

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

700 BOARD OF CHIROPRACTIC

Statutory Authority: 24 Delaware Code, Sections 706(a)(1) and (10)
(24 Del.C. §706(a)(1) and (10))
24 DE Admin. Code 700

FINAL

ORDER

Pursuant to 29 Del.C. §10118 and 24 Del.C. §700, the Delaware Board of Chiropractic issues this Order adopting proposed amendments to the Board's Rules. Following notice and a public hearings on November 4, 2010 and April 7, 2011 the Board makes the following findings and conclusions:

SUMMARY OF THE EVIDENCE

1. The Board posted public notice of the proposed amendments in the October 1, 2010 *Register of Regulations* and in the *Delaware News Journal* and *Delaware State News*. The Board proposed to completely rework its regulations in an attempt to better organize and clearly establish the standards governing licensed chiropractors in the State of Delaware.

2. The Board received no written comments during October 2010. The Board held a public hearing on November 4, 2010 and received two public comments: one regarding the amount of CE credit that could be obtained through webinars and one regarding the requirement that licensees closing down their practice notify their patients via newspaper and regular mail. As a result of these public comments, the Board made substantial changes to their proposed regulations, and republished them on March 1, 2011 in the *Register of Regulations* and posed public notice in the *Delaware News Journal* and *Delaware State News*. The Board received no written or public comment during this time. The Board received no public comment at its hearing on April 7, 2011.

3. The Board proposed the following change to its regulations (additions are underlined, removals are stricken through).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

4. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's Rules. No public comment was received and therefore no further revision of the rules need be considered.

5. There being no public comment to consider, the Board hereby adopts the regulation changes as originally published on March 1, 2011.

The effective date of this Order will be ten (10) days from the publication of this Order in the *Register of Regulations* on June 1, 2011.

700 Board of Chiropractic

1.0 Chiropractic Defined; Limitations of Chiropractic License

An adjunctive procedure not otherwise prohibited by Chapter 7 which aids and or assists the chiropractor in providing chiropractic care and includes by way of example and is not limited to:

Acupuncture Procedures

Physiological Therapeutics

Diet and Nutritional Programs

Rehabilitation/Exercise Programs

4 DE Reg. 1940 (6/1/01)

2.0 ~~Officers; Meetings; Quorum~~

~~The Board will hold elections for the offices of President and Secretary at the regularly scheduled meeting in October of each year or as soon thereafter as practical. Vacancies occurring in an office shall be filled for the remainder of the term in the month following the vacancy or as soon thereafter as is practical.~~

2.0 Continuing Education (CE) Requirements

- 2.1** Completion of the required continuing education (CE) hours is a prerequisite for renewing a license. Licensees shall complete 24 hours of approved CE during each biennial licensing period, except as otherwise provided in these regulations for new licensees.

 - 2.1.1** The deadline for completion of all required CE hours is the license renewal deadline, unless extended or waived pursuant to regulation 2.3. CE hours must be completed and approved by the Board before applying for renewal.
 - 2.1.2** CE hours must be completed within the biennial licensure period for which they are being applied. Only six CE hours can be carried over into a subsequent licensure period.
 - 2.1.3** The same course shall not count more than once during a single licensing period. For courses completed multiple times in one licensing period, credit shall only be given for the first course completion.
 - 2.1.4** Licensees shall retain their CE course attendance documentation for at least two years after the renewal deadline.
 - 2.1.5** At least 3 of the credit hours required for renewal must contain ethics, recordkeeping, or risk management.
 - 2.1.6** The required CE can be taken online or by home study which includes video- or tele-conference, so long as the teaching is live, and the interaction between the instructor and the licensee is interactive and synchronous. Asynchronous education including video replay or on-line courses are limited to 6 hours per renewal period.
 - 2.1.7** Only courses co-sponsored by accredited Chiropractic colleges, national or states organizations are presumptively approved so long as the course relates to the field of Chiropractic. Excepted from this presumptive approval are courses in practice management subjects.
 - 2.1.8** The subject matter of all Continuing Education must contribute directly to the competency of a person licensed to practice as a Chiropractor. The activity must have a significant intellectual or practical content and deal with chiropractic techniques, issues or ethical standards relevant to the practice of chiropractic.
- 2.2** New Licensee Exception:

 - 2.2.1** At the time of the initial license renewal, some individuals will have been licensed for less than two (2) years. For these individuals only, the continuing education hours will be pro-rated based on when the license was issued.

 - 2.2.1.1** If the new license was issued during the first year of the renewal period, July 1 – December 31 of the odd year, the licensee must complete 24 CE hours.
 - 2.2.1.2** If the new license was issued during the first year of the renewal period, January 1 – June 30 of the even year, the licensee must complete 18 CE hours.
 - 2.2.1.3** If the new license was issued during the second year of the renewal period, July 1 – December 31 of the even year, the licensee must complete 12 CE hours.
 - 2.2.1.4** If the new license was issued during the second year of the renewal period, January 1 – June 30 of the odd year, the licensee must complete 24 CE hours.
- 2.3** Hardship. For good cause, the Board may grant extensions of the CE deadline or may grant waivers of the CE requirements. **Good cause** includes, but is not limited to disability, serious illness, extended absence from the country, exceptional family responsibilities, or unique personal hardship that is not the result of professional negligence or inadvertence. Requests for hardship extensions or waivers must be submitted to the Board in writing before the end of the licensing period for which the request is sought.
- 2.4** Board approval for Continuing Education (CE) Courses

 - 2.4.1** CE courses that are presented by a Chiropractic college accredited by the Council on Chiropractic Education (CCE) and are related to the practice of Chiropractic are approved, except courses on practice management or law other than Delaware law. These colleges and organizations do not have to submit Continuing Education Approval forms. It is the provider's responsibility to post and advertise their CE courses available.
 - 2.4.2** In order for licensees to receive credit for CE courses not sponsored by a Chiropractic college accredited by the CCE or presented by any other national or state Chiropractic organization, the course must be approved by the Board before the deadline for submission of a licensee's renewal application.

 - 2.4.2.1** CE course participants and providers may apply for pre-approval of courses by submitting a written request for approval that must include a program agenda, a syllabus indicating the time spent on each topic, the names and resumes of the presenters, and the number of CE hours requested. The Board may approve less than the number of hours requested.
- 2.5** Board approval of a licensee's CE hours in a specialty area is not a Board endorsement of the licensee's competence to practice that specialty.

3.0 Certification

~~Certification in any nationally recognized specialty for a licensee requires a minimum of 100 or more hours of certified training beyond and in addition to any courses or training received toward a degree of Doctor of Chiropractic. Certification in any nationally recognized chiropractic specialty or technique requires that the licensee shall have completed all requirements for recognition as a practitioner of such chiropractic specialty or technique by the American Chiropractic Association, the International Chiropractic Association, or any Board approved nationally recognized certification body.~~

~~11 DE Reg. 348 (09/01/07)~~

3.0 Renewal Requirements

- 3.1 The biennial licenses granted by the Board shall automatically terminate on June 30th of each even numbered year or on such other date as is specified by the Division of Professional Regulation. It is the responsibility of the licensee to file a renewal application with the Board. The failure of the Board to notify a licensee of his/her expiration date does not in any way relieve the licensee of the requirements of filing a renewal application with the Board. A licensee who fails to renew a license before the expiration date may renew on a late basis for a period not to exceed sixty days; however, it is illegal to practice Chiropractic in the State of Delaware beyond the expiration date. Licensees who do not renew their license within sixty days of the expiration date must reapply under the licensure requirements of a new licensee and have 24 credits of continued education from the previous licensing period
- 3.2 Verification of CE hours shall be by attestation. Attestation shall be completed electronically if the renewal is accomplished online. Alternatively, the attestation of completion may be submitted by paper renewal forms. Requests for paper renewal forms must be directed to the Division.
- 3.3 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 of attendance or completion that must be signed by the course presenter or by a designated official of the sponsoring organization. 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. All licensees renewing during the late renewal period shall be audited.

4.0 Continuing Education

4.1 Continuing Education for New Licensees:

- ~~4.1.1 At the time of the initial license renewal, some individuals will have been licensed for less than two (2) years. Therefore, for these individuals only, the continuing education hours will be pro-rated as follows:~~

License Granted During First Year:	Credit Hours Required:
July 1 – December 31	24 hours
January 1 – June 30	18 hours
License Granted During Second Year:	Credit Hours Required:
July 1 – December 31	12 hours
January 1 – June 30	0 hours

4.2 Continuing Education for Licensees other than new licensees:

- ~~4.2.1 Unless otherwise excused by the Board for good cause such as illness, extended absence from the country, or unique personal hardship which is not the result of professional negligence or inadvertence, all Chiropractors seeking renewal more than two (2) years from initial licensure or reinstatement of a lapsed license must attest to the satisfactory completion of twenty four (24) credit hours of Board approved continuing education within the immediately preceding two (2) year period. Effective July 1, 2006, of the required twenty four (24) credit hours of Board approved continuing education, a maximum of twelve (12) credit hours may be fulfilled by participating in online courses.~~
- ~~4.2.1.1 Attestation may be completed electronically if the renewal is accomplished online. In the alternative, paper renewal documents that contain the attestation of completion may be submitted;~~
- ~~4.2.2 Attestation of continuing education shall be submitted to the Division of Professional Regulation, Dover, Delaware, no later than June 30th of the reporting year and shall be received every two (2) years after such date. Continuing education completed before June 30th of the reporting year shall not be carried over to the~~

next renewal period. The Board has the right to conduct an audit of the proof of continuing education submitted by licensees.

- 4.2.2.1 All licensees shall maintain documentation of continuing education during the licensure period to be submitted if their renewal application is selected for audit. Random audits will be performed by the Board to ensure compliance with the continuing education requirement. Licensees selected for the random audit shall submit the log and attendance verification.

~~4 DE Reg. 1940 (6/1/01)~~

~~8 DE Reg. 1586 (5/1/05)~~

~~9 DE Reg. 1766 (5/1/06)~~

~~10 DE Reg. 146 (7/1/06)~~

5.2 4.0 Inactive Status and or Termination of Practice.

- 4.1 Any licensee who seeks to be placed on inactive status or who is terminating his or her practice in this State or who is leaving this State and is not transferring his or her records to another chiropractor shall notify the Board in writing and notify all patients treated within the last three (3) years by publication in a newspaper of general circulation throughout the State of Delaware and offer to make the patients records available to the patient or his or her duly authorized representative. Except in an emergency situation where as much notice as is reasonably possible shall be given, the notice by publication shall be made at least ninety (90) days prior to termination of the practice or leaving the State and must be published at least 3 times over this ninety (90) day period and must explain how a patient can procure his or her patient records. All patients who have not requested their records thirty (30) days prior to the termination of the licensee's practice or the licensee leaving the State shall be notified by first class mail by the licensee to permit patients to procure their records. Any patient records that have not been procured within 7 years after the licensee terminates his or her practice or leaves the State may be permanently disposed of in a manner that ensures confidentiality of the records.
- 4.2 In order to reactivate an inactive license, the licensee must make a written request to the Board, submit 24 continuing education hours, and pay the renewal fee before the expiration date of the inactive status. If the written request to become active is not received before the expiration date, the licensee will have to reapply and meet the requirements of a new applicant regardless of the way they were originally licensed.

5.0 ~~Issuance of License; Renewal; Inactive Status; Reinstatements; Retention of Patient Records~~

- 5.1 ~~The Biennial licenses granted by the Board shall automatically terminate on June 30th of each even numbered year or on such other date as is specified by the Division of Professional Regulation. It is the responsibility of the licensee to file a renewal application with the Board. The failure of the Board to notify a licensee of his/her expiration date does not in any way relieve the licensee of the requirements of filing a renewal application with the Board. A licensee who fails to renew a license before the expiration date may renew on a late basis for a period not to exceed one (1) year. Licenses renewal may be accomplished online at <http://dpr.delaware.gov>.~~

~~5.3~~ 5.0 Retention of Patient Records.

- 5.1 Patient records must be retained by the Chiropractor or arrangements made for the maintenance and retention of patient records for seven (7) years from the date of the last treatment.
- 5.4 5.2 Whenever a patient changes from the care of one Chiropractor to another Chiropractor and upon the request of either the new Chiropractor or the patient the previous Chiropractor (a) may charge for the reasonable expenses of copying the patient's records and upon receiving payment for such expenses, shall transfer the patient's records to the new Chiropractor, or (b) if there is no copying charge, shall transfer the records of the patient to the new Chiropractor, within a reasonable time frame. Alternatively, if the patient and new Chiropractor agree, the Chiropractor may forward to the new Chiropractor a summary of the patient's records in lieu of the entire record at no charge to the patient. If a patient changes care from one Chiropractor to another Chiropractor, and fails to notify the previous Chiropractor or leaves the care of the previous Chiropractor for a period of 7 years from the date of the last treatment and fails to notify the previous Chiropractor, or fails to request the transfer of records to the new Chiropractor, then the previous Chiropractor shall maintain said records for a period of 7 years from the date of last treatment, after which time the records may be permanently disposed of in a manner that ensures confidentiality of the records.
- ~~5.5~~ 5.3 This rule shall not apply to a Chiropractor who has seen or treated a patient on referral from another Chiropractor and who has provided a record of the diagnosis or treatment to another chiropractor, hospital or agency which has provided treatment for the patient.

5.6 5.4 A Chiropractor or the personal representative of the estate of a Chiropractor who disposes of patient records in accordance with the provisions of this rule is not liable for any direct or indirect loss suffered as a result of the disposal of a patient's records.

4 DE Reg. 1940 (6/1/01)

5 DE Reg. 270 (9/1/01)

7 DE Reg. 36 (7/1/03)

10 DE Reg. 146 (7/1/06)

6.0 Grounds for Discipline

- 6.1 Unprofessional Conduct in Advertising. Any Licensee who advertises or holds out to the public that he or she is a specialist in any specific chiropractic or adjunctive procedure without having a valid current certification as having special training and/or certification in such procedure or procedures from a recognized certification body is guilty of unprofessional conduct.
- 6.2 Examples of Unprofessional Conduct in Advertising and Promotional Practices. The following advertising and promotional practices are deemed to be misleading, false, deceptive, dishonorable and/or unethical and shall constitute unprofessional conduct by a licensee:
 - 6.2.1 The use of testimonials without written permission of that doctor's patient.
 - 6.2.2 Offering free or discounted examinations unless all charges associated with such examinations, including all x-ray fees and charges, are conspicuously set out in writing at the time of and in conjunction with such offer and unless such examinations are offered regardless of the availability of insurance coverage of any recommended subsequent treatment.
 - 6.2.3 The use of unjustified or exaggerated claims, promises or statements which guarantee or strongly imply cure or successful treatment or are otherwise false, fraudulent, deceptive, or misleading.
 - 6.2.4 Willful failure to identify licensee as a Doctor of Chiropractic, Chiropractor or Chiropractic Physician.
- 6.3 Unprofessional conduct with Patient, Employees, or Co-workers. Sexual misconduct in violation of a statute of the State of Delaware or any State or Commonwealth where such conduct takes place, involving a licensee and a patient, employee or co-worker shall be deemed to be unprofessional conduct.

4 DE Reg. 1940 (6/1/01)

5 DE Reg. 270 (9/1/01)

7.0 License to Practice Consulting

A Chiropractor licensed ~~elsewhere~~ in another state, but not licensed in the State of Delaware may only practice chiropractic within the State of Delaware ~~only~~ in consultation with a duly Delaware licensed Chiropractor for not more than ten (10) consultations in any twelve (12) month period. The, which consultations shall be limited to examination, recommendation, or testimony in litigation. The Delaware licensed Chiropractor must inform the Board that a consulting Chiropractor is consulting with them and inform the Board of the terms of the consulting agreement.

8.0 Voluntary Treatment Option

Any member of the public or a licensee may make a written report, signed by the complainant, of chemical dependency or impairment affecting any person regulated by the Board pursuant to 29 **Del.C.** §8807(n).

- 8.1 If the report is received by the chairperson of the regulatory Board, that chairperson 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 chairperson of the regulatory Board, or that chairperson's designate or designates.
- 8.2 The chairperson of the regulatory Board or that chairperson'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 screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson'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 chairperson or that chairperson'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 chairperson of the participating Board or that chairperson'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 chairperson of the participating Board.

- 8.5 Failure to cooperate fully with the participating Board chairperson or that chairperson'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 chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in section 8.8.
- 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 chairperson of the participating Board or to that chairperson'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 chairperson of the participating Board or that chairperson'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 chairperson 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 chairperson, 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.

4 DE Reg. 1940 (6/1/01)

9.0 Crimes Substantially Related to the Practice of Chiropractic

- 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 chiropractic in the State of Delaware without regard to the place of conviction:~~
- 9.1.1 ~~Manslaughter. 11 Del.C. §632.~~
 - 9.1.2 ~~Murder by abuse or neglect in the first degree. 11 Del.C. §634.~~
 - 9.1.3 ~~Murder in the second degree. 11 Del.C. §635.~~
 - 9.1.4 ~~Murder in the first degree. 11 Del.C. §636.~~
 - 9.1.5 ~~Rape in the second degree. 11 Del.C. §772.~~
 - 9.1.6 ~~Rape in the first degree. 11 Del.C. §773.~~
 - 9.1.7 ~~Continuous sexual abuse of a child. 11 Del.C. §778.~~
 - 9.1.8 ~~Dangerous crime against a child. 11 Del.C. §779.~~
 - 9.1.9 ~~Sexual exploitation of a child. 11 Del.C. §1108.~~
 - 9.1.10 ~~Unlawfully dealing in child pornography. 11 Del.C. §1109.~~
- 9.2 ~~Crimes substantially related to the practice of chiropractic 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.~~

8 DE Reg. 997 (1/1/05)

- 9.1 The Board finds that for purposes of licensing, renewal, reinstatement and discipline, the conviction of any of the following crimes, or of the attempt to commit or a conspiracy to commit or conceal the following crimes or substantially similar crimes in another state or jurisdiction, is deemed to be substantially related to the practice of Chiropractic in the State of Delaware without regard to the place of conviction:
- 9.2 For the purposes of this section the following definitions shall apply:
- “Conviction” means a verdict of guilty by whether entered by a judge or jury, or a plea of guilty or a plea of nolo contendere or other similar plea such as a “Robinson” or “Alford” plea unless the individual has been discharged under §4218 of Title 11 of the Delaware Code (probation before judgment) or under §1024 of Title 10 (domestic violence diversion program) or by §4764 of Title 16 (first offenders controlled substances diversion program).
- “Jurisdiction” [Substantially similar crimes in another State or Jurisdiction] including all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, but not limited to, Federal Health Care offenses.
- 9.3 Any crime which involves the use of physical force or violence toward or upon the person of another and shall include by way of example and not of limitation the following crimes set forth in Title 11 of the Delaware Code Annotated:
- Assaults and Related Offenses
- 9.3.1 §601. Offensive touching;
 - 9.3.2 §602. Menacing;
 - 9.3.3 §603. Reckless endangering in the second degree;
 - 9.3.4 §604. Reckless endangering in the first degree;
 - 9.3.5 §605. Abuse of a pregnant female in the second degree;
 - 9.3.6 §606. Abuse of a pregnant female in the first degree;
 - 9.3.7 §611. Assault in the third degree;
 - 9.3.8 §612. Assault in the second degree;
 - 9.3.9 §613. Assault in the first degree;
 - 9.3.10 §614. Assault on a sports official.
 - 9.3.11 §615. Assault by abuse or neglect;
 - 9.3.12 §621. Terroristic threatening;
 - 9.3.13 §625. Unlawfully administering drugs;

9.3.14 §626. Unlawfully administering controlled substance or counterfeit substance or narcotic drugs;

9.3.15 §629. Vehicular assault in the first degree;

9.3.16 §630. Vehicular homicide in the second degree;

9.3.17 §630A. Vehicular homicide in the first degree;

9.3.18 §631. Criminally negligent homicide;

9.3.19 §632. Manslaughter;

9.3.20 §633. Murder by abuse or neglect in the second degree;

9.3.21 §634. Murder by abuse or neglect in the first degree;

9.3.22 §635. Murder in the second degree;

9.3.23 §636. Murder in the first degree;

9.3.24 §645. Promoting suicide.

Abortion and Related Offenses

9.3.25 §651. Abortion;

9.3.26 §653. Issuing abortifacient articles.

Sexual Offenses

9.3.27 §763. Sexual harassment;

9.3.28 §765. Indecent exposure in the first degree;

9.3.29 §766. Incest;

9.3.30 §767. Unlawful sexual contact in the third degree;

9.3.31 §768. Unlawful sexual contact in the second degree;

9.3.32 §769. Unlawful sexual contact in the first degree;

9.3.33 §770. Rape in the fourth degree;

9.3.34 §771. Rape in the third degree;

9.3.35 §772. Rape in the second degree;

9.3.36 §773. Rape in the first degree;

9.3.37 §776. Sexual extortion;

9.3.38 §777. Bestiality;

9.3.39 §778. Continuous sexual abuse of a child;

9.3.40 §780. Female genital mutilation.

Kidnapping and Related Offenses

9.3.41 §781. Unlawful imprisonment in the second degree;

9.3.42 §782. Unlawful imprisonment in the first degree;

9.3.43 §783. Kidnapping in the second degree;

9.3.44 §783A. Kidnapping in the first degree;

9.3.45 §785. Interference with custody;

Coercion

9.3.46 §791. Acts constituting coercion;

- 9.4 Any crime which involves dishonesty or false, fraudulent or aberrant behavior and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code Annotated**:

Arson and Related Offenses

9.4.1 §801. Arson in the third degree;

9.4.2 §802. Arson in the second degree;

9.4.3 §803. Arson in the first degree;

Criminal Trespass and Burglary

9.4.4 §820. Trespassing with intent to peer or peep into a window or door of another;

9.4.5 §824. Burglary in the third degree;

9.4.6 §825. Burglary in the second degree;

9.4.7 §826. Burglary in the first degree;

9.4.8 §828. Possession of burglar's tools or instruments facilitating theft;

Robbery

9.4.9 §831. Robbery in the second degree;

9.4.10 §832. Robbery in the first degree.

9.4.11 §835. Carjacking in the second degree;

9.4.12 §836. Carjacking in the first degree;

Theft and Related Offenses

9.4.13 §840. Shoplifting; class G felony;

9.4.14 §840A. Use of illegitimate retail sales receipt or Universal Product Code Label.

9.4.15 §841. Theft;

9.4.16 §842. Theft; lost or mislaid property; mistaken delivery.

9.4.17 §843. Theft; false pretense.

9.4.18 §844. Theft; false promise.

9.4.19 §845. Theft of services.

9.4.20 §846. Extortion;

9.4.21 §848. Misapplication of property;

9.4.22 §849. Theft of rented property;

9.4.23 §850. Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices.

9.4.24 §851. Receiving stolen property;

9.4.25 §854. Identity theft;

9.4.26 §860. Possession of shoplifter's tools or instruments facilitating theft;

Forgery and Related Offenses

9.4.27 §861. Forgery; class F felony;

9.4.28 §862. Possession of forgery devices;

Offenses Involving Falsification of Records

9.4.29 §871. Falsifying business records;

9.4.30 §872. Falsifying business records;

9.4.31 §873. Tampering with public records in the second degree;

9.4.32 §876. Tampering with public records in the first degree;

9.4.33 §877. Offering a false instrument for filing;

9.4.34 §878. Issuing a false certificate;

Bribery Not Involving Public Servants

9.4.35 §881. Bribery;

9.4.36 §882. Bribe receiving;

Frauds on Creditors

Other Frauds and Cheats

9.4.37 §900. Issuing a bad check;

9.4.38 §903. Unlawful use of credit card;

9.4.39 §903A. Reencoder and scanning devices;

9.4.40 §906. Deceptive business practices;

9.4.41 §907. Criminal impersonation;

9.4.42 §907A. Criminal impersonation, accident related;

9.4.43 §907B. Criminal impersonation of a police officer;

9.4.44 §909. Securing execution of documents by deception;

9.4.45 §911. Fraudulent conveyance of public lands;

9.4.46 §912. Fraudulent receipt of public lands;

9.4.47 §913. Insurance fraud;

9.4.48 §913A. Health care fraud;

Computer Related Offenses

9.4.49 §933. Theft of computer services.

9.4.50 §934. Interruption of computer services.

9.4.51 §938. Failure to promptly cease electronic communication upon request.

Offenses Relating to Marriage

9.4.52 §1001. Bigamy;

9.4.53 §1003. Bigamous marriage contracted outside the State.

- 9.5 Any crime which involves misuse or abuse of children or animals and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code Annotated**:

Child Welfare; Sexual Offenses, Animal Offenses

9.5.1 §1100. Dealing in children;

9.5.2 §1101. Abandonment of child;

9.5.3 §1102. Endangering the welfare of a child;

9.5.4 §1105. Endangering the welfare of an incompetent person;

9.5.5 §1106. Unlawfully dealing with a child;

9.5.6 §1107. Endangering children;

9.5.7 §1108. Sexual exploitation of a child;

9.5.8 §1109. Unlawfully dealing in child pornography;

9.5.9 §1111. Possession of child pornography;

9.5.10 §1112. Sexual offenders; prohibitions from school zones.

9.5.11 §1112A. Sexual solicitation of a child;

9.5.12 §1113. Criminal non-support and aggravated criminal non-support.

9.5.13 §1117. Notice;

9.5.14 §1325. Cruelty to animals;

9.5.15 §1326. Animals; fighting and baiting prohibited (Felony only);

- 9.6 Any crime which involves offenses against the public order the commission of which may tend to bring discredit upon the profession and which are thus substantially related to one's fitness to practice such profession and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code Annotated**:

Bribery and Improper Influence

9.6.1 §1201. Bribery;

9.6.2 §1203. Receiving a bribe;

Perjury and related offenses

9.6.3 §1221. Perjury in the third degree;

9.6.4 §1222. Perjury in the second degree;

9.6.5 §1223. Perjury in the first degree;

9.6.6 §1233. Making a false written statement;

9.6.7 §1239. Wearing a disguise during the commission of a felony;

9.6.8 §1240. Terroristic threatening of public officials or public servants;

9.6.9 §1243. Obstructing fire-fighting operations;

9.6.10 §1244. Hindering prosecution;

9.6.11 §1245. Falsely reporting an incident;

9.6.12 §1249. Abetting the violation of driver's license restrictions;

9.6.13 §1250. Offenses against law-enforcement animals;

9.6.14 §1254. Assault in a detention facility (Felony only)

9.6.15 §1257A. Use of an animal to avoid capture (Felony only);

9.6.16 §1259. Sexual relations in detention facility;

Offenses Relating to Judicial and Similar Proceedings

9.6.17 §1261. Bribing a witness;

9.6.18 §1262. Bribe receiving by a witness;

9.6.19 §1263. Tampering with a witness;

9.6.20 §1263A. Interfering with child witness.

9.6.21 §1264. Bribing a juror;

9.6.22 §1265. Bribe receiving by a juror;

9.6.23 §1266. Tampering with a juror;

9.6.24 §1267. Misconduct by a juror;

9.6.25 §1269. Tampering with physical evidence;

9.6.26 §1271A. Criminal contempt of a domestic violence protective order;

9.6.27 §1273. Unlawful grand jury disclosure.

- 9.7 Any crime which involves offenses against a public health order and decency which may tend to bring discredit upon the profession, specifically including the below listed crimes from Title 11 of the **Delaware Code Annotated** which evidence a lack of appropriate concern for the safety and well being of another person or persons in general or sufficiently flawed judgment to call into question the individuals ability to make health care decisions or advise upon health care related matters for other individuals.

Disorderly Conduct and Related Offenses

9.7.1 §1302. Riot;

9.7.2 §1304. Hate crimes;

9.7.3 §1311. Harassment;

9.7.4 §1312. Aggravated harassment;

9.7.5 §1312A. Stalking;

9.7.6 §1313. Malicious interference with emergency communications;

9.7.7 §1335. Violation of privacy (Felony only);

9.7.8 §1338. Bombs, incendiary devices, Molotov cocktails and explosive devices;

9.7.9 §1339. Adulteration;

Offenses Involving Public Indecency

9.7.10 §1342. Prostitution;

9.7.11 §1343. Patronizing a prostitute prohibited.

9.7.12 §1351. Promoting prostitution in the third degree;

9.7.13 §1352. Promoting prostitution in the second degree;

9.7.14 §1353. Promoting prostitution in the first degree;

9.7.15 §1355. Permitting prostitution;

Obscenity

9.7.16 §1361. Obscenity; acts constituting;

9.7.17 §1365. Obscene literature harmful to minors;

- 9.8 Any crime which involves the illegal possession or the misuse or abuse of narcotics, or other addictive substances and those non-addictive substances with a substantial capacity to impair reason or judgment and shall include by way of example and not of limitation the following crimes listed in Chapter 47 of Title 16 of the Delaware Code Annotated:

9.8.1 §4751. Prohibited acts A;

9.8.2 §4752. Prohibited acts B;

9.8.3 §4752A. Unlawful delivery of noncontrolled substance.

9.8.4 §4753. Prohibited acts C.

9.8.5 §4753A. Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, L.S.D., or designer drugs.

9.8.6 §4754. Prohibited acts D;

9.8.7 §4754A. Possession and delivery of noncontrolled prescription drug.

9.8.8 §4755. Prohibited acts E;

9.8.9 §4756. Prohibited acts;

9.8.10 §4757. Hypodermic syringe or needle; delivering or possessing; disposal; exceptions;

9.8.11 §4761. Distribution to persons under 21 years of age;

9.8.12 §4761A. Purchase of drugs from minors;

9.8.13 §4767. Distribution, delivery, or possession of controlled substance within 1,000 feet of school property;

9.8.14 §4768. Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship.

- 9.9 Any crime which involves the misuse or illegal possession or sale of a deadly weapon or dangerous instrument and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code Annotated**:

Offenses Involving Deadly Weapons and Dangerous Instruments

9.9.1 §1442. Carrying a concealed deadly weapon;

9.9.2 §1443. Carrying a concealed dangerous instrument;

9.9.3 §1444. Possessing a destructive weapon;

- 9.9.4 §1445. Unlawfully dealing with a dangerous weapon;
- 9.9.5 §1447. Possession of a deadly weapon during commission of a felony;
- 9.9.6 §1447A. Possession of a firearm during commission of a felony;
- 9.9.7 §1448. Possession and purchase of deadly weapons by persons prohibited;
- 9.9.8 §1448A. Criminal history record checks for sales or firearms;
- 9.9.9 §1449. Wearing body armor during commission of felony;
- 9.9.10 §1450. Receiving a stolen firearm;
- 9.9.11 §1451. Theft of a firearm;
- 9.9.12 §1452. Unlawfully dealing with knuckles-combination knife;
- 9.9.13 §1454. Giving a firearm to person prohibited;
- 9.9.14 §1455. Engaging in a firearms transaction on behalf of another;
- 9.9.15 §1456. Unlawfully permitting a minor access to a firearm;
- 9.9.16 §1457. Possession of a weapon in a Safe School and Recreation Zone;
- 9.9.17 §1458. Removing a firearm from the possession of a law enforcement officer;
- 9.9.18 §1459. Possession of a weapon with a removed, obliterated or altered serial number;

Offenses Involving Drug Paraphernalia

- 9.9.19 §4774. Penalties.

Offenses Involving Organized Crime and Racketeering

- 9.9.20 §1504. Criminal Penalties for Organized Crime & Racketeering

Offenses Involving Intimidation of Victims or Witnesses

- 9.9.21 §3532. Acts of Intimidation: Class E felony
- 9.9.22 §3533. Aggravated act of intimidation, Class D felony

Other Crimes

- 9.9.23 §3532. Act of intimidation;
- 9.9.24 §3533. Aggravated act of intimidation;
- 9.9.25 §3534. Attempt to intimidate;
- 9.9.26 §8523. Penalties [for violation of reporting provision re: SBI];
- 9.9.27 Title 21 §2118A. Unlawful possession or manufacture of proof of insurance;
- 9.9.28 §2133. Penalties; jurisdiction of justices of the peace.
- 9.9.29 §2315. False statements;
- 9.9.30 §2620. False statements; incorrect or incomplete information;
- 9.9.31 §2752. False statements;
- 9.9.32 §2760. Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards.
- 9.9.33 Title 23 §2302. Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs (Felony only);
- 9.9.34 §4177. Driving a vehicle while under the influence or with a prohibited alcohol content; evidence; arrests; and penalties (Felony only).
- 9.9.35 §4177M. Operating a commercial motor vehicle with a prohibited blood alcohol concentration or while impaired by drugs (Felony only);
- 9.9.36 §4202. Duty of driver involved in accident resulting in injury or death to any person;
- 9.9.37 §6704. Receiving or transferring stolen vehicle;
- 9.9.38 Title 30 §571. Attempt to evade or defeat tax;
- 9.9.39 §572. Failure to collect or pay over tax;
- 9.9.40 §573. Failure to file return, supply information or pay tax;
- 9.9.41 §574. Fraud and false statements;
- 9.9.42 §3913. Welfare violations [knowing or reckless abuse of an infirm adult]
- 9.10 Any crime which is a violation of Title 24, Chapter 7 as it may be amended from time to time.
- 9.11 The Board reserves the jurisdiction and authority to modify this regulation as necessary and if it becomes necessary to either add or delete crimes including such additions as may be required on an emergency basis under 29 **Del.C.** §10119 to address imminent peril to the public health, safety or welfare. The Board also specifically reserves the jurisdiction to review any crime committed by an applicant for licensure as a chiropractor and to determine whether to waive the disqualification under 24 **Del.C.** §707(a)(5).

14 DE Reg. 268 (10/01/10)

14 DE Reg. 1396 (06/01/11) (Final)