

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Examiners of Nursing Home Administrators
Statutory Authority: 24 Delaware Code, Section 5206(a)(1) (24 **Del.C.** §5206(a)(1))
24 **DE Admin. Code** 5200

FINAL

ORDER

5200 Board of Examiners of Nursing Home Administrators

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on November 12, 2024 at a scheduled meeting of the Delaware Board of Examiners of Nursing Home Administrators (the "Board") to receive comments regarding proposed amendments to the Board's rules and regulations.

Amendments are proposed to Regulation subsection 2.3 to clarify which examinations are required.

Amendments are proposed to Regulation subsections 5.1 and 7.4.1 to clarify the time frame during which continuing professional education must be completed.

Amendments are proposed to Regulation subsections 5.2 and 5.4 to strengthen the Board's biennial continuing professional education requirements by mandating course time in subject areas of patient abuse and neglect, infection prevention, and professional ethics. The Board is authorized specifically to establish by rule and regulation continuing education standards by 24 **Del.C.** §5206(a)(10).

Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 28, Issue 2 on August 1, 2024 contemplating a hearing on September 10, 2024. On October 1, 2024 in Volume 28, Issue 4 of the *Delaware Register of Regulations*, public notice was given that the public hearing had been rescheduled to be held on November 12, 2024 at 12:00 p.m. Notice of the November 12, 2024 hearing was also published in the *News Journal* (Exhibit 1) and the *Delaware State News* (Exhibit 2).

The Board held a public hearing on November 12, 2024 in the second-floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Pursuant to 29 **Del.C.** § 10118(a), the date to receive final written comments was November 27, 2024, 15 days following the public hearing. No public comment was received during the hearing and no written comments were submitted.

The Board deliberated on the proposed revisions at its regularly scheduled meeting on January 14, 2025.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

Board Exhibit 1: *News Journal* Affidavit of Publication.

Board Exhibit 2: *Delaware State News* Affidavit of Publication.

No public comment was made during the hearing nor was any submitted in writing.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations. There were no comments provided to the Board in writing or during the public hearing.

Pursuant to 24 **Del.C.** §5206(a)(1), the Board has the statutory authority to promulgate rules and regulations related to the practice of nursing home administration services in the State of Delaware. And, having received no comments concerning the proposed amendment, the Board finds reason to amend the regulations as proposed and hereby takes action to do so.

The Board has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation on the achievement of the State's greenhouse gas emission reduction targets or on the State's resiliency to climate change is not practical in view of the nature of the proposed amendments.

Decision and Effective Date

The Board hereby adopts the changes to the rules and regulations as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new rules and regulations are attached.

IT IS SO ORDERED this 14 day of January 2025.

Board of Examiners of Nursing Home Administrators

/s/ Felisha Alderson, President, Professional [ABSENT] Eleanor Allione, Public Member
Member

/s/ Julia Frawley, Vice-President, Public Member [VACANT], Healthcare Member

/s/ Dr. Lois Rogers, Secretary, Professional [VACANT], Healthcare Member
Member

/s/ Dr. Denise Davis, Public Member [VACANT], Public Member

/s/ Steven Smith, Professional Member

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

5200 Board of Examiners of Nursing Home Administrators

1.0 General Provisions

- 1.1 Words and terms defined in Title 24, Chapter 52 of the **Delaware Code** are applicable to these regulations.
- 1.2 The following additional words and terms, when used within these regulations, shall have the following meaning ~~unless the context clearly indicates otherwise~~:
 - "AIT" means nursing home administrator-in-training as defined in 29 Del.C. § 5202.
 - "ALF" means an assisted living facility.
 - "Board" means the Delaware Board of Examiners of Nursing Home Administrators.
 - "CE" means continuing education.
 - "Direct Supervision" means **supervision** means oversight on the premises of a nursing home by a preceptor.
 - "Division" means the Delaware Division of Professional Regulation.
 - "NAB" means the National Association of Long Term Care Administrator Boards.
 - "Preceptor" means an individual who currently has an active Delaware Nursing Home Administrator license and is employed in a ~~Skilled Nursing Facility (SNF) or Assisted Living Facility (AL)~~ SNF or ALF and is approved by the Board to have oversight of an AIT candidate according to the rules of the AIT ~~Program~~ program.
 - "SNF" means a skilled nursing facility.
 - "Sponsoring Facility facility" means the nursing home facility at which candidates expect to conduct the majority of their AIT program, often their employer.
- 1.3 Licensees shall display their license in their office or other conspicuous place in their place of business or employment.
- 1.4 Upon receipt of satisfactory evidence that a license has been lost, mutilated, or destroyed, the Board may issue a duplicate license. The duplication fee is set by the Division of Professional Regulation (Division).
- 1.5 Licensee shall inform the Board of a change in address within 30 days.

15 DE Reg. 1770 (06/01/12)

2.0 Application for Licensure by Examination

- 2.1 Applications shall be made in writing on forms provided by the Board.
- 2.2 To obtain licensure, applicants must meet the educational and experience requirements including completion of a program that the ~~National Association of Long Term Care Administrator Boards (NAB)~~ NAB has approved, such as the Institute for Continuing Education & Research 120 hour program, University of North Carolina at Chapel Hill, long term care education, St. Joseph's College of Maine Nursing Home and Assisted Living Administration or York College of Pennsylvania 120 hour program.
 - 2.2.4 Applicants who have completed a baccalaureate or graduate degree from an accredited college or university with a major in long term care administration or the equivalent thereof are not required to complete the NAB program set forth in subsection 2.2.
- 2.3 Applicants must pass the ~~National Association of Boards ("NAB")~~ NAB examination, which shall include NAB's CORE and NAB's NHA examinations.
- 2.4 Applicants must obtain Board approval before they may take the NAB examination. To obtain Board approval, applicants must:
 - 2.4.1 Submit satisfactory evidence of having met one of the educational requirements under Section 5209(a)(1) of Title 24 of the ~~Delaware Code, Code;~~ and
 - 2.4.2 Submit a plan to complete the ~~Administrator-In-Training ("AIT")~~ AIT program that corresponds with their education in accordance with Section ~~3-0, 3.0;~~ and
 - 2.4.3 Identify the applicant's preferred ~~Preceptors~~ preceptors.
- 2.5 If the Board is satisfied that the applicant has completed the requisite education and approves the applicant's AIT plan and preferred ~~Preceptors~~ preceptors, the applicant shall be approved to begin their AIT program under the direct supervision of the approved ~~Preceptors~~ preceptors.
 - 2.5.1 Approved applicants shall begin their AIT program immediately.
 - 2.5.2 Applicants not approved by the Board may be given the opportunity to rectify deficiencies in their applications before denial of their application is proposed.
- 2.6 Applicants approved to take the examination will be granted licensure once the Board receives confirmation that the applicant has achieved a passing score of 75% or more on the ~~National Association of Boards ("NAB")~~ NAB examination.
 - 2.6.4 Applicants shall have no longer than ~~two~~ 2 years from the date of Board approval to pass the exam. Applicants shall be limited to ~~four~~ 4 attempts within that ~~two-year~~ 2-year period. Applicants who do not pass the exam in ~~four~~ 4 attempts are no longer eligible to take the exam.

18 DE Reg. 996 (06/01/15)

21 DE Reg. 584 (01/01/18)

3.0 Administrator-In-Training ("AIT") Program

- 3.1 Every ~~Administrator-In-Training (AIT)~~ AIT program shall be approved by the Board and shall be conducted under the direct supervision of the ~~Pre-Approved Preceptor(s)~~ pre-approved preceptor. The start date and expiration date of the approved AIT program shall be printed on the AIT license. ~~AIT Progress Reports~~ progress reports must be submitted to the Board by the AIT every ~~three (3)~~ 3 months for the duration of the AIT program. Supervised training of the AIT must continue for the entire duration of the AIT program, regardless of whether or not the AIT outline has been fulfilled.
- 3.2 AIT programs must be split between a ~~skilled nursing facility ("SNF") and an assisted living facility ("ALF")~~ SNF and ALF. If the ~~Sponsoring Facility~~ sponsoring facility is an SNF, the Board will require that at least 10% of the program be completed in an ALF. If the ~~Sponsoring Facility~~ sponsoring facility is an ALF, the Board will require that at least 25% of the program be completed in an SNF. The training for each subject of the program shall be conducted in the proper facility. Because the AIT program is split between an SNF and an ALF, a preceptor is required for each type of facility.
- 3.3 ~~Its AITs~~ shall begin their program immediately after receiving notification of approval of their AIT plan and ~~Preceptors~~ preceptors.
- 3.4 Preceptors shall make themselves available to provide direction, observation, aid, training, and instruction to their AIT. Preceptors shall submit quarterly progress reports to the Board. AIT programs are expected to be an interactive process between the ~~Preceptor~~ preceptor and their AIT to ensure that the AIT fully experiences the nature and scope of a nursing home administrator's responsibilities.
- 3.5 AIT programs are expected to provide applicants with experience that will establish their suitability and fitness to practice as a nursing home administrator and their ability to perform the essential functions of a nursing home administrator. Examples of essential functions are:

- Understanding and communicating general and technical information that is necessary to the administration and operation of a nursing home with or without reasonable accommodation i.e., applicable health and safety regulations.
 - Assuming responsibility for the administration of a nursing home.
 - Relating the physical, psychological, spiritual, emotional, and social needs of ill or aged individuals to the administration of a nursing home and creating the compassionate climate necessary to meet the needs of the patients with or without reasonable accommodation.
- 3.6 AIT programs must be completed within the allotted time, including any extensions granted by the Board; otherwise the AIT license expires and the individual must submit a new application for licensure as an AIT.
- 3.7 Extensions may be granted at the sole discretion of the Board upon written request by an AIT or a ~~Preceptor~~ preceptor. Requests for extensions must be submitted before the expiration of the AIT licensing certificate and must provide a detailed explanation of the reason an extension is needed.

15 DE Reg. 1770 (06/01/12)

4.0 Application for Licensure by Reciprocity

- 4.1 Applicants must:
- 4.1.1 Submit a notarized statement listing all licensing jurisdictions in which a license was ~~held~~, held; and
 - 4.1.2 Cause a verification of licensure status to be submitted directly to the Board from all jurisdictions.
- 4.2 Determination of Substantial Similarity of Licensing Standards - The applicant must submit a copy of the laws and regulations governing licensure from the jurisdiction from which reciprocity is sought. The burden of proof is upon the applicant to demonstrate that the licensure standards are at least equivalent to those of this State. Based upon the information presented, the Board shall make a determination regarding substantial similarity.

5.0 Programs for Continuing Education Credits

- 5.1 Continuing education programs consisting of Board approved seminars, resident or extension courses, ~~conferences~~ conferences, and workshops totaling 48 hours or more, on any of the subject areas enumerated in subsection 5.2 ~~below~~, are required ~~for~~ during the biennial licensure period of a license as a Nursing Home Administrator. The following are requirements for license renewal:
- 5.1.1 For licenses initially authorized during the first ~~six~~ 6 months of the biennial period, 36 credit hours will be required for renewal.
 - 5.1.2 For licenses initially authorized during the ~~second six~~ 2nd 6 months of the biennial period, 24 credit hours will be required for renewal.
 - 5.1.3 For licenses initially authorized during the ~~third six~~ 3rd 6 months of the biennial period, 12 credit hours will be required for renewal.
 - 5.1.4 For licenses initially authorized during the ~~fourth six~~ 4th 6 months of the biennial period, no credit hours will be required for renewal.
 - 5.1.5 When continuing education units are not met, there will be no extensions, absent showing hardship.
- 5.2 Content of programs of continuing education shall include one or more of the following general subject areas or their equivalents:
- 5.2.1 Applicable standards of environmental health and ~~safety~~, safety;
 - 5.2.2 ~~Local health~~ Health and safety ~~regulations~~, regulations;
 - 5.2.3 General ~~Administration~~, administration;
 - 5.2.4 Psychology of patient ~~care~~, care;
 - 5.2.5 Principles of medical ~~care~~, care;
 - 5.2.6 Personal and social ~~care~~, care;
 - 5.2.7 Therapeutic and supportive care and services in long-term ~~care~~, care;
 - 5.2.8 Department organization and ~~management~~, management;
 - 5.2.9 Community ~~interrelationships~~, and, interrelationships;
 - 5.2.10 Business or financial ~~management~~, management;
 - 5.2.11 Quality assurance and performance improvement (QAPI); and
 - 5.2.12 Emergency preparedness.
- 5.3 Acceptable programs of continuing education are:
- 5.3.1 Those conducted solely by accredited educational institutions.

- 5.3.2 Those conducted jointly by accredited educational institutions and associations, professional societies, or organizations other than accredited colleges or universities.
- 5.3.3 Those conducted solely by associations, professional societies, and other professional organizations other than accredited educational institutions.
- 5.3.4 Those self-instruction or home study courses, videos, computer-assisted programs, online and webinars courses approved by the ~~National Association of Boards (NAB)~~ and/or NAB or pre-approved by the Board.
- 5.3.5 Courses approved by the ~~National Association of Boards (NAB)~~ NAB.
- 5.4 During each license renewal period in which the licensee is required to complete continuing education, including those licensees required to complete a prorated number of total continuing education hours, programs on the following subjects are required in the amount indicated:
 - 5.4.1 Patient abuse and neglect - 2 hours;
 - 5.4.2 Infection prevention - 2 hours; and
 - 5.4.3 Professional ethics - 2 hours.
- 5.4 5.5 Upon completion of an approved program of study, the sponsor or sponsors of the program shall issue certificates of attendance or other evidence of completion satisfactory to the Board.
- 5.5 5.6 Licensees appointed to the Delaware Board of Examiners of Nursing Home Administrators may receive 0.5 CE credits for every board meeting they attend, regardless of the length of the meeting. Members may be granted credit for a maximum of ~~six 6~~ meetings within a ~~two-year~~ 2-year licensure period, for a cap of 3.0 CE credits.
- 5.6 5.7 Preceptors shall receive 3 CE credits per student per licensure period with a maximum of 6 CE credits per licensure period.
 - 5.6.4 CE credits will not be awarded to the ~~Preceptor~~ preceptor until final approval of the AIT's final quarterly progress report by the Board.

15 DE Reg. 1770 (06/01/12)

17 DE Reg. 552 (11/01/13)

19 DE Reg. 1106 (06/01/16)

6.0 Temporary Licensure

Temporary licenses shall be issued in the manner established by and in accordance with the requirements of 24 Del.C. § 5211.

7.0 Renewal of Licensure

- 7.1 Licensees shall report any facts requested by the Board in conjunction with the renewal process.
- 7.2 Licensees must attest to completion of the continuing education requirements of Section 5.0. Attestation shall be completed electronically if ~~the renewal is accomplished online. Alternatively, the attestation of certification may be submitted by paper renewal forms. Requests for paper renewal forms must be directed to the Division of Professional Regulation.~~
- 7.3 Post-Renewal Audit – The Board will conduct random audits of renewal applications to ensure the veracity of attestations and compliance with the renewal requirements. Licensees selected for the random audit shall submit CE course attendance verification in the form of a certificate signed by the course presenter or by a designated official of the sponsoring organization. Licensees shall retain their CE course attendance documentation for each licensure period and for at least ~~one (1)~~ 1 year after renewal. Licensees found to be deficient or found to have falsely attested may be subject to disciplinary proceedings and may have their license suspended or revoked. Licensees renewing during the late renewal period shall be audited.
- 7.4 Late Renewal.
 - 7.4.1 A licensed Nursing Home Administrator whose license has expired may, within ~~one~~ 1 year following the licensure period, have ~~his~~ the license reinstated without examination upon payment of the renewal fee, plus a late fee. In addition, satisfactory evidence must be submitted to the Board that during the preceding ~~two-year~~ biennial licensure period the applicant has completed continuing education programs or courses of study that meet the requirements of Section 5.0.
 - 7.4.2 Any licensee whose license has expired for a period in excess of ~~one~~ 1 year may have ~~his~~ the license reinstated without examination in accordance with subsection 7.4.1 and upon satisfying the Board as to the applicant's current qualifications by completing an application form, providing, however, such applicant may attach a resume in lieu of completing the sections on occupational background and administrative experience of the application form.
- 7.5 Inactive Status

- 7.5.1 A written request must be submitted to have a license placed on inactive status. Inactive status is effective immediately upon Board approval. The inactive status may continue for ~~three~~ 3 years from the date of Board approval. An inactive license shall terminate at the end of the ~~three-year~~ 3-year period unless the license is returned to active status before the end of the ~~three-year~~ 3-year period.
- 7.5.2 A licensee who has been granted inactive status and who wishes to return to active status shall submit a written request to the Board along with a pro-rated renewal fee and proof of completion of ~~twenty-four~~ 24 units of continuing education for each annual period of inactive status. All of the required continuing education units must have been completed within the ~~twelve-month~~ 12-month period immediately preceding the request for reinstatement.

15 DE Reg. 1770 (06/01/12)

17 DE Reg. 655 (12/01/13)

8.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 8.1 If the report is received by the President of the regulatory Board, the President shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the President of the regulatory Board, or that President's designate or designates.
- 8.2 The President of the regulatory Board or the President's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 8.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screening shall take place within 30 days following notification to the professional by the participating Board President or the President's designate(s).
- 8.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board President or that President's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the President of the participating Board or that President's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the President of the participating Board.
- 8.5 Failure to cooperate fully with the participating Board President or that President's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board President or the President's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 8.8 of this section.
- 8.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
- 8.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
- 8.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the President of the participating Board or to that President's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the President of the participating Board or that President's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
- 8.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
- 8.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs

associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.

- 8.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's President or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
- 8.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 8.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
- 8.8 The participating Board's President, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
- 8.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
- 8.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
- 8.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.
- 8.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

9.0 Crimes substantially related to the practice of nursing home administration:

- 9.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of nursing home administration in the State of Delaware without regard to the place of conviction:
 - 9.1.1 Offensive touching. 11 **Del.C.** §601.
 - 9.1.2 Aggravated menacing. 11 **Del.C.** §602(b).
 - 9.1.3 Reckless endangering in the second degree. 11 **Del.C.** §603.
 - 9.1.4 Reckless endangering in the first degree. 11 **Del.C.** §604.
 - 9.1.5 Abuse of a pregnant female in the second degree. 11 **Del.C.** §605.
 - 9.1.6 Abuse of a pregnant female in the first degree. 11 **Del.C.** §606.
 - 9.1.7 Assault in the third degree. 11 **Del.C.** §611.
 - 9.1.8 Assault in the second degree. 11 **Del.C.** §612.
 - 9.1.9 Assault in the first degree. 11 **Del.C.** §613.
 - 9.1.10 Abuse of a sports official. 11 **Del.C.** §614.
 - 9.1.11 Assault by abuse or neglect. 11 **Del.C.** §1103B.
 - 9.1.12 Gang participation. 11 **Del.C.** §616.
 - 9.1.13 Terroristic threatening. 11 **Del.C.** §621.
 - 9.1.14 Unlawfully administering drugs. 11 **Del.C.** §625.
 - 9.1.15 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 **Del.C.** §626.
 - 9.1.16 Vehicular assault in the first degree. 11 **Del.C.** §629.
 - 9.1.17 Vehicular homicide in the second degree. 11 **Del.C.** §630.
 - 9.1.18 Vehicular homicide in the first degree. 11 **Del.C.** §630A.

- 9.1.19 Criminally negligent homicide. 11 **Del.C.** §631.
- 9.1.20 Manslaughter. 11 **Del.C.** §632.
- 9.1.21 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633.
- 9.1.22 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634.
- 9.1.23 Murder in the second degree; class A felony. 11 **Del.C.** §635.
- 9.1.24 Murder in the first degree. 11 **Del.C.** §636.
- 9.1.25 Promoting suicide. 11 **Del.C.** §645.
- 9.1.26 Abortion. 11 **Del.C.** §651.
- 9.1.27 Self-abortion. 11 **Del.C.** §652.
- 9.1.28 Issuing abortifacient articles. 11 **Del.C.** §653.
- 9.1.29 Indecent exposure in the first degree. 11 **Del.C.** §765.
- 9.1.30 Incest. 11 **Del.C.** §766.
- 9.1.31 Unlawful sexual contact in the third degree. 11 **Del.C.** §767.
- 9.1.32 Unlawful sexual contact in the second degree. 11 **Del.C.** §768.
- 9.1.33 Unlawful sexual contact in the first degree. 11 **Del.C.** §769.
- 9.1.34 Rape in the fourth degree. 11 **Del.C.** §770.
- 9.1.35 Rape in the third degree. 11 **Del.C.** §771.
- 9.1.36 Rape in the second degree. 11 **Del.C.** §772.
- 9.1.37 Rape in the first degree. 11 **Del.C.** §773.
- 9.1.38 Sexual extortion. 11 **Del.C.** §774.
- 9.1.39 Bestiality. 11 **Del.C.** §775.
- 9.1.40 Continuous sexual abuse of a child. 11 **Del.C.** §776.
- 9.1.41 Dangerous crime against a child. 11 **Del.C.** §777.
- 9.1.42 Female genital mutilation. 11 **Del.C.** §780.
- 9.1.43 Unlawful imprisonment in the second degree. 11 **Del.C.** §781.
- 9.1.44 Unlawful imprisonment in the first degree. 11 **Del.C.** §782.
- 9.1.45 Kidnapping in the second degree. 11 **Del.C.** §783.
- 9.1.46 Kidnapping in the first degree. 11 **Del.C.** §783A.
- 9.1.47 Interference with custody. 11 **Del.C.** §785.
- 9.1.48 Acts constituting coercion. 11 **Del.C.** §791.
- 9.1.49 Arson in the third degree. 11 **Del.C.** §801.
- 9.1.50 Arson in the second degree. 11 **Del.C.** §802.
- 9.1.51 Arson in the first degree. 11 **Del.C.** §803.
- 9.1.52 Reckless burning or exploding; felony. 11 **Del.C.** §804.
- 9.1.53 Cross or religious symbol burning. 11 **Del.C.** §805.
- 9.1.54 Criminal mischief. 11 **Del.C.** §811.
- 9.1.55 Trespassing with intent to peep or peer. 11 **Del.C.** §820.
- 9.1.56 Burglary in the third degree. 11 **Del.C.** §824.
- 9.1.57 Burglary in the second degree. 11 **Del.C.** §825.
- 9.1.58 Burglary in the first degree. 11 **Del.C.** §826.
- 9.1.59 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828.
- 9.1.60 Robbery in the second degree. 11 **Del.C.** §831.
- 9.1.61 Robbery in the first degree. 11 **Del.C.** §832.
- 9.1.62 Carjacking in the second degree. 11 **Del.C.** §835.
- 9.1.63 Carjacking in the first degree. 11 **Del.C.** §836.
- 9.1.64 Shoplifting. 11 **Del.C.** §840.
- 9.1.65 Use of illegitimate retail sales receipt or Universal Product Code Label. 11 **Del.C.** §840A.
- 9.1.66 Theft. 11 **Del.C.** §841.
- 9.1.67 Extortion. 11 **Del.C.** §846.
- 9.1.68 Misapplication of property. 11 **Del.C.** §848.
- 9.1.69 Theft of rented property. 11 **Del.C.** §849.

- 9.1.70 Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices; felony. 11 **Del.C.** §850.
- 9.1.71 Receiving stolen property; felony. 11 **Del.C.** §851.
- 9.1.72 Identity theft. 11 **Del.C.** §854.
- 9.1.73 Possession of shoplifters tools or instruments facilitating theft. 11 **Del.C.** §860.
- 9.1.74 Forgery. 11 **Del.C.** §861.
- 9.1.75 Possession of forgery devices. 11 **Del.C.** §862.
- 9.1.76 Falsifying business records. 11 **Del.C.** §871.
- 9.1.77 Tampering with public records in the second degree 11 **Del.C.** §873.
- 9.1.78 Tampering with public records in the first degree. 11 **Del.C.** §876.
- 9.1.79 Offering a false instrument for filing. 11 **Del.C.** §877.
- 9.1.80 Issuing a false certificate. 11 **Del.C.** §878.
- 9.1.81 Bribery. 11 **Del.C.** §881.
- 9.1.82 Bribe receiving. 11 **Del.C.** §882.
- 9.1.83 Defrauding secured creditors. 11 **Del.C.** §891.
- 9.1.84 Fraud in insolvency. 11 **Del.C.** §892.
- 9.1.85 Interference with levied-upon property. 11 **Del.C.** §893.
- 9.1.86 Issuing a bad check. 11 **Del.C.** §900.
- 9.1.87 Unlawful use of payment card. 11 **Del.C.** §903.
- 9.1.88 Re-encoder and scanning devices. 11 **Del.C.** §903A.
- 9.1.89 Deceptive business practices. 11 **Del.C.** §906.
- 9.1.90 Criminal impersonation. 11 **Del.C.** §907.
- 9.1.91 Criminal impersonation, accident related. 11 **Del.C.** §907A.
- 9.1.92 Criminal impersonation of a police officer. 11 **Del.C.** §907B.
- 9.1.93 Unlawfully concealing a will. 11 **Del.C.** §908.
- 9.1.94 Securing execution of documents by deception. 11 **Del.C.** §909.
- 9.1.95 Fraudulent conveyance of public lands. 11 **Del.C.** §911.
- 9.1.96 Fraudulent receipt of public lands. 11 **Del.C.** §912.
- 9.1.97 Insurance fraud. 11 **Del.C.** §913.
- 9.1.98 Health care fraud. 11 **Del.C.** §913A.
- 9.1.99 Home improvement fraud. 11 **Del.C.** §916.
- 9.1.100 New home construction fraud. 11 **Del.C.** §917.
- 9.1.101 Transfer of recorded sounds. 11 **Del.C.** §920.
- 9.1.102 Sale of transferred recorded sounds. 11 **Del.C.** §921.
- 9.1.103 Improper labeling 11 **Del.C.** §922.
- 9.1.104 Bigamy. 11 **Del.C.** §1001.
- 9.1.105 Dealing in children. 11 **Del.C.** §1100A.
- 9.1.106 Endangering the welfare of a child. 11 **Del.C.** §1102.
- 9.1.107 Sexual exploitation of a child. 11 **Del.C.** §1108.
- 9.1.108 Unlawfully dealing in child pornography. 11 **Del.C.** §1109.
- 9.1.109 Possession of child pornography. 11 **Del.C.** §1111.
- 9.1.110 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112.
- 9.1.111 Sexual solicitation of a child. 11 **Del.C.** §1112A.
- 9.1.112 Body-piercing, tattooing or branding. 11 **Del.C.** §1114.
- 9.1.113 Tongue-splitting. 11 **Del.C.** §1114A.
- 9.1.114 Bribery. 11 **Del.C.** §1201.
- 9.1.115 Receiving a bribe; class E felony. 11 **Del.C.** §1203.
- 9.1.116 Improper influence. 11 **Del.C.** §1207.
- 9.1.117 Official misconduct. 11 **Del.C.** §1211.
- 9.1.118 Profiteering. 11 **Del.C.** §1212.
- 9.1.119 Perjury in the second degree. 11 **Del.C.** §1222.

- 9.1.120 Perjury in the first degree. 11 **Del.C.** §1223.
- 9.1.121 Making a false written statement. 11 **Del.C.** §1233.
- 9.1.122 Terroristic threatening of public officials or public servants. 11 **Del.C.** §1240.
- 9.1.123 Hindering prosecution; felony. 11 **Del.C.** §1244.
- 9.1.124 Falsely reporting an incident; felony. 11 **Del.C.** §1245.
- 9.1.125 Obstructing the control and suppression of rabies; felony. 11 **Del.C.** §1248.
- 9.1.126 Abetting the violation of driver's license restrictions; felony. 11 **Del.C.** §1249.
- 9.1.127 Offenses against law-enforcement animals; felony. 11 **Del.C.** §1250.
- 9.1.128 Escape in the second degree. 11 **Del.C.** §1252.
- 9.1.129 Escape after conviction. 11 **Del.C.** §1253.
- 9.1.130 Assault in a detention facility. 11 **Del.C.** §1254.
- 9.1.131 Promoting prison contraband; felony. 11 **Del.C.** §1256.
- 9.1.132 Use of an animal to avoid capture; felony 11 **Del.C.** §1257A.
- 9.1.133 Sexual relations in detention facility. 11 **Del.C.** §1259.
- 9.1.134 Bribing a witness. 11 **Del.C.** §1261.
- 9.1.135 Bribe receiving by a witness. 11 **Del.C.** §1262.
- 9.1.136 Tampering with a witness. 11 **Del.C.** §1263.
- 9.1.137 Interfering with child witness. 11 **Del.C.** §1263A.
- 9.1.138 Bribing a juror. 11 **Del.C.** §1264.
- 9.1.139 Bribe receiving by a juror. 11 **Del.C.** §1265.
- 9.1.140 Tampering with a juror. 11 **Del.C.** §1266.
- 9.1.141 Misconduct by a juror. 11 **Del.C.** §1267.
- 9.1.142 Tampering with physical evidence. 11 **Del.C.** §1269.
- 9.1.143 Riot. 11 **Del.C.** §1302.
- 9.1.144 Hate crimes. 11 **Del.C.** §1304.
- 9.1.145 Stalking. 11 **Del.C.** §1312.
- 9.1.146 Malicious interference with emergency communications. 11 **Del.C.** §1313.
- 9.1.147 Cruelty to animals. 11 **Del.C.** §1325.
- 9.1.148 The unlawful trade in dog or cat by-products. 11 **Del.C.** §1325A
- 9.1.149 Animals; fighting and baiting prohibited; felony. 11 **Del.C.** §1326.
- 9.1.150 Maintaining a dangerous animal; felony. 11 **Del.C.** §1327.
- 9.1.151 Abusing a corpse. 11 **Del.C.** §1332.
- 9.1.152 Trading in human remains and associated funerary objects. 11 **Del.C.** §1333.
- 9.1.153 Violation of privacy. 11 **Del.C.** §1335.
- 9.1.154 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 **Del.C.** §1338.
- 9.1.155 Adulteration. 11 **Del.C.** §1339.
- 9.1.156 Promoting prostitution in the third degree. 11 **Del.C.** §1351.
- 9.1.157 Promoting prostitution in the second degree. 11 **Del.C.** §1352.
- 9.1.158 Promoting prostitution in the first degree. 11 **Del.C.** §1353.
- 9.1.159 Permitting prostitution. 11 **Del.C.** §1355.
- 9.1.160 Obscenity. 11 **Del.C.** §1361.
- 9.1.161 Carrying a concealed deadly weapon. 11 **Del.C.** §1442.
- 9.1.162 Possessing a destructive weapon. 11 **Del.C.** §1444.
- 9.1.163 Possession of a deadly weapon during commission of a felony. 11 **Del.C.** §1447.
- 9.1.164 Possession of a firearm during commission of a felony. 11 **Del.C.** §1447A.
- 9.1.165 Possession and purchase of deadly weapons by persons prohibited. 11 **Del.C.** §1448.
- 9.1.166 Criminal history record checks for sales of firearms; felony. 11 **Del.C.** §1448A.
- 9.1.167 Receiving a stolen firearm. 11 **Del.C.** §1450.
- 9.1.168 Theft of a firearm. 11 **Del.C.** §1451.
- 9.1.169 Giving a firearm to person prohibited. 11 **Del.C.** §1454.
- 9.1.170 Engaging in a firearms transaction on behalf of another. 11 **Del.C.** §1455.

- 9.1.171 Unlawfully permitting a minor access to a firearm. 11 **Del.C.** §1456.
- 9.1.172 Possession of a weapon in a Safe School and Recreation Zone; felony. 11 **Del.C.** §1457.
- 9.1.173 Removing a firearm from the possession of a law enforcement officer. 11 **Del.C.** §1458.
- 9.1.174 Prohibited acts. cheating devices)-(e). 11 **Del.C.** §1471.
- 9.1.175 Victim or Witness Intimidation. 11 **Del.C.** §3532 & 3533.
- 9.1.176 Abuse, neglect, mistreatment or financial exploitation of residents or patients 16 **Del.C.** §1136(a), (b) and (c).
- 9.1.177 Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs; felony. 23 **Del.C.** §2302(a) and § 2305 (3) and (4).
- 9.1.178 Attempt to evade or defeat tax. 30 **Del.C.** §571.
- 9.1.179 Failure to collect or pay over tax. 30 **Del.C.** §572.
- 9.1.180 Fraud and false statements [taxes]. 30 **Del.C.** §574.
- 9.1.181 Obtaining benefit under false representation. 31 **Del.C.** §1003.
- 9.1.182 Reports, statements and documents. 31 **Del.C.** §1004(1), (2), (3), (4), (5)
- 9.1.183 Kickback schemes and solicitations. 31 **Del.C.** §1005.
- 9.1.184 Conversion of payment. 31 **Del.C.** §1006.
- 9.1.185 Altering or forging certificate of title, manufacturer's certificate of origin, registration card, vehicle warranty or certification sticker or vehicle identification plate. 21 **Del.C.** §2316.
- 9.1.186 False statements; incorrect or incomplete information. 21 **Del.C.** §2620.
- 9.1.187 License to operate a motorcycle, motorbike, etc. 21 **Del.C.** §2703.
- 9.1.188 Unlawful application for or use of license or identification card. 21 **Del.C.** §2751.
- 9.1.189 False statements. 21 **Del.C.** §2752
- 9.1.190 Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards. 21 **Del.C.** §2760(a) and (b).
- 9.1.191 False statements. 21 **Del.C.** §3107.
- 9.1.192 Driving a vehicle while under the influence or with a prohibited alcohol content; felony. 21 **Del.C.** §4177(3) and (4).
- 9.1.193 Duty of driver involved in accident resulting in injury or death to any person. 21 **Del.C.** §4202.
- 9.1.194 Possession of motor vehicle master keys, manipulative keys, key-cutting devices, lock picks or lock picking devices and hot wires. 21 **Del.C.** §4604(a).
- 9.1.195 Receiving or transferring stolen vehicle. 21 **Del.C.** §6704.
- 9.1.196 Removed, falsified or unauthorized identification number on vehicle, bicycle or engine; removed or affixed license/registration plate with intent to misrepresent identity; felony. 21 **Del.C.** §6705(b) and (d).
- 9.1.197 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card. 21 **Del.C.** §6708(a) and (b).
- 9.1.198 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers. 21 **Del.C.** §6709(a).
- 9.1.199 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers. 21 **Del.C.** §6710(a).
- 9.1.200 Unlawful Acts. 3 **Del.C.** §1224.
- 9.1.201 Fraudulent Written Statements. 3 **Del.C.** §10049.
- 9.1.202 Fraudulent Certificate of Registration or Eligibility Documents 3 **Del.C.** §10050.
- 9.1.203 Prohibitions [relating to generation, storage, disposal, transportation, and treatment of hazardous waste]. 7 **Del.C.** §6304.
- 9.1.204 Interception of Communications Generally; Divulging Contents of Communications 11 **Del.C.** §2402.
- 9.1.205 Manufacture, Possession or Sale of Intercepting Device. 11 **Del.C.** §2403.
- 9.1.206 Breaking and Entering, Etc. to Place or Remove Equipment. 11 **Del.C.** §2410.
- 9.1.207 Obstruction, Impediment or Prevention of Interception. 11 **Del.C.** §2412.
- 9.1.208 Obtaining, Altering or Preventing Authorized Access. 11 **Del.C.** §2421.
- 9.1.209 Installation and Use Generally [of pen trace and trap and trace devices]. 11 **Del.C.** §2431.
- 9.1.210 Disclosure of Expunged Records. 11 **Del.C.** §4376.
- 9.1.211 Alteration, theft or destruction of will. 12 **Del.C.** §210.

9.1.212 Violations related to the sale, purchase, receipt, possession, transportation, use, safety and control of explosive materials other than 16 **Del.C.** §7103. 16 **Del.C.** §7112.

9.1.213 Abuse, neglect, exploitation or mistreatment of infirm adult. 31 **Del.C.** §3913(a), (b) and (c).

9.2 Crimes substantially related to the practice of nursing home administration shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

3 DE Reg. 1060 (02/01/00)

9 DE Reg. 104 (07/01/05)

9 DE Reg. 1986 (06/01/06)

14 DE Reg. 1107 (04/01/11)

15 DE Reg. 1770 (06/01/12)

17 DE Reg. 552 (11/01/13)

17 DE Reg. 655 (12/01/13)

18 DE Reg. 996 (06/01/15)

19 DE Reg. 1106 (06/01/16)

21 DE Reg. 584 (01/01/18)

28 DE Reg. 610 (02/01/25) (Final)