consideration before a final regulation is adopted.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
4400 Delaware Manufactured Home Installation Board

Pursuant to 24 **Del.C.** §4416(b)(1), the Manufactured Home Installation Board has proposed revisions to its rules and regulations.

A public hearing will be held on November 22, 2010 at 9:15 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 Manufactured Home Installation Board, 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 has proposed revisions to Rule 9.0. The Board's licensing law, Chapter 44 of Title 24 of the Delaware Code, provides that all manufactured home installations must be performed in compliance with the requirements of the United States Department of Housing and Urban Development ("HUD"). See 24 **Del.C.** §4421(b). The revisions to Rule 9.0 expressly incorporate HUD's installation requirements. In particular, the rules reference specific sections of the Code of Federal Regulations. These amendments will make explicit what is already included in the Board's licensing law and will, therefore, provide greater clarity and greater protection for the public.

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

DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
5100 Board of Cosmetology and Barbering

Pursuant to 24 **Del.C.** §5106(a)(1), the Board of Cosmetology and Barbering has proposed revisions to its rules and regulations.

A public hearing will be held on November 29, 2010 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 Board of Cosmetology and Barbering, 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 has proposed numerous revisions to the rules and regulations. A number of revisions implement amendments to the Board's licensing law, Chapter 51 of Title 24 of the Delaware Code, which went into effect on June 26, 2010. In particular, certain rules have been revised to implement the enhanced education requirements for nail technicians and aestheticians.

Further, in Rule 2.0, the requirements for temporary work permits are amended to ensure that a permanent license is obtained in a timely manner. The apprenticeship requirements, in Rule 3.0, are also revised to enable the Board to more effectively monitor apprentices and their status pertaining to completion of the required hours. Rule 11.0, pertaining to the requirements for schools, makes clear that all instructors must be licensed. Finally, Rule 14.7 specifies that nail technicians are prohibited from performing any type of hair removal.

The Board proposes striking the existing rules and regulations in their entirety and replacing them with the rules and regulations set forth herein.

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