

CASH MANAGEMENT POLICY BOARD

PUBLIC NOTICE

Objectives and Guidelines for the Investment of State of Delaware Funds Designated as the Delaware Land and Water Conservation Trust Fund

In accordance with procedures set forth in 29 **Del.C.**, Ch. 11, Subch. III and 29 **Del.C.**, Ch. 101, the Cash Management Policy Board of the State of Delaware is proposing to adopt a regulation on objectives and guidelines for the investment of State funds designated as the Delaware Land and Water Conservation Trust Fund as described in 29 **Del.C.** §2716. The proposed regulation sets forth the rules governing practices for those investments.

Members of the public may receive a copy of the proposed regulation at no charge by United States Mail by writing or calling Ms. Angela Moffett-Batty, Secretary, Delaware Department of Finance, Carvel State Building, 820 North French Street, Wilmington, Delaware 19899-8763, phone (302) 577-8522, or facsimile at (302) 577-8565. Members of the public may present written comments on the proposed regulation by submitting such written comments to Ms. Moffett-Batty at the address of the Delaware Department of Finance as set forth above. Written comments must be received on or before December 31, 2014.

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on Tuesday, December 9, 2014 beginning at 1:30 p.m. A business meeting will be held on the following day, Wednesday, December 10, 2014 beginning at 12:15 p.m. The hearing and meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania. 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

PUBLIC NOTICE

501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 **Del.C.** §501, proposes to amend its rules and regulations. The proposed regulation changes address the practice of using an authorized agent, reference 5.3.3.25, 5.4, and 1.0 Definitions.

The DHRC Rules Committee originally voted to approve this rule amendment on September 30, 2014, and then the Delaware Harness Racing Commission (DHRC) subsequently voted to approve the proposed amendment at its October 16, 2014 monthly meeting. Both those meetings are noticed public meetings. Subsequent to this public notice in the *Register of Regulations*, the DHRC will leave the public comment period open until January 13, 2015 when the DHRC will hold its regularly scheduled monthly meeting. The DHRC January 2015 monthly meeting is public and is noticed on the state meeting notice website. Those 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 January 12, 2015. Those comments should be sent to the same address listed above for meeting location, attention Mark Davis.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, December 18, 2014 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

Title XIX Medicaid State Plan, Methods and Standards for Establishing Payment Rates - Primary Care Service Payment

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 the Delaware Title XIX Medicaid State Plan regarding Methods and Standards for Establishing Payment Rates, specifically, *Primary Care Service Payment*.

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 and Quality 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 December 31, 2014.

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

Title XIX Medicaid State Plan, State Plan Rehabilitative Services - Coverage and Reimbursement for Community Support Services

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 the Delaware Title XIX Medicaid State Plan regarding State Plan Rehabilitative Services specifically, *Coverage and Reimbursement for Community Support 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 and Quality 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 December 31, 2014.

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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF ENERGY AND CLIMATE

PUBLIC NOTICE

102 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions

The purpose of this action is to propose rules to govern how the Director of the Division of Energy & Climate (Director) and the Division of Energy & Climate (Division) administer their obligations under 26 **Del.C.** §354(i) & (j). The statute directs when and whether the Director may institute a freeze on the implementation of Delaware's Renewable Energy Portfolio Standards as provided for in 26 **Del.C.** §354(a).

Start Action Notice 2012-03 initiating this rule making process was issued April 16, 2012.

The hearing record on 102 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions (Proposed Rules to Implement 26 **Del.C.** §354(i) & (j)) will open December 1, 2014.

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 January 7, 2015 beginning at 6:00 p.m. in the Public Service Commission Hearing Room, Cannon Building, 861 Silver Lake Blvd., Dover, DE, 19904.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

DIVISION OF STATE POLICE

1300 BOARD OF EXAMINERS OF PRIVATE INVESTIGATORS & PRIVATE SECURITY AGENCIES

PUBLIC NOTICE

Notice is hereby given that the Board of Examiners of Private Investigators and Private Security Agencies, in accordance with 24 **Del.C.**, Ch. 13 proposes to amend Rule 13.0 – Agency Licensing Fees/Structure – removing the requirement of the Delaware manager bond and all other bonds will be a minimum of one year. If you wish to view the complete Rule,

contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by December 31, 2014, to Delaware State Police, Professional Licensing, P.O. Box 430, Dover, DE 19903.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES
DIVISION OF FAMILY SERVICES
Office of Child Care Licensing
PUBLIC NOTICE
101 Rules for Early Care and Education and School-Age Centers

The Office of Child Care Licensing (OCCL) proposes to amend the DELACARE: Regulations for Early Care and Education and School-Age Centers. A comprehensive review process was held in which all providers were asked to participate as part of the public hearing process for Executive Order 36 and a preliminary draft was created. The preliminary draft was posted on the OCCL website and comments were invited and received. Additional public comments were received from the Provider Advisory Board, from providers and stakeholders during a series of Task Force meetings, as well as written comments from other providers and stakeholders.

The proposed changes provide clarity, reflect changes in laws, align with current best practices, improve standards of care, and remove duplicative regulations. The revisions represent a consensus of participants including licensed providers and subject experts, and are based on best practice, a review of regulations promulgated by other States, research on subjects related to early care and education and school-age center care, internal OCCL review and discussion, and identified issues and services within existing programs within Delaware.

A draft of the Regulations was posted in the June 2014 *Register of Regulations* and comments accepted until August 31, 2014. Many comments were received from providers and other interested parties and were reviewed by the Office of Child Care Licensing, resulting in a revised set of proposed regulations.

Interested parties wishing to offer comments on the proposed regulations must submit them to Elizabeth Timm, Office of Child Care Licensing, 1825 Faulkland Road, Wilmington, Delaware 19805 or by fax to 302-633-5112 by 4:30 p.m. EST on January 5, 2015.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
200 BOARD OF LANDSCAPE ARCHITECTURE
PUBLIC NOTICE

The Delaware Board of Landscape Architects, pursuant to 24 **Del.C.** §205(a)(1), proposes to amend its rules and regulations. The proposed regulation changes address continuing education requirements and set forth a procedure by which licensees and continuing education sponsoring organizations may seek pre-approval of continuing education units. The proposed changes also bring the regulations into compliance with the Division of Professional Regulation's operating procedures and create continuity throughout the regulations.

The Board has rescheduled a public hearing on the proposed regulation change to February 12, 2015 at 9:00 a.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Lisa Smith, Administrative Specialist of the Delaware Board of Architects, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until February 27, 2015 pursuant to 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION
1400 BOARD OF ELECTRICAL EXAMINERS
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §1406(a)(1), the Delaware Board of Electrical Examiners has proposed revisions to its rules and regulations. The rules pertaining to electronic attestation, insurance, continuing education and crimes substantially related to the practice of electrical services are amended to provide current practices at the Division of Professional Regulation and the Board's desire to expand its crimes list.

A public hearing will be held on January 7, 2015 at 9:00 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 on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Electrical Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be January 22, 2015 which is 15 days following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION
1770 RESPIRATORY CARE PRACTICE ADVISORY COUNCIL
PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §1775(c), the Respiratory Care Practice Advisory Council ("the Council") of the Board of Medical Licensure and Discipline has proposed revisions to Rule 10.0, pertaining to renewal of licenses. In particular, Rule 10.3 is amended to state that a license that has expired may be renewed within one year after the expiration date. Currently, Rule 10.0 provides for a three year period for late renewal. Further, the revisions to Rule 10.3.1 add the requirement that a license in expired status as of December 1, 2014 must be renewed no later than November 30, 2015.

A public hearing will be held on January 14, 2015 at 3:00 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 Respiratory Care Practice Advisory Council, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Council at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be January 29, 2015, which is 15 days following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION
1900 BOARD OF NURSING
PUBLIC NOTICE**

The Delaware Board of Nursing, pursuant to 24 **Del.C.** §1904(c), proposes to revise regulations 8.10.2.1, 9.2.1.1.1.1.4, and 10.4.2.17. The proposed change at 8.10.2.1 simply corrects a cross-reference error. The proposed change at 9.2.1.1.1.1.4 brings Delaware into line with other states in regard to CME contact hours such that a contact hour will equal a clock hour; and the proposed change at 10.4.2.17 allows the Board to discipline a nurse who possesses, obtains, supplies or administers an illegal drug.

The Board will hold a public hearing on the proposed regulation change on January 14, 2015 at 9:00 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until January 29, 2015 pursuant to 29 **Del.C.** §10118(a).

**DIVISION OF PROFESSIONAL REGULATION
2600 EXAMINING BOARD OF PHYSICAL THERAPISTS AND ATHLETIC TRAINERS
PUBLIC NOTICE**

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

A public hearing will be held on January 27, 2015 at 4:30 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 Delaware 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 Sandra Wagner, the Board's administrative specialist at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be February 11, 2015, which is 15 days following the public hearing.

The Board's proposed amendments add a new Rule 14.0 pertaining to the practice of telehealth. This regulation sets forth standards and requirements in order to both permit this practice and protect the public.

Pursuant to review of the Board by the Joint Sunset Committee, the Board has proposed a new Rule 15.4 pertaining to the practice of dry needling. As the result of legislative changes to the Board's licensing law, dry needling is now part of the scope of practice for Physical Therapists. The new Rule 15.4 sets for prerequisites which must be met before a Physical Therapist can perform dry needling on patients.

**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. Section 2906(a)(1) gives the Commission the authority to "Formulate rules and regulations, with appropriate notice to those affected; Each rule or regulation shall implement or clarify a specific section of this chapter."

A public hearing will be held on January 15, 2015 at 9:00 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 Sandra Wagner, administration specialist for the Commission, at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be January 30, 2015, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting on February 12, 2015, at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed a new Rule 1.4.1 and revisions to Rule 8.0 which are designed to implement and clarify the auctioneer exemption set forth in 24 **Del.C.** §2901(e)(4). A new Rule 8.5.5.6 is added to provide advertising requirements for on-site unlicensed salespeople. Finally, Rule 13.0 is amended to clarify the continuing education pro-rata requirements.

**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 eliminate the need for inactive licensees to renew a license while inactive; set forth the specific requirements of direct supervision between LCDP supervisors and supervisees in order to be consistent with the other professions regulated by the Board; allow for direct supervision to take place by videoconferencing for LCDPs and LMFTs; and provide more detailed information regarding the curriculum requirements of LMFT candidates.

The Board will hold a public hearing on the proposed rule change on January 28, 2015 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 Jessica 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 February 12, 2015.

**DEPARTMENT OF TRANSPORTATION
DIVISION OF PLANNING AND POLICY
PUBLIC NOTICE**

2309 Standards and Regulations for Subdivision Streets and State Highway Access

The Delaware Department of Transportation (DelDOT), through its Division of Planning, seeks to adopt significant general revisions to its existing regulations regarding subdivisions streets and state highway access, to broaden the title of the regulations to "Development Coordination Manual," among several other changes.

The current regulations were generally enacted in 2007, and were revised in partial form in 2010 and are being repealed in their entirety. The proposed regulations are a comprehensive re-write of the entire Section 2309 of Title 2 of the Delaware Administrative Code. The changes take into account the issues and concerns identified and addressed as needing amendment by not only DelDOT staff, but also the end users of the current regulations.

The draft regulations were published at 17 DE Reg. 1055 (05/01/14), and written comments were sought. In addition, DelDOT held three public hearings regarding the proposed regulations, the notice for which appeared in 17 DE Reg. 1204 (06/01/14). These hearings were conducted on June 9, June 16, and June 23, 2014, in Kent, Sussex, and New Castle Counties respectively.

Based on the comments received, as well as additional review and input within the Department, DelDOT is now seeking additional comments regarding substantive changes made in the draft regulations issued May 1, 2014. Therefore, the regulations are being re-proposed.

The Department is also publishing another version of the draft regulations at its own website, which will show the changes between the version first proposed in 17 DE Reg. 1055 and the current proposed revisions to that draft. This

version can be seen at:

<http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>

The Department will take comments on the Regulations through December 31, 2014. The public may submit their comments to Marc Coté, P.E., Assistant Director for Development Coordination, via email (Marc.Cote@state.de.us) or in writing to his attention, Division of Planning, DeIDOT, P.O. Box 778, Dover, DE 19903.

**DIVISION OF TRANSPORTATION SOLUTIONS
PUBLIC NOTICE
2406 Policies and Procedures for Acquisition of Certain Real Property Interests**

The Department has broad statutory authority to acquire property in connection with state highway projects. However, an "Advanced Acquisition Committee" must review certain acquisitions of real property. The Department adopted past policies governing such acquisitions; nonetheless, these existing policies only applied to purchases of "fee simple" interests, and did not expressly apply to reservation agreements. In addition, while the Committee has the statutory authority to determine whether certain acquisitions are consistent with state planning goals, it does not have the power to determine the merits of such transactions.

The 2011 regulations were intended to implement specific recommendations for advanced acquisitions set forth in the Report of the Governor's Chief of Staff to Governor Markell dated January 7, 2011 (the "Report"). Specifically, the regulations would (1) require that the Committee review not only advanced acquisitions, but reservation agreements as well; (2) provide a process for the Committee to review the merits of reservation agreements; (3) require the Department to obtain independent appraisal for advanced acquisitions and reservations; (4) require that advanced acquisitions and reservations be reviewed by legal counsel; (5) require that the terms of advanced acquisitions and reservations be reflected in an agreement signed by the Department and the property owner; and (6) set out the process for the Committee to conduct its consistency review of certain real property acquisitions proposed by the Department, as contemplated by 17 **Del.C.** §137(a)(2).

These draft regulations appeared in the Delaware *Register of Regulations* on February 1, 2011, at 14 **DE Reg.** 800, and the written comment period ended March 5, 2011.

No comments were received.

Nonetheless, these regulations were not adopted. Instead, additional proposed regulatory changes were discussed with the Advanced Acquisition Committee during 2011, as well as among Department staff. No further action toward adoption took place thereafter, however.

The Department has now determined to go forward with draft regulations regarding the Committee and its oversight of this aspect of the Department's responsibilities. The new draft regulations incorporate and amend the prior draft regulations published in 14 **DE Reg.** 800, taking into account changes in the Department's management structure since that time, and add new provisions to reflect past discussions among the Administration, the Department, and the Committee. Among other alterations, these revised proposed regulations deal with certain special property acquisitions that are not necessarily tied to a particular project location, as is usually the case for properties it acquires for most highway-related projects. This draft incorporates these additional provisions.

The Department will take written comments on the proposed Regulations Establishing Policies and Procedures for Acquisition of Certain Real Property Interests from December 1, 2014 through December 31, 2014.

Any requests for copies of the proposed Regulations, or any questions or comments regarding this document should be directed to:

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Division of Transportation Solutions
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