

DELAWARE STATE FIRE PREVENTION COMMISSION

PUBLIC NOTICE

710 Ambulance Service Regulations

The Delaware State Fire Prevention Commission, pursuant to 16 **Del.C.** §6604(1), proposes to revise regulation 710 to make many non-substantive and clarifying changes as well as adding provisions regarding bariatric ambulance requirements and updating ambulance compartment requirements to conform with current NFPA standards. The proposed regulations do not affect other existing regulations.

Written comments to the proposed revisions shall be sent to Sherry Lambertson, Executive Assistant for the Delaware State Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments will be accepted until February 1, 2020 pursuant to 29 **Del.C.** §10118(a).

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting January 16, 2020 at 5:00pm in the Professional Development Center of the Early Years Center in the Red Clay School District (1621 Telegraph Rd. Wilmington, DE).

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Medicaid and Medical Assistance

PUBLIC NOTICE

Non-Emergency Medical Transportation (NEMT)

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 transportation specifically, to establish coverage and reimbursement methodologies for non-emergency medical transportation (NEMT) 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, 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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on January 31, 2020. Please identify in the subject line: Non-emergency Medical Transportation (NEMT).

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

Adult Dental

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 Dental Services, specifically, to add dental services for adults.

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on January 31, 2020. Please identify in the subject line: Adult Dental.

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
Medicaid Long Term Care Program – Community Spouse

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 Division of Social Services Manual (DSSM) regarding the Medicaid Long Term Care Program, specifically, to determine eligibility for medical assistance.

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on January 31, 2020. Please identify in the subject line: Medicaid Long Term Care Program – Community Spouse.

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 XXI Delaware Healthy Children's Program State Plan – Health Services Initiatives – Vision Services – School-Based Initiative

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 XXI Delaware Healthy Children's Program State Plan regarding Health Services Initiatives, specifically, *to revise language for Delaware's CHIP State Plan Health Service Initiative to align with the Delaware Department of Education's (DDOE's) definition of low-income in its Vision Services - School-Based Initiative, and to revise the data collection process to aid in identification of uninsured children.*

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on January 31, 2020. Please identify in the subject line: Health Services Initiatives - Vision Services - School-Based Initiative.

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 Social Services
PUBLIC NOTICE
Determining Special Needs and Income Eligibility for Child Care

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 Social Services (DSS) is proposing to amend the Division of Social Services Manual regarding Child Care, specifically, to determine special needs and income eligibility for child care.

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on January 31, 2020. Please identify in the subject line: Determining Special Needs and Income Eligibility for Child Care.

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 Social Services
PUBLIC NOTICE
Child Care Subsidy Program Terms

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 Social Services (DSS) is proposing to amend the Division of Social Services Manual regarding Child Care, specifically, to update term definitions.

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@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on January 31, 2020. Please identify in the subject line: Child Care Subsidy Program Terms.

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
Fraud and Consumer Protection Division
Investor Protection Unit
PUBLIC NOTICE
Rules 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 73-102(b) of Title 6 of the Delaware Code, the Investor Protection Unit of the Delaware Department of Justice ("the Unit") hereby publishes notice of a proposed revision to the Rules Pursuant to the Delaware Securities Act.

The proposed revision amends existing Rules as follows:

- The proposed amendments include an amendment of Rule 102 relating to requests for interpretive opinion. It will increase the requisite fee for interpretive opinions and clarifies that the fee will be charged for each question asked, even if posited as one request, in recognition of the amount of time it can take to draft the requested opinion.
- The proposed amendments also include an amendment to Rule 502 relating to limited offering exemptions. The amendment will delete reference to Rule 505 of SEC Regulation D (17 C.F.R. §§230.505), which was repealed in 2016.
- The proposed amendments also include an amendment to Rule 700(d) to require investment adviser sole proprietorships to register at least one investment adviser representative with IPU.
- The proposed amendments also include revisions to Rules 611 and 712 relating to the requirement that Broker-Dealers (Rule 611) and Investment Advisers (Rule 712) with a place of business in Delaware display a sign bearing certain language in the public area of their place of business. The amendment modifies the requisite language to reflect that registration by IPU does not mean that IPU is endorsing a firm.

Persons wishing to comment on the proposed revision may submit their comments in writing no later than January 31, 2020, to:

Jillian Lazar
Investor Protection Director
Department of Justice, Investor Protection Unit
State Office Building, 5th Floor
820 N. French Street
Wilmington, DE 19801

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
Division of Fish and Wildlife
PUBLIC NOTICE
3300 Non-Tidal Finfish

The Department provides a put-and-take freshwater trout fishery each spring in select piedmont streams of New Castle

County. Appropriate waters for stocking freshwater trout are limited due to restricted public access and trout habitat requirements. Development, property rights and population growth have reduced public access on some of Delaware's Designated Trout Streams, while freshwater trout angling has remained a seasonally popular activity. The acquisition of property along Pike Creek by Delaware State Parks (White Clay Creek State Park - Judge Morris Estate) provides an opportunity to expand Delaware's trout stocking sites and increase public access to Pike Creek's freshwater trout fishery.

The amendment proposed by this action will extend the defined Designated Trout Waters on Pike Creek downstream approximately 0.9 miles to the bridge at Route 2 (Kirkwood Highway). This will accommodate freshwater trout stocking and improve angler access to the put-and-take freshwater trout fishery on Pike Creek. Waters defined as a Designated Trout Stream are closed to all fishing 14 days before the trout season's opening day to provide for stocking, fish acclimation and dispersion and to provide fair access through an established starting time and date. Unless lawfully exempt, a trout stamp is required to fish a Designated Trout Stream from the first Saturday in April through June 30 and from the first Saturday in October through November 30 (\$2.10 resident youth / \$4.20 resident adult / \$6.20 non-resident). Trout stamp revenues support the purchase of trout in subsequent years. Delaware's Advisory Council on Wildlife and Freshwater Fish endorsed this proposed action.

The hearing record on the proposed changes to 7 **DE Admin.** Code 3300 Non-Tidal Finfish - 3301 Definitions opens January 1, 2020 (Hearing Docket No.: 2019 -R-F-0031). A public hearing on the proposed amendment will be held on Wednesday, January 29, 2020 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Individuals may submit written comments regarding the proposed changes via e-mail to DNRECHearingComments@delaware.gov, or via USPS to the DNREC Hearing Officer, 89 Kings Highway, Dover, DE 19901. Public comments will be received until close of business Thursday, February 13, 2020.

DEPARTMENT OF STATE
Public Service Commission
PUBLIC NOTICE

4001 Rules for the Provision of Telecommunications Services (Dockets 10 and 45)
4005 Rules for the Provision of Telecommunications Services (Docket 41)

In April 2019, the role of the Delaware Public Service Commission ("Commission") with respect to landline telecommunications regulation changed with the passage of Senate Bill No. 18 ("SB 18"). (The Commission does not regulate wireless or voice over internet services.) Among other things, SB 18 amended Title 26 of the Delaware Code by removing certain statutory requirements for Commission-regulated telecommunications service providers that are no longer consistent with recent decisions of the Federal Communications Commission, including significant changes to the Telecommunications Technology Investment Act ("TTIA") (See 26 **Del.C.** §§215, 704-707).

Generally, telecommunications services provided over landlines fall into two categories: (1) "Basic Services," which the Commission regulates for price and quality of service; and (2) "Competitive Services," which the Commission does not regulate, other than to certify new carriers who seek to offer such services in Delaware. The SB 18 amendments maintained certification requirements for telecommunications carriers but revised the TTIA (§§704-707) to narrow the definition of "Basic Services" and to allow carriers to change the rates for Basic Services without Commission approval.

By Order No. 9506 dated December 5, 2019 (the "Order"), the Commission now proposes to revise its telecommunications rules to reflect the SB 18 amendments and to otherwise clarify and simplify its regulations by: (1) amending its "Rules for the Provision of Telecommunications Services," codified at 26 **Del. Admin. C.** §4001 ("§4001") (Regulation Docket Nos. 10 and 45); (2) moving the remaining TTIA requirements (as amended by SB 18) from 26 **Del. Admin. C.** §4005 ("§4005") to §4001; and (3) repealing its "Regulations for the Implementation of the Telecommunications Technology Investment Act," codified at §4005 (Regulation Docket No. 41).

The text of the Amendments are attached to the Order. The Order and related exhibits are reproduced in the January 2020 edition of the Delaware *Register of Regulations* and may also be reviewed online at the Commission's website at www.depsec.delaware.gov. You may also obtain a paper copy of the Orders at the Commission's Dover office for a fee of \$0.25 per page.

Interested parties may file written comments, suggestions, briefs, compilations of data, or other materials concerning the Amendments. Such material (10 copies) may be submitted to the Commission on or before March 13, 2020, by email to lisa.driggins@delaware.gov or at the following address:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Bldg., Suite 100
Dover, Delaware, 19904
Attn: PSC Reg. Dckts. Nos. 10 & 45

The Commission will conduct a public hearing on the Amendments on Wednesday, February 26, 2020, beginning at

1:00 PM in the Hearing Room of the Delaware Public Service Commission, 861 Silver Lake Blvd., Dover, Delaware.

If you are handicapped and need assistance or aids in participating in this matter, please contact the Commission to discuss any needed assistance or aids. You may contact the Commission with questions or requests about this matter at the Commission's toll-free telephone number (800) 282-8574 (Delaware only) or (302) 739-4333 (including text telephone). You may also send inquiries by Internet e-mail addressed to psc@delaware.gov.