

DEPARTMENT OF AGRICULTURE

HARNESS RACING COMMISSION

PUBLIC NOTICE

501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 **Del.C.** 10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments to the "Lasix rules" thereby allowing rules more favorable to the welfare of the horse.

After discussions, which included technical experts, regulatory officials, and harness racing stakeholders, on January 16, 2018, the DHRC Rules Committee voted to recommend this rule amendment package to the full DHRC. On February 20, 2018, at its regular monthly meeting, the DHRC unanimously approved these proposed amendments. The DHRC rules committee meetings and DHRC regular monthly meetings are publicly noticed open meetings. Subsequent to a 30-day comment period from April 1 to May 1, 2018 and notice in the *Register of Regulations*, the DHRC plans to finalize the regulations on May 8, 2018 during its regularly scheduled monthly meeting. The meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00am. Written comments must be received by COB May 1, 2018. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, April 19, 2018 at 5:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Reimbursement Methodology for FQHCs

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 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 proposing to amend Title XIX Medicaid State Plan regarding the reimbursement methodology for Federally Qualified Health Centers (FQHCs), specifically, to align DMMA reimbursement policy with the costs of operating Delaware FQHCs.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on May 1, 2018. Please identify in the subject line: Reimbursement Methodology for FQHCs

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 PUBLIC HEALTH

PUBLIC NOTICE

4471 Massage and Bodywork Facilities

The Division of Public Health, Department of Health and Social Services, is proposing new regulations for facilities that offer massage and body work services. The regulations are in response to the revisions to 24 **Del.C.** §§5306(b) and 5314(b) which provide the Division of Public Health the authority to promulgate these regulations. On April 1, 2018, DPH plans to publish as proposed the new regulations, and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the April 1, 2018 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the DPH at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Elisabeth Scheneman by Friday, May 4, 2018, at:

Elisabeth Scheneman
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: elisabeth.scheneman@state.de.us
Phone: (302) 744-4951

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DIVISION OF FAMILY SERVICES OFFICE OF CHILD CARE LICENSING

PUBLIC NOTICE

101 DELACARE: Regulations for Early Care and Education and School-Age Centers

The Office of Child Care Licensing (OCCL) proposes to amend DELACARE: Regulations for Early Care and Education and School-Age Centers. This proposal includes the following changes:

- Using plain language throughout the regulation;
- Clarification regarding the requirement for lead-paint risk assessments for centers that were built before 1978, including abatement for lead-paint hazards;
- Radon testing, including mitigation if necessary,
- Air quality testing for centers located in building/structure that contains or contained a dry cleaner, nail salon, or any other use that may result in an unacceptable indoor air quality;
- Comprehensive background checks for applicants, licensees, staff members, and volunteers before being alone with children;
- Certified staff at all times to administer medications, as needed;
- Reasonable accommodations for children's medical needs, including administering non-intravenous medication; and
- Suspension and expulsion policies.

Requiring centers to be free of lead and radon hazards and the additional requirement for centers located in a building/structure that contains or contained a business that may result in unacceptable air quality to have the air quality tested protects children's health. Comprehensive background checks and suspension and expulsion policies are required to comply with the Child Development Block Grant Act of 2014. Lastly, by amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principles of the Americans with Disabilities Act.

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on May 31, 2018. Public hearings will be held in each county on the following dates: May 1, 2018, from 6:30 pm -7:30 pm, at the Bear Library, 101 Governor's Place, Bear, DE Room 1 A & B; April 30, 2018, from 6:30 pm -7:30 pm, at OCCL 821 Silver Lake Blvd. Dover, DE, and May 2, 2018, from 6:30 pm -7:30 pm, at the Milton Library 121 Union St. Milton, DE.

DIVISION OF FAMILY SERVICES OFFICE OF CHILD CARE LICENSING

PUBLIC NOTICE

103 Regulations for Family and Large Family Child Care Homes

The Office of Child Care Licensing (OCCL) proposes to amend DELACARE: Regulations for Family and Large Family Child Care Homes. This proposal includes the following requirements:

- Lead-paint risk assessments for family child care homes that were built before 1978, including abatement for lead-paint hazards;
- Radon testing for family and large family homes, including mitigation if necessary,
- Air quality testing for large family homes located in a commercially zoned building/structure that contains or contained a dry cleaner, nail salon, or any other use that may result in an unacceptable indoor air quality;
- Comprehensive background checks for applicants, licensees, adult household members, staff members, and volunteers;

- Qualified staff at all times to administer medications, as needed;
- Reasonable accommodations for children's medical needs, including administering non-intravenous medication; and
- Suspension and expulsion policies.

Requiring family and large family homes to be free of lead and radon, and the additional requirement for large family homes located in commercially located buildings that contain or contained a business that may result in unacceptable air quality to have the air quality tested protects children's health. Lastly, by amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principles of the Americans with Disabilities Act.

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on May 31, 2018. Public hearings will be held in each county on the following dates: May 1, 2018, from 6:30 pm -7:30 pm, at the Bear Library, 101 Governor's Place, Bear, DE Room 1 A & B; April 30, 2018, from 6:30 pm -7:30 pm, at OCCL 821 Silver Lake Blvd. Dover, DE, and May 2, 2018, from 6:30 pm -7:30 pm, at the Milton Library 121 Union St. Milton, DE.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
3000 BOARD OF PROFESSIONAL COUNSELORS OF MENTAL HEALTH AND CHEMICAL DEPENDENCY
PROFESSIONALS
PUBLIC NOTICE

The Delaware Board of Mental Health and Chemical Dependency Professionals, pursuant to 24 **Del.C.** §3006(a)(1), proposes to revise its regulations. The proposed amendments to the regulations seek to bring the regulations into conformity with current law and remove outdated, redundant, and inconsistent provisions. The proposed regulations clarify what is acceptable supervision to the Board and creates regulations for licensed art therapists and licensed associate art therapists pursuant to 24 **Del.C.** §§3060-3064.

The Board will hold a public hearing on the proposed rule change on April 25, 2018 at 12:00 p.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Nicole Williams, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until May 10, 2018.

PUBLIC SERVICE COMMISSION
PUBLIC NOTICE
3011 Rules for Certification of Electric Transmission Suppliers

In February 2018, the General Assembly passed, and the Governor enacted into law, the "House Bill 127," 81 Del. Laws ch. 205 (February 14, 2018). HB 127 amended Chapter 1, Subchapter II, Title 26 of the Delaware Code by adding "§203E Certificate of public convenience and necessity for new electric transmission utilities." Section 203E provides that no person or entity shall begin the business of an electric transmission utility providing transmission facilities, as defined in § 1001(26) of this title, without having first made application to and obtained from the Commission a certificate of public convenience and necessity ("CPCN") approving the person or entity as an electric transmission utility authorized to provide transmission facilities. The enactment of HB 127 recognized that, due to recent changes in federal law, certain new electric transmission utility projects will now be available to in-state and out-of-state entities. The goal of the HB 127 Act was to provide the Commission the necessary authority to determine whether to grant a CPCN for such projects. HB 127 provides factors the Commission shall consider in determining whether to grant an applicant's CPCN. The goal of HB 127 Act was to provide the Commission the necessary authority to determine whether to grant a CPCN such projects. HB 127 provides factors the Commission shall consider in determining whether to grant an applicant's CPCN.

HB 127 charges the Public Service Commission (the "Commission") with the duty to adopt various rules and regulations to implement the new CPCN statute and to protect the state ratepayers and the state from any impact on the State's economy and the benefits to the State's ratepayers and on the health, safety, and welfare of the general public. In accordance with various provisions added by the HB 127, the Commission Staff has proposed rules and regulations pertaining to:

(1) Whether PJM Interconnection, L.L.C. (or its successor) ("PJM") has selected the applicant to develop or own transmission facilities included in the regional transmission expansion plan approved through PJM's Federal Energy

Regulatory Commission-approved developer qualification and competitive procurement process, or if such PJM approval has not occurred: (26 **Del.C.** §203E(b)(1))

- a. The demonstrated experience, operating expertise, and long-term viability of the applicant or its affiliates, partners, or parent company (26 **Del.C.** §203E(b)(1)a.)
- b. The need for and impact of any transmission facilities proposed by the applicant on the safe, adequate, and reliable operation or delivery of electric supply services (26 **Del.C.** §203E(b)(1)b.); and
- c. The engineering and technical design of any transmission facilities proposed by the applicant (26 **Del.C.** §203E(b)(1)c.);

(2) The impact of granting the certificate of public convenience and necessity application on the State's economy and the benefits to the State's ratepayers (26 **Del.C.** §203E(b)(2)); and

(3) The impact of granting the certificate of public convenience and necessity application on the health, safety, and welfare of the general public.

By PSC Order No. 9193 (March 13, 2018), the Commission opened this docket to solicit comments concerning these proposed rules and regulations. The Commission intends to adopt rules and regulations pertaining to the above topics prior to implementing the CPCN requirements set forth in 26 **Del.C.** §203E.

Copies of the proposed rules and regulations are not available in the Delaware *Register of Regulations* until April 1, 2018. You may obtain a copy of the proposed rules and regulations from the Commission at its Dover office at the address set out below during normal business hours. You may also obtain an electronic copy of the proposed rules and regulations by accessing the State of Delaware's Internet website at: <http://www.state.us.de.us/govern/agencies/pubserv/major/major1.htm>.

The Commission solicits suggestions, compilations of data, briefs, or other written materials concerning the proposed rules and regulations and any additional rules or regulations which may be necessary or desirable to implement the provisions of 26 **Del.C.** §203E. If you wish to submit such materials, you must e-mail such materials to Joseph DeLosa at Joseph.DeLosa@state.de.us on or before Tuesday, May 1, 2018. In addition, two (2) copies of all filed materials should be served upon the Division of the Public Advocate, Carvel State Office Building, 820 N. French Street, Wilmington, DE 19801.

The Commission Staff is available to answer any questions concerning this proceeding. The Commission's toll-free telephone number in Delaware is (800) 282-8574. You may also make inquiries by voice telephone at (302) 736-7500 or by Internet e-mail to Joseph.DeLosa@state.de.us.

OFFICE OF THE STATE TREASURER

DIVISION OF DEBT AND CASH MANAGEMENT

PUBLIC NOTICE

1201 Statement of Objectives and Guidelines for the Investment of State of Delaware Funds

In accordance with the procedures set forth in 29 **Del.C.** Ch. 11, Subch. III, and 29 **Del.C.** Ch. 101, the Cash Management Policy Board (the "Board") is proposing to amend previously adopted regulations governing the deposit and investment of State funds, as permitted by 29 **Del.C.** §2716.

Members of the public may receive a copy of the proposed regulations at no charge by U.S. Mail by writing or calling Mr. Stephen McVay at the Office of the State Treasurer, 820 Silver Lake Boulevard, Suite 100, Dover, DE 19904, (302) 672-6711. Members of the public may present written comments on the proposed regulations by submitting such written comments to Mr. Stephen McVay at the address above. Written comments must be received on or before May 2, 2018.

The Board is authorized to establish policies (a) for the investment of all money belonging to the State or on deposit from its political subdivisions, except money deposited in any State pension fund or the State deferred compensation program, and (b) to determine the terms, conditions, and other matters relating to those investments including the designation of permissible investments. See 29 **Del.C.** §2716(a). The regulations, among other things, require collateralization of State deposits and establish maturity restrictions for securities purchased with State funds. See 1 Del. Admin. Code §1201. The proposed amendments modify existing collateralization requirements for depository banks and remove a seven-year cap on the maximum average maturity for reserve accounts managed by the State's investment managers. The regulations apply to and govern the conduct of depository banks, custodians and investment managers and will have no direct impact on individuals or businesses that do not serve in one of those capacities.