

DELAWARE HEALTH INFORMATION NETWORK

PUBLIC NOTICE

103 Delaware Health Care Claims Database Data Collection Regulation

This regulation is promulgated under 16 **Del.C.** §10306 and supports implementation of 16 **Del.C.** Ch. 103, Subchapter II, The Delaware Health Care Claims Database. It summarizes the requirements for submission of claims data by a mandatory reporting entity, to include a reporting schedule and a template for a data submission and use agreement to be entered into between DHIN and each reporting entity.

The 149th General Assembly enacted SB 227 and the Governor signed it into law on August 29, 2018. This statute expands the definition of "Mandatory Reporting Entity" in 16 **Del.C.** §10312. Proposed amendments to the "Definitions" section of the Health Care Claims Database Data Collection Regulation remove language which merely quotes definitions established in the code and replaces it with a statement that the terms have the meaning assigned in the code. These changes will ensure that the regulation is always congruent with the governing statute.

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 maintain compliance with the United States Trotting Association, particularly related to improvements in horse identification technology, and thereby allowing rules more favorable to the welfare of the horse.

After discussions, which included technical experts, regulatory officials, and harness racing stakeholders, on June 12, 2018, the DHRC Rules Committee voted to recommend this rule amendment package to the full DHRC. On August 29, 2018, at its regular monthly meeting, the DHRC unanimously approved these proposed amendments. The DHRC rules committee meetings and DHRC regular monthly meetings are publically noticed open meetings. Subsequent to a 30-day comment period from October 1 to 31, 2018 and notice in the *Register of Regulations*, the DHRC plans to finalize the regulations on November 13, 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 October 31, 2018. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

THOROUGHBRED RACING COMMISSION

PUBLIC NOTICE

1001 Thoroughbred Racing Rules and Regulations

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the amended regulations is to amend rule 8 Jockeys and Apprentice Jockeys to add new Rule 8.2.7 relating to Consent to Treatment forms for the athletic trainer and to revise Rule 8.10.2 to allow jockeys to use mobile electronic devices in the jockeys room subject to certain provisions. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

A copy of the proposed regulations is being published in the October 1, 2018 edition of the Delaware *Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before November 1, 2018. Written materials submitted will be available for inspection at the above address.

On or after November 1, 2018, following review of the public comment, the Thoroughbred Racing Commission will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, October 25, 2018 at 5:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF FINANCE

OFFICE OF THE STATE LOTTERY

PUBLIC NOTICE

202 Delaware Lottery Rules and Regulations

The Director of the Office of the State Lottery (Director) hereby gives notice of proposed amendments to 10 **DE Admin. Code** 202 relating to the Delaware Lottery Rules and Regulations.

The Director seeks to adopt general overall revisions to the main rules of the State Lottery's existing regulations, the Delaware Lottery Rules and Regulations (10 **DE Admin. Code** 202), to update and clarify these regulations. These collective changes are primarily administrative in nature. The revisions also serve in part to clarify the intent of the Director as enacted through these regulations. These revisions should not pose additional burdens on licensees or consumers. The Delaware Code authority for these proposed revisions is 29 **Del.C.** §§ 4805(a), 4805(b), 4806 to 4810, 4812 to 4814, 4818, 4823, and 4830.

The Office of the State Lottery does not plan to hold a public hearing on the proposed revisions to the existing regulation. The proposed revisions appear below. Members of the public may also request a copy of the revisions by visiting the Office of the State Lottery, 1575 McKee Road, Suite 102, Dover, Delaware 19904.

Any person may submit written comments, suggestions, or other materials regarding the proposed revisions to the existing regulation to the Office of the State Lottery at the same address noted above. Any written submission in response to this notice and the relevant proposed revisions to the existing regulation must be received by the Office of the State Lottery by no later than 4:30 p.m. (EST) on October 31, 2018.

OFFICE OF THE STATE LOTTERY

PUBLIC NOTICE

203 Video Lottery and Table Game Regulations

The Director of the Office of the State Lottery (Director) hereby gives notice of amendments to 10 **DE Admin. Code** 203 relating to the Video Lottery and Table Games Regulations.

The Director seeks to adopt substantive and procedural revisions to the State Lottery's existing regulations on video lottery and table games (10 **DE Admin. Code** 203) to clarify certain sections of the Delaware Code, to update the regulations to allow exemptions for certain ownership interests in video lottery agents, and to allow waivers for institutional investors. These revisions should not pose additional burdens or costs on individual licensees or small business licensees. The statutory authority for these revisions is 29 **Del.C.** §4805(a)(14), (a)(31), and (b)(13). The Office of the State Lottery does not plan to hold a public hearing on the proposed revisions to the existing regulations. The revisions appear below. Members of the public may also request a copy of the revisions by visiting the Office of the State Lottery, 1575 McKee Road, Suite 102, Dover, Delaware 19904.

Any person may submit written comments, suggestions, or other materials regarding the proposed revisions to the existing regulations to the Office of the State Lottery at the same address noted above. Any written submission in response to this notice and the relevant proposed revisions to the existing regulations must be received by the Office of the State Lottery by no later than 4:30 p.m. (EST) on October 31, 2018.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Health Home 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 Title XIX Medicaid

State Plan regarding Health Home Services, specifically, *to expand Delaware's Assertive Community Integration Support Team (ACIST) program which supports individuals with Severe and Persistent Mental Illness (SPMI) and intellectual and developmental disabilities (I/DD).*

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 October 31, 2018. Please identify in the subject line: Health Home Services.

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 Eligibility

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) is proposing to amend the Division of Social Services Manual regarding Child Care Eligibility, specifically, to amend authorization requirements.

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 October 31, 2018. Please identify in the subject line: Child Care Eligibility.

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 FISH AND WILDLIFE
PUBLIC NOTICE

3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements

Delaware's commercial striped bass fishery is allocated through an annual quota in accordance with the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for Atlantic Striped Bass. Delaware's annual commercial striped bass quota allocation is apportioned by regulation to two gear types - commercial gill net (GN) and commercial hook and line (HL). These are managed as separate fisheries, with different size limits, seasons and allocations in an effort to maximize fishing opportunities for each fishery, minimize dead discards and prevent growth overfishing. Eligible participants in each fishery are provided with an allotment of tags based on the number of participants, predicted size of the fish and annual quota. Tags are used to assist the Department with quota tracking and accountability. During the period 1990 - 96, 90% of Delaware's quota was allocated to the GN fishery and 10% was allocated to the HL fishery. In 1997, to better ensure full use of Delaware's quota, the striped bass allocation to the GN fishery was increased to 95%, but the less efficient commercial HL fishery was kept at 10% to maintain individual H&L quotas. This over-allocation improved quota attainment as the GN fishery routinely landed its 95% while the HL fishery, for various reasons, never landed more than 3% of the quota. Despite the over-allocation, Delaware did not have any quota overages during 1997 through 2017 because quota could not be transferred between the GN and HL fisheries.

The recent adoption of 7 **Del.C.** §903A provides for the transfer of striped bass quota (tags) between the GN and HL fisheries. This resulted in improved landing efficiency and, ultimately, a commercial quota overage in 2018. To prevent subsequent overages, the Department is ending over-allocation of the quota and is proposing two alternative allocation strategies. Option 1 would allocate 90% of Delaware's striped bass commercial quota to the gill net fishery and 10% to the H&L fishery. This option would match the proportions used prior to 1997. Historically, this option resulted in an underutilization of the quota. Option 2 would allocate 95% of Delaware's striped bass commercial quota to the gill net fishery and 5% to the H&L fishery. Option 2 is the allocation strategy recommended by the Advisory Council on Tidal Fin Fisheries as a way to better ensure full use of Delaware's quota.

In addition, the Department proposes to adjust the required registration date to participate in the commercial HL fishery from March 15 to February 1 to align with the commercial GN fishery and better accommodate tag transfers.

The hearing record on the proposed changes to 7 **DE Admin. Code** 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements will open October 1, 2018. 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. A public hearing on the proposed amendment will be held on Wednesday, October 31, 2018 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Public comments will be received until close of business Thursday, November 15, 2018.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

PUBLIC NOTICE

1302 Regulations Governing Hazardous Waste

To provide greater environmental protection and to reduce human health risks, the Solid and Hazardous Waste Management Section (SHWMS) proposes to modify the DRGHW to incorporate federal amendments into Delaware's hazardous waste management program. The State is required to adopt these amendments in order to maintain its Resource Conservation and Recovery Act (RCRA) program delegation and remain current with the federal hazardous waste program. The SHWMS is also making certain technical changes for the purpose of correcting errors and to add consistency or clarification to the existing regulations.

A public hearing on the proposed amendments to DRGHW will be held on Monday, October 29, 2018 at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE. The hearing record on the proposed modifications will open on October 1, 2018. Interested parties shall submit comments in writing by November 13, 2018 and/or statements and testimony may be presented either orally or in writing at the October 29, 2018 public hearing. Written comments should be sent to: lisa.vest@state.de.us or Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

DELAWARE SEX OFFENDER MANAGEMENT BOARD

PUBLIC NOTICE

1100 Delaware Sex Offender Management Board

The Sex Offender Management Board (SOMB), pursuant to 11 **Del.C.** §4120A(c)(8), proposes to revise its regulations. The proposed amendments, which were voted on in a General Meeting by the SOMB on April 30, 2018, seek to update, clarify and provide more detailed information regarding qualifications for Sex Offense Service Providers and the credentialing process.

The SOMB will allow for the submission of written comments, suggestions, or other materials regarding the proposed rules to the Criminal Justice Council Attn: Bridget V. Poulle, Carvel State Office Building, 10th Floor, 820 N French Street, Wilmington, Delaware 19801-3590 or e-mail BridgetV.Poulle@state.de.us. Any written submission in response to this notice and the relevant proposed regulations must be received by the Department of Safety and Homeland Security no later than 4:30 p.m. (EST) on October 31, 2018. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml.

DEPARTMENT OF STATE

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 its regulations to bring them into conformity with the current enhanced Nurse Licensure Compact law, 24 **Del.C.** §1900A, *et. seq.*. The proposed changes strike the outdated regulations and incorporate by reference the current enhanced Nurse Licensure Compact regulations.

The Board will hold a public hearing on the proposed regulation changes on November 14, 2018 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 November 29, 2018 pursuant to 29 **Del.C.** §10118(a).

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 November 8, 2018 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 the Commission at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be November 27, 2018. The Commission will deliberate on all of the public comments at its next regularly scheduled meeting, at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed revisions to the Guidelines to provide that instructor and course application denials are subject to a written request for reconsideration. Instructor qualifications for pre-licensing, broker and continuing education courses have been revised to ensure instructor competence and experience. Pursuant to proposed amendments, continuing education programs must be a minimum of three hours and must be delivered in three hour increments. Finally, the proposed revisions emphasize that course sponsors and providers are responsible for the qualifications and conduct of course instructors.

DIVISION OF PROFESSIONAL REGULATION 2930 COUNCIL ON REAL ESTATE APPRAISERS PUBLIC NOTICE

Pursuant to 24 **Del.C.** §4006(a)(1), the Delaware Council on Real Estate Appraisers has proposed revisions to its rules and regulations. The rules pertaining to licensing qualifications are proposed to be amended to conform to new Appraisal Qualifications Board criteria.

A public hearing will be held on November 20, 2018 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 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 Council on Real Estate Appraisal, 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) by December 5, 2018.

DEPARTMENT OF TRANSPORTATION DELAWARE TRANSIT CORPORATION PUBLIC NOTICE 2287 Public Carrier Regulations

Pursuant to the authority provided by 2 **Del.C.** §1802(b), the Delaware Department of Transportation (DelDOT), adopted the Public Carrier Regulations.

The Department, through the Delaware Transit Corporation, Office of Public Carrier Regulation, seeks to adopt general revisions to its existing regulation, Public Carrier Regulations, to address procedural changes and public safety concerns. These collective changes are promote public safety and serve, in part, to clarify the intent of the Department as enacted through these regulations.

DelDOT will take written comments on these proposed general revisions to 2 **DE Admin. Code** 2287, from October 1, 2018 through October 31, 2018. The public may submit their comments to:

Bruce R. Demeter, Director, Office of Public Carrier Regulation
(Bruce.Demeter@state.de.us) or in writing to his attention,
Delaware Transit Corporation
Office of Public Carrier Regulation
119 Lower Beech Street
Wilmington, DE 19805

PUBLIC NOTICE
2289 Transportation Network Companies

Pursuant to the authority provided by 2 **Del.C.** §1922 and 21 **Del.C.** §302, the Delaware Department of Transportation (DelDOT), adopted the Transportation Network Companies regulation.

The Department, through the Delaware Transit Corporation, Office of Public Carrier Regulation, seeks to adopt general revisions to its existing regulation, Transportation Network Companies, to safeguard public safety through a regular review of Transportation Network Company engaged vehicles. These collective changes are promote public safety and serve, in part, to clarify the intent of the Department as enacted through these regulations.

DelDOT will take written comments on these proposed general revisions to 2 **DE Admin. Code** 2289 from October 1, 2018 through October 31, 2018. The public may submit their comments to:

Bruce R. Demeter, Director, Office of Public Carrier Regulation
(Bruce.Demeter@state.de.us) or in writing to his attention,
Delaware Transit Corporation
Office of Public Carrier Regulation
119 Lower Beech Street
Wilmington, DE 19805

DIVISION OF TRANSPORTATION SOLUTIONS
PUBLIC NOTICE

2406 Policies and Procedures for Acquisition of Certain Real Property

Pursuant to the authority provided by 17 **Del.C.** §137, the Delaware Department of Transportation (DelDOT), adopted the 2406 Policy and Procedures for Acquisition of Certain Real Property.

The Department, through its Division of Transportation Solutions, seeks to adopt general revisions to its existing regulation, to address changes made to 17 **Del.C.** §137 by 2018 Delaware Laws Chapter 225 (H.B. 144) and Chapter 374 (H.B. 432). The changes clarify the process for DelDOT, the Advanced Acquisition Committee and the public to follow when acquiring property in advance of final plans being completed. The changes also establish a Dispute Resolution Process which allows the impacted owners the ability to go to arbitration if they so desire. These collective changes are administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed general revisions to Section 2406 of Title 2, Delaware Administrative Code, from October 1, 2018 through October 31, 2018. The public may submit their comments to:

Robert M. Cunningham, Chief of Right of Way, Division of Transportation Solutions
(Robert.cunningham3@state.de.us) or in writing to his attention,
Chief of Right of Way
Delaware Department of Transportation
P.O. Box 778
Dover, De. 19903