

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
5200 BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
Statutory Authority: 24 Delaware Code, Section 5204(1) (24 **Del.C.** §5204(1))
24 DE Admin. Code 5200

PROPOSED

PUBLIC NOTICE

The Delaware Board of Examiners of Nursing Home Administrators, pursuant to 24 **Del.C.** §5206(1), proposes to revise their rules and regulations. The proposed revisions to the rules are an attempt to better organize and clearly establish the standards governing licensed nursing home administrators in the State of Delaware.

The Board will hold a public hearing on the proposed rule change on November 9, 2010 at 2:00 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Michele Urbaniak, Administrator of the Delaware Board of Nursing Home Administrators, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904.

5200 Board of Examiners of Nursing Home Administrators

1.0 ~~Source of Authority: 24 Del.C. Ch. 52~~

- 1.1 ~~The Rules and Regulations herein contained constitute, comprise, and shall be known as the Rules and Regulations of the Board of Examiners of Nursing Home Administrators of the State of Delaware, and are hereby promulgated, pursuant to the authority granted to and imposed upon the said Board under and pursuant to the provisions of the State Licensing Statute, 24 Del.C. Ch. 52.~~

2.0 **General Definitions**

~~Whenever used in these Rules and Regulations unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated.~~

~~“Board” means the Delaware State Board of Examiners of Nursing Home Administrators.~~

~~“Direct Supervision” shall mean oversight on the premises by the licensed nursing home administrator serving as preceptor. The licensed nursing home administrator shall be responsible and available to provide direction, observation, aid, training and instruction to the administrator-in-training, including the submission of progress reports. It is an interactive process between the preceptor and the AIT intended to insure the extent, quality and scope of experience of the duties performed as a nursing home administrator.~~

~~“Nursing Home” means any institution, building or agency in which accommodation is maintained, furnished or offered for any fee, gift, compensation or reward, for the care of more than four aged, infirm, chronically ill or convalescent persons, that is duly licensed by the State Division of Public Health.~~

~~“Nursing Home Administrator” means the individual responsible for planning, organizing, directing and controlling the operation of a nursing home, or who in fact performs such functions, whether or not such functions are shared by one or more other persons, and who is duly licensed by the Board.~~

~~“Nursing Home Administrator In Training” means an individual registered as such with the Board, under direct supervision of a currently licensed Delaware Nursing Home Administrator in the Sponsoring Facility (Spons), and/or Skilled Nursing Facility (SNF), and/or Assisted Living Facility (AL).~~

~~“Person” means an individual and does not include the terms: firm, corporation, association, partnership, institution, public body, joint stock association or any other group of individuals.~~

~~“Practice of Nursing Home Administration” means the performance of any act or the making of any decision involved in the planning, organizing, directing and/or controlling of a nursing home.~~

"Preceptor" means an individual who currently has a Delaware Nursing Home Administrator license and is employed in a Skilled Nursing Facility (SNF) or Assisted Living Facility (ALF).

~~3-DE Reg. 1060 (2/1/00)~~

3.0 Board Meetings

- 3.1 The Board may meet at least every other month, with location and dates set by the President, in accordance with the Freedom of Information Act.
- 3.2 The President, or other presiding officer of the Board, may call special meetings of the Board when necessary, upon a minimum of 24 hours notice.

4.0 General Powers

- 4.1 The Board shall exercise such powers as provided by the Laws of this State pertaining to the licensing and registration of Nursing Home Administrators. A majority of the Board shall constitute a quorum and no action shall be taken without the affirmative vote of five members of the Board.
- 4.2 The Board may seek counsel and advice from appropriate State Agencies, as needed.
- 4.3 From time to time, the Board shall make and publish such Rules and Regulations, not inconsistent with the Law, as it may deem necessary and proper for the execution and enforcement of the Law and Rules and Regulations governing the licensing and registration of Nursing Home Administrators.
- 4.4 The Board shall exercise quasi-judicial powers, not inconsistent with the law.

5.0 Officers and Duties

- 5.1 The Board shall elect annually from its membership a President, Vice President, and Secretary.
- 5.2 The President shall preside at all meetings of the Board and shall sign all official documents of the Board. In the absence of the President, the Vice President shall preside at meetings and perform all duties usually performed by the President.

6.0 Scheduling of Examinations and Re-Examinations

Examinations will be administered on the second Thursday of January, April, July and October of each year in Dover.

7.0 Pre-Examination Requirements; Conditions Precedent

- 7.1 The Board shall admit to examination for licensure as a Nursing Home Administrator, any candidate who meets the qualifications or demonstrates to the satisfaction of the Board that within 30 days after the examination he/she will meet the following standards:
 - 7.1.1 Is at least 18 years of age.
 - 7.1.2 Shall meet the requirements of either 7.1.2.1, 7.1.2.2, or 7.1.2.3 as set forth below:
 - 7.1.2.1 Possesses a baccalaureate or graduate degree in Health & Human Services, Hospital Administration or Business Administration, and
 - 7.1.2.1.1 has three months experience as a Nursing Home Administrator, or
 - 7.1.2.1.2 has successfully completed six months in a pre-approved Nursing Home Administrator In-Training Program under Direct supervision of the applicant's Preceptor(s) (this program will include all subjects as listed in Rule 10, Content of the Administrator In-Training Program), or
 - 7.1.2.1.3 has demonstrated administrative experience as the Board deems sufficient.
 - 7.1.2.2 Possesses a baccalaureate or graduate degree in a specialty other than Health & Human Services, Hospital Administration or Business Administration, and
 - 7.1.2.2.1 has six months experience as a Nursing Home Administrator, or
 - 7.1.2.2.2 has successfully completed nine months in a pre-approved Nursing Home Administrator In-Training Program under Direct supervision of the applicant's

- Preceptor(s) (this program will include all subjects as listed in Rule 10.0, Content of the Administrator In-Training Program), or
- 7.1.2.2.3 has demonstrated administrative experience as the Board deems sufficient.
- 7.1.2.3 Possesses an associate degree or a current Delaware license as a Registered Nurse, and
- 7.1.2.3.1 has twelve months experience as a Nursing Home Administrator, or
- 7.1.2.3.2 has successfully completed twelve months in a pre-approved Nursing Home Administrator In-Training Program under Direct supervision of the applicant's Preceptor(s) (this program will include all subjects as listed in Rule 10.0, Content of the Administrator In-Training Program), or
- 7.1.2.3.3 has demonstrated administrative experience as the Board deems sufficient to satisfy this requirement.
- 7.1.3 In addition to the degree requirements listed in Rule 7.0:
- 7.1.3.1 has completed a course of study administered by an accredited educational institution, provided that both the course of study and the educational institution has been pre-approved by the Board as providing adequate academic preparation for nursing home administration, or
- 7.1.3.2 has demonstrated comprehensive experience and education which the Board deems sufficient to satisfy this requirement.

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

8.0 Application for Examination

- 8.1 An applicant for examination and qualification for a license as a Nursing Home Administrator shall make application in writing, on forms provided by the Board, and shall furnish evidence satisfactory to the Board that he/she has met the pre-examination requirements as provided for in the State Licensing Statutes and Rule 7.0 of these Rules and Regulations.
- 8.2 To establish suitability and fitness to qualify for a license as a Nursing Home Administrator, as required by the State Licensing Statute, prior to being submitted to examination for licensure as a Nursing Home Administrator, the applicant shall furnish evidence satisfactory to the Board of ability to perform the essential functions of a licensed Nursing Home Administrator.
Some examples of essential functions of a Nursing Home Administrator are:
 - 8.2.1 Ability to demonstrate understanding and communicate general and technical information necessary to the administration and operation of a nursing home with or without reasonable accommodation i.e., applicable health and safety regulations, and
 - 8.2.2 Ability to assume responsibilities for the administration of a nursing home as evidenced by prior accredited activities and evaluation of prior services and evidence secured by the Board, and
 - 8.2.3 Ability to relate the physical, psychological, spiritual, emotional and social needs of ill and/or aged individuals to the administration of a nursing home and to create the compassionate climate necessary to meet the needs of the patients therein with or without reasonable accommodation, and
 - 8.2.4 Thorough knowledge and demonstrated understanding of the subjects as incorporated in the list of 10.0.
- 8.3 The basic requirements for suitability set forth herein are to be considered minimal and may not be waived.

9.0 Conditional Admission to Examination; Disqualification; Re-Examination

- 9.1 An applicant for examination who has been disqualified shall be given written notification by certified mail of his/her disqualification and the reason therefore and the applicant's right to a hearing.
- 9.2 All proceedings shall be conducted according to the Administrative Procedures Act.

- 9.3 Where an applicant for examination has been disqualified, he/she may submit a new application for qualification for examination provided, however, that he/she shall be required to meet the requirements for licensing as shall be in force at the time of such reapplication.

10.0 Content of the Administrator In-Training Program

- 10.1 Every Administrator In-Training (AIT) program shall be approved by the Board and shall be conducted under the direct supervision of the Pre-Approved Preceptor(s), the start date for which shall be the date of the Board's notification of preceptor(s) approval and must be completed within the allotted time (an extension may be granted upon request by either the applicant or preceptor(s) for bonafide reason(s).)
- 10.2 So as to encourage entry to qualified Nursing Home Administrator candidates, the following AIT program (see Addendum A attached) is split between a skilled nursing facility (SNF) and an assisted living facility (AL) and the sponsoring facility (Spons), so called because it is generally the applicant's employer and could be either SNF or AL. If the Spons is SNF, the Board will require at least 5% of the program be completed in an AL; if the Spons is AL, the Board will require at least 10% of the program be completed in a SNF, with the training for each subject of the program to be conducted in the facility identified by an "x" under the appropriate columnar heading. Since the AIT program is split between a SNF and an AL, each AIT Trainee will require a preceptor for each type of facility.

11.0 Grading Examinations

- 11.1 Every candidate for a Nursing Home Administrator's license shall be required to pass the National Association of Boards examination (NAB).
- 11.2 In the event the national examination is failed, the applicant will be notified by the Administrative Assistant. The applicant for licensure will be permitted to retake the examination a maximum of two additional times. The fee for the examination will be set by Division of Professional Regulation. The first makeup examination must be taken within three months and the second, if necessary, within the following six month period. If an applicant must take the exam for a third time, it will be necessary for the applicant, prior to taking the third examination, to spend 40 hours working in a skilled care facility, previously approved by the Board, under a Delaware licensed administrator.
- A passing score of seventy five percent (75%) will be required on the examination. Passing grade will: National scale 113 correct out of 150

12.0 Approval of Programs of Study for Licensure of a Nursing Home Administrator

Any program of study offered by an Educational Institute for the purpose of qualifying applicants for Nursing Home Administrator licensure and/or re-licensure shall be subject to the approval of the Board.

13.0 Programs for Continuing Education Credits

- 13.1 Continuing education programs consisting of Board approved seminars, resident or extension courses, conferences and workshops totaling 48 classroom hours or more, on any of the subject areas enumerated in 13.2 below, are required for biennial licensure of a license as a Nursing Home Administrator. A maximum of 24 additional credit hours may be carried forward into the next licensure period, however, they must be earned within the last nine months of the preceding licensure period. The following are requirements for license renewal:
- 13.1.1 For licenses initially authorized during the first six months of the biennial period, 36 credit hours will be required for renewal.
- 13.1.2 For licenses initially authorized during the second six months of the biennial period, 24 credit hours will be required for renewal.
- 13.1.3 For licenses initially authorized during the third six months of the biennial period, 12 credit hours will be required for renewal.

- 13.1.4 For licenses initially authorized during the fourth six months of the biennial period, no credit hours will be required for renewal.
- 13.1.5 ~~When continuing education units are not met, there will be no extensions, absent showing hardship.~~
- 13.2 ~~Content of programs of continuing education shall include one or more of the following general subject areas or their equivalents:~~
 - 13.2.1 ~~Applicable standards of environmental health and safety;~~
 - 13.2.2 ~~Local health and safety regulations;~~
 - 13.2.3 ~~General Administration;~~
 - 13.2.4 ~~Psychology of patient care;~~
 - 13.2.5 ~~Principles of medical care;~~
 - 13.2.6 ~~Personal and social care;~~
 - 13.2.7 ~~Therapeutic and supportive care and services in long term care;~~
 - 13.2.8 ~~Department organization and management;~~
 - 13.2.9 ~~Community interrelationships; and,~~
 - 13.2.10 ~~Business or financial management.~~
- 13.3 ~~Programs of continuing education:~~
 - 13.3.1 ~~Those conducted solely by accredited educational institutions.~~
 - 13.3.2 ~~Those conducted jointly by educational institutions and associations, professional societies or organizations other than accredited colleges or universities.~~
 - 13.3.3 ~~Those conducted solely by associations, professional societies and other professional organizations other than accredited educational institutions.~~
 - 13.3.4 ~~Those self-instruction or home study courses, video computer-assisted programs, and teleconferences, pre-approved by the Board, may be accumulated at no more than twelve hours per renewal period.~~
- 13.4 Upon completion of an approved program of study the sponsor or sponsors of the program shall issue certificates of attendance or other evidence of attendance, satisfactory to the Board.
- 13.5 Nothing contained in this rule shall preclude the Board from providing for any program of study which excludes subjects which shall be in derogation of, or in conflict with, the teachings and practices of any recognized religious faith, providing however, any applicant seeking to be entitled to be admitted to such program of study hereinunder, shall submit evidence satisfactory to the Board that he/she is in fact an adherent of such recognized religious faith.

14.0 Licenses

- 14.1 ~~An Applicant for license as a Nursing Home Administrator who has successfully complied with the requirements of the licensing laws and standards provided herein, passed the examination provided for by the Board and, where applicable, complied with the requirements for Nursing Home Administrator In-Training, shall be issued a license on a form provided for that purpose by the Board, certifying that such applicant has met the requirements of the laws, rules and regulations entitling the applicant to serve, act, practice and otherwise hold the applicant out as a duly licensed Nursing Home Administrator. Unless otherwise suspended or revoked as provided in Rule 16 of these Rules and Regulations, such license, once issued, shall remain valid and active until its official expiration date as noted on such license.~~
 - 14.1.1 ~~Any licensee requesting an inactive status shall be notified the Board has no provision for such status and, therefore, the license in question shall be considered active and valid, regardless of the place of residence and/or occupation of the license holder, until its official expiration date, after which any application for reinstatement will be addressed as provided in Rule 15 of these Rules and Regulations.~~
- 14.2 Board approval for Acting Nursing Home Administrator

14.2.1 In the event of a permanent loss of a regularly licensed Nursing Home Administrator by death, disability, resignation, dismissal and or any other unexpected cause, or due to change of ownership of the facility, the owner, governing body or other appropriate authority of the nursing home suffering such removal, may designate an Acting Nursing Home Administrator. The Board may at its discretion, issue without examination a permit for a period not to exceed nine months. Such permit will be issued to an applicant who fulfills the requirements of 14.2.1.1 and 14.2.1.2 as follows:

14.2.1.1 Rule 7.0

14.2.1.2 Has been nominated to be the Acting Nursing Home Administrator in the particular facility which shall be identified in the application.

14.2.2 In the event of a change in the ownership of the facility, resulting in the removal of the licensed Nursing Home Administrator, the new owner, governing body or other appropriate authority of the nursing home may designate an Acting Nursing Home Administrator under the criteria in 14.2.1 above.

14.3 No Board approval for acting Nursing Home Administrator shall be issued to an individual if that individual is employed by a facility whose administrator has operated under an acting permit within the previous year.

14.4 No facility may have concurrent acting permits.

15.0 Renewal of Licensure

15.1 Every person who holds a valid license as a Nursing Home Administrator, issued by the Board, shall biennially apply to the Board for a new license, and report any facts requested by the Board.

15.2 On making application for renewal of license, the established fee shall be submitted and satisfactory evidence shall also be submitted to the Board that during the preceding two year period, the applicant has attended continuing education programs or courses of study as provided in Rule 13.0 of these Rules and Regulations.

15.3 A licensed Nursing Home Administrator whose license has expired may, within two years following the licensure period, have his/her license reinstated without examination upon payment of the renewal fee, plus a late fee. In addition, satisfactory evidence shall also be submitted to the Board that during the preceding two year period, the applicant has attended continuing education programs or courses of study as provided in Rule 13.0 of these Rules and Regulations. Any licensee whose license has expired for a period in excess of a two year licensure period may have his/her license reinstated upon payment of the renewal fee, late fee and upon satisfying the Board as to the applicant's current qualifications by completing an application form as outlined in Rule 8.0 of these Rules and Regulations, providing, however, such applicant may attach a resume in lieu of completing sections 4 and 5 of the application form. Satisfactory evidence shall also be submitted to the Board that during the preceding two year period, the applicant has attended continuing education programs or courses of study as provided in Rule 13.0 of these Rules and Regulations.

15.4 Only an individual who has qualified as a licensed Nursing Home Administrator and who holds a valid, current registration certificate pursuant to the provisions of these Rules and Regulations, shall have the right and the privilege of using the abbreviation "N.H.A." after his/her name. No other person shall use or shall be designated to such title or abbreviation or any other words, letters, sign, card or device, tending to or intended to indicate that such person is a licensed Nursing Home Administrator.

15.5 The Board shall maintain all approved applications for licensing of Nursing Home Administrators. The Board shall maintain a complete file of such other pertinent information as may be deemed necessary.

16.0 Refusal, Suspension and Revocation of License

16.1 After due notice to the licensee with an opportunity to be heard at a formal hearing, the Board may suspend, revoke or refuse to issue a license for a Nursing Home Administrator, or may reprimand or otherwise discipline a licensee. Such license may be denied, revoked, or suspended if applicant or licensee has violated any of the following:

- 16.1.1 ~~Willfully or repeatedly violated any of the provisions of the Law, Rules or Regulations pertaining to the licensing of a Nursing Home Administrator.~~
- 16.1.2 ~~Willfully or repeatedly violated any of the provisions of the Law, Rules or Regulations of the licensing or supervising authority or agency of the State or political subdivision thereof having jurisdiction over the operation and licensing of nursing homes;~~
- 16.1.3 ~~Been convicted of a felony;~~
- 16.1.4 ~~Has practiced fraud, deceit or misrepresentation in securing a Nursing Home Administrator's license;~~
- 16.1.5 ~~Has practiced fraud, deceit or misrepresentation in his/her capacity as a Nursing Home Administrator;~~
- 16.1.6 ~~Has exhibited acts or practices as a Nursing Home Administrator that show he/she is unfit or incompetent to practice by reason of negligence, habits or other causes, including but not limited to:~~
 - 16.1.6.1 ~~Commission of acts of misconduct in the operation of a nursing home under his/her jurisdiction;~~
 - 16.1.6.2 ~~Is currently using, in the possession of or has been convicted of the unlawful sale of narcotic drugs, look-alike substances or illegal drugs or alcohol;~~
 - 16.1.6.3 ~~Has wrongfully transferred or surrendered possession of either an acting or permanent license;~~
 - 16.1.6.4 ~~Has been guilty of fraudulent, misleading or deceptive advertising;~~
 - 16.1.6.5 ~~Has falsely impersonated another licensee of a like or different name;~~
 - 16.1.6.6 ~~Has failed to exercise true regard for the safety, health and life of any resident;~~
 - 16.1.6.7 ~~Has willfully permitted unauthorized disclosure of information relating to a resident of his/her records;~~
 - 16.1.6.8 ~~Has discriminated in respect to residents, employees or staff on the basis of age, race, religion, sex, color, disability, or national origin; or~~
 - 16.1.6.9 ~~Is unable to perform the essential requirements of a Nursing Home Administrator.~~

17.0 Complaints and Hearing Procedures

~~The procedure for the investigation and prosecution of alleged violations of this chapter and these Rules and Regulations, shall be set forth in 29 Del.C. §8810.~~

18.0 Reciprocity

- 18.1 ~~The Board, at its discretion, and otherwise subject to the law pertaining to the licensing of a Nursing Home Administrator prescribing the qualifications for a Nursing Home Administrator license, may endorse a Nursing Home Administrator license issued by the proper authorities of any other State, upon payment of the regular established fee and upon submission of evidence satisfactory to the Board that:~~
 - 18.1.1 ~~The applicant is at least 21 years of age;~~
 - 18.1.2 ~~The applicant submits a letter of good standing from another state as a Nursing Home Administrator by a regulatory body whose purpose is to regulate the qualifications of Nursing Home Administrators;~~
 - 18.1.3 ~~The applicant has taken the National Association of Boards of Examiners (NAB) examination and that the applicant's score on the NAB examination is equal to or exceeds the Board's requirement for this test;~~
 - 18.1.4 ~~The applicant meets all current Delaware requirements as set forth in Rule 7.0;~~
 - 18.1.5 ~~Such applicant for endorsement holds a valid license as a Nursing Home Administrator, which has not been revoked or suspended as such in each State from which he/she has ever received a Nursing Home Administrator license or reciprocal endorsement; provided, however, that the Board~~

may waive this requirement if upon submission of evidence to the Board, the Board is satisfied that the applicant has been rehabilitated.

- 18.2 The Board shall also have the power after due notice and an opportunity to be heard at a formal hearing, to revoke or suspend the endorsement of a Nursing Home Administrator license issued to any person upon evidence satisfactory to the Board that the duly constituted authorities of any State have lawfully revoked or suspended the Nursing Home Administrator license issued to such person by such State.

19.0 Restoration and Reinstatement of License

- 19.1 Restoration of a license may be considered after a period of one year from the revocation or suspension date by the Board, at its discretion, upon submission of evidence satisfactory to the Board that the grounds for suspension or revocation has been removed, except where the grounds are for a felony or conviction of Medicaid or Medicare fraud.
- 19.2 Upon denial of such application for restoration of a license, the Board shall grant the applicant a formal hearing upon request, in accordance with the Administrative Procedures Act.

20.0 Display of Licenses

Every person licensed as a Nursing Home Administrator shall display such license in a conspicuous place in the office or place of business or employment.

21.0 Duplicate Licenses

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 Delaware Division of Professional Regulation.

22.0 Applicability, Legal Effect, Severability

- 22.1 The Rules and Regulations of the Board shall be supplemental to the law providing for the licensing of Nursing Home Administrators and shall have the force and effect of Law.
- 22.2 Every rule, regulation, order and directive adopted by the Board shall state the date on which it takes effect and a copy thereof signed by the President of the Board and the Secretary of the Board shall be filed as a public record in the office of the Board and as may be required by Law.
- 22.3 The Rules and Regulations of the Board are intended to be consistent with the applicable Federal and State Law and shall be reviewed, whenever necessary, to achieve such consistency.
- 22.4 In the event that any provision of these Rules and Regulations is declared unconstitutional or invalid, or the application thereof to any person or circumstance is held invalid, the applicability of such provision to other persons and circumstances and the constitutionality or validity of every other provision of these Rules and Regulations shall not be affected thereby.
- 22.5 These Rules and Regulations shall not affect pending actions or proceedings, civil or criminal, but the same may be prosecuted or defended in the same manner and with the same effect as though these Rules and Regulations had not been promulgated.
- 22.6 The Board shall furnish copies of these Rules and Regulations and Amendments thereof for a fee set by the Delaware Division of Professional Regulation, except, the Board may, at its discretion, provide one free copy to each nursing home, health related organization, educational institutions, State or Federal Government units and other public or noncommercial agencies or concerns.
- 22.7 Amendments to these Rules and Regulations of the Board shall be made only at a regularly called meeting thereof by a majority vote of all members of the Board. No amendment shall be acted upon unless said amendment was presented at a prior meeting and unless notice has been given to the members of the Board that said amendment is to be acted upon at a particular meeting of the Board.
- 22.8 These Rules and Regulations shall take effect the first day of December, 1982.

23.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 23.1 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.
- 23.2 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.
- 23.3 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).
- 23.4 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.
- 23.5 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 subsection 23.8 of this section.
- 23.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
 - 23.6.1 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.
 - 23.6.2 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.
 - 23.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
 - 23.6.4 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.
- 23.6.5 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.
- 23.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 23.7 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.
- 23.8 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.
- 23.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
- 23.10 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.
- 23.11 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.
- 23.12 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.

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

- 24.1 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:
- 24.1.1 Offensive touching. 11 ~~Del.C.~~ §601.
- 24.1.2 Aggravated menacing. 11 ~~Del.C.~~ §602(b)
- 24.1.3 Reckless endangering in the second degree. 11 ~~Del.C.~~ §603.
- 24.1.4 Reckless endangering in the first degree. 11 ~~Del.C.~~ §604
- 24.1.5 Abuse of a pregnant female in the second degree. 11 ~~Del.C.~~ §605.
- 24.1.6 Abuse of a pregnant female in the first degree. 11 ~~Del.C.~~ §606.
- 24.1.7 Assault in the third degree. 11 ~~Del.C.~~ §611.
- 24.1.8 Assault in the second degree. 11 ~~Del.C.~~ §612
- 24.1.9 Assault in the first degree. 11 ~~Del.C.~~ §613.
- 24.1.10 Abuse of a sports official. 11 ~~Del.C.~~ §614.
- 24.1.11 Assault by abuse or neglect. 11 ~~Del.C.~~ § 615.
- 24.1.12 Gang participation. 11 ~~Del.C.~~ §616
- 24.1.13 Terroristic threatening. 11 ~~Del.C.~~ §621.
- 24.1.14 Unlawfully administering drugs. 11 ~~Del.C.~~ §625.

~~24.1.15 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 Del.C. §626.~~

~~24.1.16 Vehicular assault in the first degree. 11 Del.C. §629.~~

~~24.1.17 Vehicular homicide in the second degree. 11 Del.C. §630.~~

~~24.1.18 Vehicular homicide in the first degree. 11 Del.C. §630A.~~

~~24.1.19 Criminally negligent homicide. 11 Del.C. §631.~~

~~24.1.20 Manslaughter. 11 Del.C. §632.~~

~~24.1.21 Murder by abuse or neglect in the second degree. 11 Del.C. §633~~

~~24.1.22 Murder by abuse or neglect in the first degree. 11 Del.C. §634.~~

~~24.1.23 Murder in the second degree; class A felony. 11 Del.C. §635.~~

~~24.1.24 Murder in the first degree. 11 Del.C. §636.~~

~~24.1.25 Promoting suicide. 11 Del.C. §645.~~

~~24.1.26 Abortion. 11 Del.C. §651.~~

~~24.1.27 Self-abortion. 11 Del.C. §652.~~

~~24.1.28 Issuing abortifacient articles. 11 Del.C. §653.~~

~~24.1.29 Indecent exposure in the second degree. 11 Del.C. §764.~~

~~24.1.30 Indecent exposure in the first degree. 11 Del.C. §765.~~

~~24.1.31 Incest. 11 Del.C. §766.~~

~~24.1.32 Unlawful sexual contact in the third degree. 11 Del.C. §767.~~

~~24.1.33 Unlawful sexual contact in the second degree. 11 Del.C. §768.~~

~~24.1.34 Unlawful sexual contact in the first degree. 11 Del.C. §769.~~

~~24.1.35 Rape in the fourth degree. 11 Del.C. §770.~~

~~24.1.36 Rape in the third degree. 11 Del.C. §771.~~

~~24.1.37 Rape in the second degree. 11 Del.C. §772.~~

~~24.1.38 Rape in the first degree. 11 Del.C. §773.~~

~~24.1.39 Sexual extortion. 11 Del.C. §776.~~

~~24.1.40 Bestiality. 11 Del.C. §777.~~

~~24.1.41 Continuous sexual abuse of a child. 11 Del.C. §778.~~

~~24.1.42 Dangerous crime against a child. 11 Del.C. §779.~~

~~24.1.43 Female genital mutilation. 11 Del.C. §780.~~

~~24.1.44 Unlawful imprisonment in the second degree. 11 Del.C. §781.~~

~~24.1.45 Unlawful imprisonment in the first degree. 11 Del.C. §782.~~

~~24.1.46 Kidnapping in the second degree. 11 Del.C. §783.~~

~~24.1.47 Kidnapping in the first degree. 11 Del.C. §783A.~~

~~24.1.48 Interference with custody. 11 Del.C. §785.~~

~~24.1.49 Acts constituting coercion. 11 Del.C. §791.~~

~~24.1.50 Arson in the third degree. 11 Del.C. §801.~~

~~24.1.51 Arson in the second degree. 11 Del.C. §802.~~

~~24.1.52 Arson in the first degree. 11 Del.C. §803.~~

~~24.1.53 Reckless burning or exploding; felony. 11 Del.C. §804.~~

~~24.1.54 Cross or religious symbol burning. 11 Del.C. §805.~~

~~24.1.55 Criminal mischief. 11 Del.C. §811.~~

~~24.1.56 Trespassing with intent to peep or peer. 11 Del.C. §820.~~

~~24.1.57 Burglary in the third degree. 11 Del.C. §824.~~

~~24.1.58 Burglary in the second degree. 11 Del.C. §825.~~

~~24.1.59 Burglary in the first degree. 11 Del.C. §826.~~

~~24.1.60 Possession of burglar's tools or instruments facilitating theft. 11 Del.C. §828.~~

~~24.1.61 Robbery in the second degree. 11 Del.C. §831.~~

~~24.1.62 Robbery in the first degree. 11 Del.C. §832.~~

~~24.1.63 Carjacking in the second degree. 11 Del.C. §835.~~

~~24.1.64 Carjacking in the first degree. 11 Del.C. §836.~~

~~24.1.65 Shoplifting. 11 Del.C. §840.~~

~~24.1.66 Use of illegitimate retail sales receipt or Universal Product Code Label. 11 Del.C. §840A.~~

~~24.1.67 Theft. 11 Del.C. §841.~~

~~24.1.68 Theft; lost or mislaid property. 11 Del.C. §842.~~

~~24.1.69 Theft; false pretense. 11 Del.C. §843.~~

~~24.1.70 Theft; false promise. 11 Del.C. §844.~~

~~24.1.71 Theft of services. 11 Del.C. §845.~~

~~24.1.72 Extortion. 11 Del.C. §846.~~

~~24.1.73 Misapplication of property. 11 Del.C. §848.~~

~~24.1.74 Theft of rented property. 11 Del.C. §849.~~

~~24.1.75 Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices; felony. 11 Del.C. §850.~~

~~24.1.76 Receiving stolen property; felony. 11 Del.C. §851.~~

~~24.1.77 Identity theft. 11 Del.C. §854.~~

~~24.1.78 Possession of shoplifters tools or instruments facilitating theft. 11 Del.C. §860.~~

~~24.1.79 Forgery. 11 Del.C. §861.~~

~~24.1.80 Possession of forgery devices. 11 Del.C. §862.~~

~~24.1.81 Falsifying business records. 11 Del.C. §871.~~

~~24.1.82 Tampering with public records in the second degree 11 Del.C. §873.~~

~~24.1.83 Tampering with public records in the first degree. 11 Del.C. §876.~~

~~24.1.84 Offering a false instrument for filing. 11 Del.C. §877.~~

~~24.1.85 Issuing a false certificate. 11 Del.C. §878.~~

~~24.1.86 Bribery. 11 Del.C. §881.~~

~~24.1.87 Bribe receiving. 11 Del.C. §882.~~

~~24.1.88 Defrauding secured creditors. 11 Del.C. §891.~~

~~24.1.89 Fraud in insolvency. 11 Del.C. §892.~~

~~24.1.90 Interference with levied upon property. 11 Del.C. §893.~~

~~24.1.91 Issuing a bad check. 11 Del.C. §900.~~

~~24.1.92 Unlawful use of credit card. 11 Del.C. §903.~~

~~24.1.93 Reencoder and scanning devices. 11 Del.C. §903A.~~

~~24.1.94 Deceptive business practices. 11 Del.C. §906.~~

~~24.1.95 Criminal impersonation. 11 Del.C. §907.~~

~~24.1.96 Criminal impersonation, accident related. 11 Del.C. §907A.~~

~~24.1.97 Criminal impersonation of a police officer. 11 Del.C. §907B.~~

~~24.1.98 Unlawfully concealing a will. 11 Del.C. §908.~~

~~24.1.99 Securing execution of documents by deception. 11 Del.C. §909.~~

~~24.1.100 Fraudulent conveyance of public lands. 11 Del.C. §911.~~

~~24.1.101 Fraudulent receipt of public lands. 11 Del.C. §912.~~

~~24.1.102 Insurance fraud. 11 Del.C. §913.~~

~~24.1.103 Health care fraud. 11 Del.C. §913A.~~

~~24.1.104 Home improvement fraud. 11 Del.C. §916.~~

24.1.105 New home construction fraud. 11 ~~Del.C.~~ §917.
24.1.106 Transfer of recorded sounds. 11 ~~Del.C.~~ §920.
24.1.107 Sale of transferred recorded sounds. 11 ~~Del.C.~~ §921.
24.1.108 Improper labeling 11 ~~Del.C.~~ §922
24.1.109 Theft of computer services. 11 ~~Del.C.~~ §933.
24.1.110 Interruption of computer services. 11 ~~Del.C.~~ §934.
24.1.111 Misuse of computer system information. 11 ~~Del.C.~~ §935.
24.1.112 Destruction of computer equipment. 11 ~~Del.C.~~ §936.
24.1.113 Failure to promptly cease electronic communication upon request. 11 ~~Del.C.~~ §920.
24.1.114 Bigamy. 11 ~~Del.C.~~ §1001.
24.1.115 Bigamous marriage contracted outside of the State. 11 ~~Del.C.~~ §1002.
24.1.116 Dealing in children. 11 ~~Del.C.~~ §1100.
24.1.117 Endangering the welfare of a child. 11 ~~Del.C.~~ §1102.
24.1.118 Endangering the welfare of an incompetent person. 11 ~~Del.C.~~ §1105.
24.1.119 Sexual exploitation of a child. 11 ~~Del.C.~~ §1108.
24.1.120 Unlawfully dealing in child pornography. 11 ~~Del.C.~~ §1109.
24.1.121 Possession of child pornography. 11 ~~Del.C.~~ §1111.
24.1.122 Sexual offenders; prohibitions from school zones. 11 ~~Del.C.~~ §1112.
24.1.123 Sexual solicitation of a child. 11 ~~Del.C.~~ §1112A.
24.1.124 Body piercing, tattooing or branding. 11 ~~Del.C.~~ §1114.
24.1.125 Tongue splitting. 11 ~~Del.C.~~ §1114A.
24.1.126 Bribery. 11 ~~Del.C.~~ §1201
24.1.127 Receiving a bribe; class E felony. 11 ~~Del.C.~~ §1203.
24.1.128 Improper influence. 11 ~~Del.C.~~ §1207.
24.1.129 Official misconduct. 11 ~~Del.C.~~ §1211.
24.1.130 Profiteering. 11 ~~Del.C.~~ §1212.
24.1.131 Perjury in the second degree. 11 ~~Del.C.~~ §1222.
24.1.132 Perjury in the first degree. 11 ~~Del.C.~~ §1223.
24.1.133 Making a false written statement. 11 ~~Del.C.~~ §1233.
24.1.134 Terroristic threatening of public officials or public servants. 21 ~~Del.C.~~ §1240.
24.1.135 Hindering prosecution; felony. 11 ~~Del.C.~~ §1244.
24.1.136 Falsely reporting an incident; felony. 11 ~~Del.C.~~ §1245.
24.1.137 Obstructing the control and suppression of rabies; felony. 11 ~~Del.C.~~ §1248.
24.1.138 Abetting the violation of driver's license restrictions; felony. 11 ~~Del.C.~~ §1249.
24.1.139 Offenses against law enforcement animals; felony. 11 ~~Del.C.~~ §1250.
24.1.140 Escape in the second degree. 11 ~~Del.C.~~ §1252.
24.1.141 Escape after conviction. 11 ~~Del.C.~~ §1253.
24.1.142 Assault in a detention facility. 11 ~~Del.C.~~ §1254.
24.1.143 Promoting prison contraband; felony. 11 ~~Del.C.~~ §1256.
24.1.144 Use of an animal to avoid capture; felony 11 ~~Del.C.~~ §1257A.
24.1.145 Sexual relations in detention facility. 11 ~~Del.C.~~ §1259.
24.1.146 Bribing a witness. 11 ~~Del.C.~~ §1261.
24.1.147 Bribe receiving by a witness. 11 ~~Del.C.~~ §1262.
24.1.148 Tampering with a witness. 11 ~~Del.C.~~ §1263.
24.1.149 Interfering with child witness. 11 ~~Del.C.~~ §1263A.
24.1.150 Bribing a juror. 11 ~~Del.C.~~ §1264.

- 24.1.154 Bribe receiving by a juror. 11 ~~Del.C.~~ §1265.
- 24.1.152 Tampering with a juror. 11 ~~Del.C.~~ §1266.
- 24.1.153 Misconduct by a juror. 11 ~~Del.C.~~ §1267.
- 24.1.154 Tampering with physical evidence. 11 ~~Del.C.~~ §1269.
- 24.1.155 Riot. 11 ~~Del.C.~~ §1302.
- 24.1.156 Hate crimes. 11 ~~Del.C.~~ §1304.
- 24.1.157 Aggravated harassment. 11 ~~Del.C.~~ §1312.
- 24.1.158 Stalking. 11 ~~Del.C.~~ §1312A.
- 24.1.159 Malicious interference with emergency communications. 11 ~~Del.C.~~ §1313.
- 24.1.160 Criminal nuisance. 11 ~~Del.C.~~ §1322.
- 24.1.164 Cruelty to animals. 11 ~~Del.C.~~ §1325.
- 24.1.162 The unlawful trade in dog or cat by-products. 11 ~~Del.C.~~ §1325A.
- 24.1.163 Animals; fighting and baiting prohibited; felony. 11 ~~Del.C.~~ §1326.
- 24.1.164 Maintaining a dangerous animal; felony. 11 ~~Del.C.~~ §1327.
- 24.1.165 Abusing a corpse. 11 ~~Del.C.~~ §1332.
- 24.1.166 Trading in human remains and associated funerary objects. 11 ~~Del.C.~~ §1333.
- 24.1.167 Violation of privacy. 11 ~~Del.C.~~ §1335.
- 24.1.168 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 ~~Del.C.~~ §1338.
- 24.1.169 Adulteration. 11 ~~Del.C.~~ §1339.
- 24.1.170 Promoting prostitution in the third degree. 11 ~~Del.C.~~ §1351.
- 24.1.171 Promoting prostitution in the second degree. 11 ~~Del.C.~~ §1352.
- 24.1.172 Promoting prostitution in the first degree. 11 ~~Del.C.~~ §1353.
- 24.1.173 Permitting prostitution. 11 ~~Del.C.~~ §1355.
- 24.1.174 Obscenity. 11 ~~Del.C.~~ §1361.
- 24.1.175 Carrying a concealed deadly weapon. 11 ~~Del.C.~~ §1442.
- 24.1.176 Possessing a destructive weapon. 11 ~~Del.C.~~ §1444.
- 24.1.177 Unlawfully dealing with a dangerous weapon. 11 ~~Del.C.~~ §1445.
- 24.1.178 Possession of a deadly weapon during commission of a felony. 11 ~~Del.C.~~ §1447.
- 24.1.179 Possession of a firearm during commission of a felony. 11 ~~Del.C.~~ §1447A.
- 24.1.180 Possession and purchase of deadly weapons by persons prohibited. 11 ~~Del.C.~~ §1448.
- 24.1.181 Criminal history record checks for sales of firearms; felony. 11 ~~Del.C.~~ §1448A.
- 24.1.182 Receiving a stolen firearm. 11 ~~Del.C.~~ §1450.
- 24.1.183 Theft of a firearm. 11 ~~Del.C.~~ §1451.
- 24.1.184 Giving a firearm to person prohibited. 11 ~~Del.C.~~ §1454.
- 24.1.185 Engaging in a firearms transaction on behalf of another. 11 ~~Del.C.~~ §1455.
- 24.1.186 Unlawfully permitting a minor access to a firearm. 11 ~~Del.C.~~ §1456.
- 24.1.187 Possession of a weapon in a Safe School and Recreation Zone; felony. 11 ~~Del.C.~~ §1457.
- 24.1.188 Removing a firearm from the possession of a law enforcement officer. 11 ~~Del.C.~~ §1458.
- 24.1.189 Prohibited acts, cheating devices (a)-(e). 11 ~~Del.C.~~ §1471.
- 24.1.190 Organized Crime and Racketeering. 11 ~~Del.C.~~ §1504.
- 24.1.191 Victim or Witness Intimidation. 11 ~~Del.C.~~ §3532 & 3533.
- 24.1.192 Abuse, neglect, mistreatment or financial exploitation of residents or patients 16 ~~Del.C.~~ §1136(a), (b) and (c).
- 24.1.193 Prohibited acts A under the Uniform Controlled Substances Act. 16 ~~Del.C.~~ §4751(a), (b) and (e).
- 24.1.194 Prohibited acts B under the Uniform Controlled Substances Act. 16 ~~Del.C.~~ §4752(a) and (b).

- 24.1.195 Unlawful delivery of noncontrolled substance. 16 ~~Del.C.~~ §4752A.
- 24.1.196 Prohibited acts C under the Uniform Controlled Substances Act. 16 ~~Del.C.~~ §4753.
- 24.1.197 Trafficking in marijuana, cocaine, illegal drugs, — methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3,4-methylenedioxymethamphetamine (MDMA). 16 ~~Del.C.~~ §4753A (a)(1)-(9).
- 24.1.198 Prohibited acts D under the Uniform Controlled Substances Act. 16 ~~Del.C.~~ §4754.
- 24.1.199 Possession and delivery of noncontrolled prescription drug. 16 ~~Del.C.~~ §4754A.
- 24.1.200 Prohibited acts E under the Uniform Controlled Substances Act. 16 ~~Del.C.~~ § 4755.(a)(1) and (2)
- 24.1.201 Prohibited acts under the Uniform Controlled Substances Act. 16 ~~Del.C.~~ §4756(a)(1) (5) and (b).
- 24.1.202 Hypodermic syringe or needle; delivering or possessing; disposal; 16 ~~Del.C.~~ §4757.
- 24.1.203 Keeping drugs in original containers. 16 ~~Del.C.~~ §4758.
- 24.1.204 Distribution to persons under 21 years of age. 16 ~~Del.C.~~ §4761.
- 24.1.205 Purchase of drugs from minors. 16 ~~Del.C.~~ §4761A
- 24.1.206 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 ~~Del.C.~~ §4767
- 24.1.207 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship. 16 ~~Del.C.~~ §4768
- 24.1.208 Drug paraphernalia. 16 ~~Del.C.~~ §4771 (a) and (b).
- 24.1.209 Possession, manufacture and sale, delivery to a minor and advertising of drug paraphernalia. 16 ~~Del.C.~~ §4774(a), (b), (c) (d)
- 24.1.210 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).
- 24.1.211 Attempt to evade or defeat tax. 30 ~~Del.C.~~ §571.
- 24.1.212 Failure to collect or pay over tax. 30 ~~Del.C.~~ §572.
- 24.1.213 Fraud and false statements [taxes]. 30 ~~Del.C.~~ §574.
- 24.1.214 Understatement or evasion [taxes]. 30 ~~Del.C.~~ §576.
- 24.1.215 Obtaining benefit under false representation. 31 ~~Del.C.~~ §1003.
- 24.1.216 Reports, statements and documents. 31 ~~Del.C.~~ §1004(1), (2), (3), (4), (5)
- 24.1.217 Kickback schemes and solicitations. 31 ~~Del.C.~~ §1005.
- 24.1.218 Conversion of payment. 31 ~~Del.C.~~ §1006.
- 24.1.219 Unlawful possession or manufacture of proof of insurance. 21 ~~Del.C.~~ §2118A.
- 24.1.220 Temporary registration violations related to providing false information. 21 ~~Del.C.~~ §2133(a) (1)-(3).
- 24.1.221 False statements. 21 ~~Del.C.~~ §2315.
- 24.1.222 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.
- 24.1.223 False statements; incorrect or incomplete information. 21 ~~Del.C.~~ §2620.
- 24.1.224 License to operate a motorcycle, motorbike, etc. 21 ~~Del.C.~~ §2703.
- 24.1.225 Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age. 21 ~~Del.C.~~ §2710.
- 24.1.226 Unlawful application for or use of license or identification card. 21 ~~Del.C.~~ §751.
- 24.1.227 False statements. 21 ~~Del.C.~~ §2752.
- 24.1.228 Employment of unlicensed person. 21 ~~Del.C.~~ §2754.
- 24.1.229 Authorizing or permitting the operation of a motor ny another. 21 ~~Del.C.~~ §2755.
- 24.1.230 Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards. 21 ~~Del.C.~~ §2760(a) and (b).

- 24.1.231 Driving after judgment prohibited. 21 ~~Del.C.~~ §2810.
- 24.1.232 False statements. 21 ~~Del.C.~~ §3107.
- 24.1.233 Driving a vehicle while under the influence or with a prohibited alcohol content; felony. 21 ~~Del.C.~~ §4177 (3) and (4).
- 24.1.234 Duty of driver involved in accident resulting in injury or death to any person. 21 ~~Del.C.~~ §4202.
- 24.1.235 Duty to report accidents; evidence. 21 ~~Del.C.~~ §4203.
- 24.1.236 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).
- 24.1.237 Receiving or transferring stolen vehicle. 21 ~~Del.C.~~ §6704.
- 24.1.238 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).
- 24.1.239 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card. 21 ~~Del.C.~~ §6708(a) and (b).
- 24.1.240 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers. 21 ~~Del.C.~~ §6709(a).
- 24.1.241 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers. 21 ~~Del.C.~~ §6710(a).
- 24.1.242 Obstructing person in performance of duty. 3 ~~Del.C.~~ §1044.
- 24.1.243 Unlawful Acts. 3 ~~Del.C.~~ §1224.
- 24.1.244 Offenses [involving meat and poultry inspection including bribery or attempted bribery or assaulting or impeding any person in the performance of his duties] (felony) 3 ~~Del.C.~~ §8713.
- 24.1.245 Fraud or distribution or attempted distribution of adulterated article. 3 ~~Del.C.~~ §8715
- 24.1.246 Fraudulent Written Statements. 3 ~~Del.C.~~ §10049
- 24.1.247 Fraudulent Certificate of Registration or Eligibility Documents 3 ~~Del.C.~~ §10050.
- 24.1.248 Interference with officer or inspector. 4 ~~Del.C.~~ §907.
- 24.1.249 Prohibited trade practices against infirm or elderly. 6 ~~Del.C.~~ §2581
- 24.1.250 Prohibition of intimidation [under the Fair Housing Act]; felony. 6 ~~Del.C.~~ §4619
- 24.1.251 Auto Repair Fraud victimizing the infirm or elderly. 6 ~~Del.C.~~ §4909A
- 24.1.252 Hindering or obstructing [DOA] officer. 6 ~~Del.C.~~ §5132.
- 24.1.253 Impersonation of [DOA] officer. 6 ~~Del.C.~~ §5133.
- 24.1.254 Violations of the Securities Act. 6 ~~Del.C.~~ §7322.
- 24.1.255 Poisoning of dogs. 7 ~~Del.C.~~ §1710.
- 24.1.256 Unauthorized acts against a service guide or seeing eye dog. 7 ~~Del.C.~~ §1717.
- 24.1.257 Interference with department personnel. 7 ~~Del.C.~~ §6015.
- 24.1.258 Improper disposal of solid waste. 7 ~~Del.C.~~ §6025.
- 24.1.259 Failure to report discharge of pollutant or contaminant. 7 ~~Del.C.~~ §6028.
- 24.1.260 Prohibitions [relating to generation, storage, disposal, transportation, and treatment of hazardous waste]. 7 ~~Del.C.~~ §6304.
- 24.1.261 Interference with department [DNREC] personnel. 7 ~~Del.C.~~ §6315.
- 24.1.262 Interception of Communications Generally; Divulging Contents of Communications 11 ~~Del.C.~~ §2402
- 24.1.263 Manufacture, Possession or Sale of Intercepting Device. 11 ~~Del.C.~~ §2403
- 24.1.264 Breaking and Entering, Etc. to Place or Remove Equipment. 11 ~~Del.C.~~ §2410
- 24.1.265 Obstruction, Impediment or Prevention of Interception. 11 ~~Del.C.~~ §2412
- 24.1.266 Obtaining, Altering or Preventing Authorized Access. 11 ~~Del.C.~~ §2421
- 24.1.267 Divulging Contents of Communications. 11 ~~Del.C.~~ §2422
- 24.1.268 Installation and Use Generally [of pen trace and trap and trace devices]. 11 ~~Del.C.~~ §243.

- 24.1.269 ~~Attempt to Intimidate. 11 Del.C. §3534~~
- 24.1.270 ~~Disclosure of Expunged Records. 11 Del.C. §4374~~
- 24.1.271 ~~Violation of reporting provisions re: SBI.; felony 11 Del.C. §8523.~~
- 24.1.272 ~~Failure of child care provider to obtain information required under §8561 or for those providing false information. 11 Del.C. §8562.~~
- 24.1.273 ~~Providing false information when seeking employment in a public school. 11 Del.C. §8572.~~
- 24.1.274 ~~Filing False Claim [under Victims' Compensation Fund]. 11 Del.C. §9016.~~
- 24.1.275 ~~Alteration, theft or destruction of will. 12 Del.C. §210.~~
- 24.1.276 ~~Failure of Physician to file report of abuse of neglect pursuant to 16 Del.C. §903.~~
- 24.1.277 ~~Coercion or intimidation involving health care decisions and falsification, destruction of a document to create a false impression that measures to prolong life have been authorized. 16 Del.C. §513.~~
- 24.1.278 ~~Treatment of meats with unlawful drugs and preparations [prior to sale]. 16 Del.C. §3317.~~
- 24.1.279 ~~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.~~
- 24.1.280 ~~Violation of contractor trust provision of § 802 for Highway Construction Payments. 17 Del.C. §805.~~
- 24.1.281 ~~Violation of deadly weapons dealers' license requirements. 24 Del.C. §901.~~
- 24.1.282 ~~Sale [deadly weapons] to persons under 21 or intoxicated persons. 24 Del.C. §903.~~
- 24.1.283 ~~[Failure to make] reports of persons who are subject to loss of consciousness. 24 Del.C. §1763.~~
- 24.1.284 ~~False statements [State taxes motor fuel carriers]. 30 Del.C. §5215.~~
- 24.1.285 ~~Abuse, neglect, exploitation or mistreatment of infirm adult. 31 Del.C. §3913(a), (b) and (c).~~
- 24.2 ~~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.~~

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

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:
"Direct Supervision" means oversight on the premises of a nursing home by a preceptor.
"Sponsoring 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.

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 and must pass the National Association of Boards ("NAB") examination.
- 2.3 Applicants must obtain Board approval before they may take the NAB examination. To obtain Board approval, applicants must:-

- 2.3.1 Submit satisfactory evidence of having met one of the educational requirements under Section 5209(a)(1) of Title 24 of the **Delaware Code**, and
- 2.3.2 Submit a plan to complete the Administrator-In-Training ("AIT") program that corresponds with their education in accordance with regulation section 3.0, and
- 2.3.3 Identify the applicant's preferred Preceptors.
- 2.4 If the Board is satisfied that the applicant has completed the requisite education and approves the applicant's AIT plan and preferred Preceptors, the applicant shall be approved to begin their AIT program under the direct supervision of the approved Preceptors.
 - 2.4.1 Approved applicants shall begin their AIT program immediately.
 - 2.4.2 Applicants not approved by the Board may be given the opportunity to rectify deficiencies in their applications before denial of their application is proposed.
- 2.5 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") examination.
 - 2.5.1 Applicants who do not pass the first examination may retake the examination within the following three months after the date of the exam without further Board approval.
 - 2.5.2 Applicants who do not pass the second examination may retake the examination within the following six months after the date of the exam without further Board approval.
 - 2.5.3 Applicants who do not pass the third examination must obtain Board approval each time they wish to retake the examination. The Board will approve these applicants to retake the examination only after they complete 40 additional hours working under the direct supervision of a Delaware-licensed nursing home administrator in a skilled nursing facility previously approved by the Board.

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

- 3.1 AIT programs must be approved by the Board and conducted under the direct supervision of the Board-approved Preceptors.
- 3.2 AIT programs must be split between a skilled nursing facility ("SNF") and an assisted living facility ("ALF"). If the Sponsoring Facility is an SNF, the Board will require that at least 5% of the program be completed in an ALF. If the Sponsoring Facility is an ALF, the Board will require that at least 10% 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 shall begin their program immediately after receiving notification of approval of their AIT plan and 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 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. 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.

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, 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 and workshops totaling 48 classroom hours or more, on any of the subject areas enumerated in 13.2 below, are required for biennial licensure 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 months of the biennial period, 36 credit hours will be required for renewal.
 - 5.1.2 For licenses initially authorized during the second six months of the biennial period, 24 credit hours will be required for renewal.
 - 5.1.3 For licenses initially authorized during the third six months of the biennial period, 12 credit hours will be required for renewal.
 - 5.1.4 For licenses initially authorized during the fourth six 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.
 - 5.2.2 Local health and safety regulations.
 - 5.2.3 General Administration.
 - 5.2.4 Psychology of patient care.
 - 5.2.5 Principles of medical care.
 - 5.2.6 Personal and social care.
 - 5.2.7 Therapeutic and supportive care and services in long-term care.
 - 5.2.8 Department organization and management.
 - 5.2.9 Community interrelationships, and.
 - 5.2.10 Business or financial management.
- 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, and teleconferences pre-approved by the Board, may be accumulated at no more than 12 hours per renewal period.

5.3.5 Courses approved by the National Association of Boards (NAB).

5.4 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.

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 regulation 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) 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 six months following the licensure period, have his 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 period the applicant has completed continuing education programs or courses of study that meet the requirements of regulation 5.0.

7.4.2 Any licensee whose license has expired for a period in excess of two years may have his license reinstated without examination in accordance with regulation 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.

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. §615.
- 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 second degree. 11 **Del.C.** §764.

9.1.30 Indecent exposure in the first degree. 11 **Del.C.** §765.

9.1.31 Incest. 11 **Del.C.** §766.

9.1.32 Unlawful sexual contact in the third degree. 11 **Del.C.** §767.

9.1.33 Unlawful sexual contact in the second degree. 11 **Del.C.** §768.

9.1.34 Unlawful sexual contact in the first degree. 11 **Del.C.** §769.

9.1.35 Rape in the fourth degree. 11 **Del.C.** §770.

9.1.36 Rape in the third degree. 11 **Del.C.** §771.

9.1.37 Rape in the second degree. 11 **Del.C.** §772.

9.1.38 Rape in the first degree. 11 **Del.C.** §773.

9.1.39 Sexual extortion. 11 **Del.C.** §776.

9.1.40 Bestiality. 11 **Del.C.** §777.

9.1.41 Continuous sexual abuse of a child. 11 **Del.C.** §778.

9.1.42 Dangerous crime against a child. 11 **Del.C.** §779.

9.1.43 Female genital mutilation. 11 **Del.C.** §780.

9.1.44 Unlawful imprisonment in the second degree. 11 **Del.C.** §781.

9.1.45 Unlawful imprisonment in the first degree. 11 **Del.C.** §782.

9.1.46 Kidnapping in the second degree. 11 **Del.C.** §783.

9.1.47 Kidnapping in the first degree. 11 **Del.C.** §783A.

9.1.48 Interference with custody. 11 **Del.C.** §785.

9.1.49 Acts constituting coercion. 11 **Del.C.** §791.

9.1.50 Arson in the third degree. 11 **Del.C.** §801.

9.1.51 Arson in the second degree. 11 **Del.C.** §802.

9.1.52 Arson in the first degree. 11 **Del.C.** §803.

9.1.53 Reckless burning or exploding; felony. 11 **Del.C.** §804.

9.1.54 Cross or religious symbol burning. 11 **Del.C.** §805.

9.1.55 Criminal mischief. 11 **Del.C.** §811.

9.1.56 Trespassing with intent to peep or peer. 11 **Del.C.** §820.

9.1.57 Burglary in the third degree. 11 **Del.C.** §824.

9.1.58 Burglary in the second degree. 11 **Del.C.** §825.

9.1.59 Burglary in the first degree. 11 **Del.C.** §826.

9.1.60 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828.

9.1.61 Robbery in the second degree. 11 **Del.C.** §831.

9.1.62 Robbery in the first degree. 11 **Del.C.** §832.

9.1.63 Carjacking in the second degree. 11 **Del.C.** §835.

9.1.64 Carjacking in the first degree. 11 **Del.C.** §836.

9.1.65 Shoplifting. 11 **Del.C.** §840.

9.1.66 Use of illegitimate retail sales receipt or Universal Product Code Label. 11 **Del.C.** §840A.

9.1.67 Theft. 11 **Del.C.** §841.

9.1.68 Theft; lost or mislaid property. 11 **Del.C.** §842.

9.1.69 Theft; false pretense. 11 **Del.C.** §843.

9.1.70 Theft; false promise. 11 **Del.C.** §844.

9.1.71 Theft of services. 11 Del.C. §845.

9.1.72 Extortion. 11 Del.C. §846.

9.1.73 Misapplication of property. 11 Del.C. §848.

9.1.74 Theft of rented property. 11 Del.C. §849.

9.1.75 Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices; felony. 11 Del.C. §850.

9.1.76 Receiving stolen property; felony. 11 Del.C. §851.

9.1.77 Identity theft. 11 Del.C. §854.

9.1.78 Possession of shoplifters tools or instruments facilitating theft. 11 Del.C. §860.

9.1.79 Forgery. 11 Del.C. §861.

9.1.80 Possession of forgery devices. 11 Del.C. §862.

9.1.81 Falsifying business records. 11 Del.C. §871.

9.1.82 Tampering with public records in the second degree 11 Del.C. §873.

9.1.83 Tampering with public records in the first degree. 11 Del.C. §876.

9.1.84 Offering a false instrument for filing. 11 Del.C. §877.

9.1.85 Issuing a false certificate. 11 Del.C. §878.

9.1.86 Bribery. 11 Del.C. §881.

9.1.87 Bribe receiving. 11 Del.C. §882.

9.1.88 Defrauding secured creditors. 11 Del.C. §891.

9.1.89 Fraud in insolvency. 11 Del.C. §892.

9.1.90 Interference with levied-upon property. 11 Del.C. §893.

9.1.91 Issuing a bad check. 11 Del.C. §900.

9.1.92 Unlawful use of credit card. 11 Del.C. §903.

9.1.93 Re-encoder and scanning devices. 11 Del.C. §903A.

9.1.94 Deceptive business practices. 11 Del.C. §906.

9.1.95 Criminal impersonation. 11 Del.C. §907.

9.1.96 Criminal impersonation, accident related. 11 Del.C. §907A.

9.1.97 Criminal impersonation of a police officer. 11 Del.C. §907B.

9.1.98 Unlawfully concealing a will. 11 Del.C. §908.

9.1.99 Securing execution of documents by deception. 11 Del.C. §909.

9.1.100 Fraudulent conveyance of public lands. 11 Del.C. §911.

9.1.101 Fraudulent receipt of public lands. 11 Del.C. §912.

9.1.102 Insurance fraud. 11 Del.C. §913.

9.1.103 Health care fraud. 11 Del.C. §913A.

9.1.104 Home improvement fraud. 11 Del.C. §916.

9.1.105 New home construction fraud. 11 Del.C. §917.

9.1.106 Transfer of recorded sounds. 11 Del.C. §920.

9.1.107 Sale of transferred recorded sounds. 11 Del.C. §921.

9.1.108 Improper labeling 11 Del.C. §922.

9.1.109 Theft of computer services. 11 Del.C. §933.

9.1.110 Interruption of computer services. 11 Del.C. §934.

9.1.111 Misuse of computer system information. 11 Del.C. §935.

9.1.112 Destruction of computer equipment. 11 Del.C. §936.

9.1.113 Failure to promptly cease electronic communication upon request. 11 Del.C. §920.

9.1.114 Bigamy. 11 Del.C. §1001.

9.1.115 Bigamous marriage contracted outside of the State. 11 Del.C. §1002.

9.1.116 Dealing in children. 11 Del.C. §1100.

9.1.117 Endangering the welfare of a child. 11 Del.C. §1102.

9.1.118 Endangering the welfare of an incompetent person. 11 Del.C. §1105.

9.1.119 Sexual exploitation of a child. 11 Del.C. §1108.

9.1.120 Unlawfully dealing in child pornography. 11 Del.C. §1109.

9.1.121 Possession of child pornography. 11 Del.C. §1111.

9.1.122 Sexual offenders; prohibitions from school zones. 11 Del.C. §1112.

9.1.123 Sexual solicitation of a child. 11 Del.C. §1112A.

9.1.124 Body-piercing, tattooing or branding. 11 Del.C. §1114.

9.1.125 Tongue-splitting. 11 Del.C. §1114A.

9.1.126 Bribery. 11 Del.C. §1201.

9.1.127 Receiving a bribe; class E felony. 11 Del.C. §1203.

9.1.128 Improper influence. 11 Del.C. §1207.

9.1.129 Official misconduct. 11 Del.C. §1211.

9.1.130 Profiteering. 11 Del.C. §1212.

9.1.131 Perjury in the second degree. 11 Del.C. §1222.

9.1.132 Perjury in the first degree. 11 Del.C. §1223.

9.1.133 Making a false written statement. 11 Del.C. §1233.

9.1.134 Terroristic threatening of public officials or public servants. 11 Del.C. §1240.

9.1.135 Hindering prosecution; felony. 11 Del.C. §1244.

9.1.136 Falsely reporting an incident; felony. 11 Del.C. §1245.

9.1.137 Obstructing the control and suppression of rabies; felony. 11 Del.C. §1248.

9.1.138 Abetting the violation of driver's license restrictions; felony. 11 Del.C. §1249.

9.1.139 Offenses against law-enforcement animals; felony. 11 Del.C. §1250.

9.1.140 Escape in the second degree. 11 Del.C. §1252.

9.1.141 Escape after conviction. 11 Del.C. §1253.

9.1.142 Assault in a detention facility. 11 Del.C. §1254.

9.1.143 Promoting prison contraband; felony. 11 Del.C. §1256.

9.1.144 Use of an animal to avoid capture; felony 11 Del.C. §1257A.

9.1.145 Sexual relations in detention facility. 11 Del.C. §1259.

9.1.146 Bribing a witness. 11 Del.C. §1261.

9.1.147 Bribe receiving by a witness. 11 Del.C. §1262.

9.1.148 Tampering with a witness. 11 Del.C. §1263.

9.1.149 Interfering with child witness. 11 Del.C. §1263A.

9.1.150 Bribing a juror. 11 Del.C. §1264.

9.1.151 Bribe receiving by a juror. 11 Del.C. §1265.

9.1.152 Tampering with a juror. 11 Del.C. §1266.

9.1.153 Misconduct by a juror. 11 Del.C. §1267.

9.1.154 Tampering with physical evidence. 11 Del.C. §1269.

9.1.155 Riot. 11 Del.C. §1302.

9.1.156 Hate crimes. 11 Del.C. §10304.

9.1.157 Aggravated harassment. 11 Del.C. §1312.

9.1.158 Stalking. 11 Del.C. §1312A.

9.1.159 Malicious interference with emergency communications. 11 Del.C. §1313.

9.1.160 Criminal nuisance. 11 Del.C. §1322.

9.1.161 Cruelty to animals. 11 Del.C. §1325.

9.1.162 The unlawful trade in dog or cat by-products. 11 Del.C. §1325A

9.1.163 Animals; fighting and baiting prohibited; felony. 11 Del.C. §1326.

9.1.164 Maintaining a dangerous animal; felony. 11 Del.C. §1327.

9.1.165 Abusing a corpse. 11 Del.C. §1332.

9.1.166 Trading in human remains and associated funerary objects. 11 Del.C. §1333.

9.1.167 Violation of privacy. 11 Del.C. §1335.

9.1.168 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 Del.C. §1338.

9.1.169 Adulteration. 11 Del.C. §1339.

9.1.170 Promoting prostitution in the third degree. 11 Del.C. §1351.

9.1.171 Promoting prostitution in the second degree. 11 Del.C. §1352.

9.1.172 Promoting prostitution in the first degree. 11 Del.C. §1353.

9.1.173 Permitting prostitution. 11 Del.C. §1355.

9.1.174 Obscenity. 11 Del.C. §1361.

9.1.175 Carrying a concealed deadly weapon. 11 Del.C. §1442.

9.1.176 Possessing a destructive weapon. 11 Del.C. §1444.

9.1.177 Unlawfully dealing with a dangerous weapon. 11 Del.C. §1445.

9.1.178 Possession of a deadly weapon during commission of a felony. 11 Del.C. §1447.

9.1.179 Possession of a firearm during commission of a felony. 11 Del.C. §1447A.

9.1.180 Possession and purchase of deadly weapons by persons prohibited. 11 Del.C. §1448.

9.1.181 Criminal history record checks for sales of firearms; felony. 11 Del.C. §1448A.

9.1.182 Receiving a stolen firearm. 11 Del.C. §1450.

9.1.183 Theft of a firearm. 11 Del.C. §1451.

9.1.184 Giving a firearm to person prohibited. 11 Del.C. §1454.

9.1.185 Engaging in a firearms transaction on behalf of another. 11 Del.C. §1455.

9.1.186 Unlawfully permitting a minor access to a firearm. 11 Del.C. §1456.

9.1.187 Possession of a weapon in a Safe School and Recreation Zone; felony. 11 Del.C. §1457.

9.1.188 Removing a firearm from the possession of a law enforcement officer. 11 Del.C. §1458.

9.1.189 Prohibited acts. cheating devices)-(e). 11 Del.C. §1471.

9.1.190 Organized Crime and Racketeering. 11 Del.C. §1504.

9.1.191 Victim or Witness Intimidation. 11 Del.C. §3532 & 3533.

9.1.192 Abuse, neglect, mistreatment or financial exploitation of residents or patients 16 Del.C. §1136(a), (b) and (c).

9.1.193 Prohibited acts A under the Uniform Controlled Substances Act. 16 Del.C. §4751(a), (b) and (c).

9.1.194 Prohibited acts B under the Uniform Controlled Substances Act. 16 Del.C. §4752(a) and (b).

9.1.195 Unlawful delivery of noncontrolled substance. 16 Del.C. §4752A.

9.1.196 Prohibited acts C under the Uniform Controlled Substances Act. 116 Del.C. §4753.

9.1.197 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3,4-methylenedioxymethamphetamine (MDMA). 16 Del.C. §4753A (a)(1)-(9).

9.1.198 Prohibited acts D under the Uniform Controlled Substances Act. 16 Del.C. §4754.

9.1.199 Possession and delivery of noncontrolled prescription drug. 16 Del.C. §4754A.

9.1.200 Prohibited acts E under the Uniform Controlled Substances Act. 16 Del.C. §4755(a)(1) and (2)

9.1.201 Prohibited acts under the Uniform Controlled Substances Act. 16 Del.C. §4756(a)(1)-(5) and (b).

9.1.202 Hypodermic syringe or needle; delivering or possessing; disposal; 16 Del.C. §4757.

9.1.203 Keeping drugs in original containers. 16 Del.C. §4758

9.1.204 Distribution to persons under 21 years of age. 16 Del.C. §4761.

9.1.205 Purchase of drugs from minors. 16 Del.C. §4761A

- 9.1.206 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 **Del.C.** §4767.
- 9.1.207 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship. 16 **Del.C.** §4768.
- 9.1.208 Drug paraphernalia. 16 **Del.C.** §4771(a) and (b).
- 9.1.209 Possession, manufacture and sale, delivery to a minor and advertising of drug paraphernalia. 16 **Del.C.** §4774(a), (b), (c) (d)
- 9.1.210 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).
- 9.1.211 Attempt to evade or defeat tax. 30 **Del.C.** §571.
- 9.1.212 Failure to collect or pay over tax. 30 **Del.C.** §572.
- 9.1.213 Fraud and false statements [taxes]. 30 **Del.C.** §574.
- 9.1.214 Understatement or evasion [taxes]. 30 **Del.C.** §576.
- 9.1.215 Obtaining benefit under false representation. 31 **Del.C.** §1003.
- 9.1.216 Reports, statements and documents. 31 **Del.C.** §1004(1), (2), (3), (4), (5)
- 9.1.217 Kickback schemes and solicitations. 31 **Del.C.** §1005.
- 9.1.218 Conversion of payment. 31 **Del.C.** §1006.
- 9.1.219 Unlawful possession or manufacture of proof of insurance. 21 **Del.C.** §2118A.
- 9.1.220 Temporary registration violations related to providing false information. 21 **Del.C.** §2133(a) (1)-(3).
- 9.1.221 False statements. 21 **Del.C.** §2315.
- 9.1.222 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.
- 9.1.223 False statements; incorrect or incomplete information. 21 **Del.C.** §2620.
- 9.1.224 License to operate a motorcycle, motorbike, etc. 21 **Del.C.** §2703.
- 9.1.225 Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age. 21 **Del.C.** §2710.
- 9.1.226 Unlawful application for or use of license or identification card. 21 **Del.C.** §751.
- 9.1.227 False statements. 21 **Del.C.** §2752
- 9.1.228 Employment of unlicensed person. 21 **Del.C.** §2754.
- 9.1.229 Authorizing or permitting the operation of a motor ny another. 21 **Del.C.** §2754.
- 9.1.230 Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards. 21 **Del.C.** §2760(a) and (b).
- 9.1.231 Driving after judgment prohibited. 21 **Del.C.** §2810.
- 9.1.232 False statements. 21 **Del.C.** §3107.
- 9.1.233 Driving a vehicle while under the influence or with a prohibited alcohol content; felony. 21 **Del.C.** §4177(3) and (4).
- 9.1.234 Duty of driver involved in accident resulting in injury or death to any person. 21 **Del.C.** §4202.
- 9.1.235 Duty to report accidents; evidence. 21 **Del.C.** §4203.
- 9.1.236 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).
- 9.1.237 Receiving or transferring stolen vehicle. 21 **Del.C.** §6704.
- 9.1.238 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).
- 9.1.239 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card. 21 **Del.C.** §6708(a) and (b).
- 9.1.240 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers. 21 **Del.C.** §6709(a).

9.1.241 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers. 21 Del.C. §6710(a).

9.1.242 Obstructing person in performance of duty. 3 Del.C. §1044.

9.1.243 Unlawful Acts. 3 Del.C. §1224.

9.1.244 Offenses [involving meat and poultry inspection including bribery or attempted bribery or assaulting or impeding any person in the performance of his duties] (felony) 3 Del.C. §8713.

9.1.245 Fraud or distribution or attempted distribution of adulterated article. 3 Del.C. §8715.

9.1.246 Fraudulent Written Statements. 3 Del.C. §10049.

9.1.247 Fraudulent Certificate of Registration or Eligibility Documents 3 Del.C. §10050.

9.1.248 Interference with officer or inspector. 4 Del.C. §907.

9.1.249 Prohibited trade practices against infirm or elderly. 6 Del.C. §2581.

9.1.250 Prohibition of intimidation [under the Fair Housing Act]; felony. 6 Del.C. §4619.

9.1.251 Auto Repair Fraud victimizing the infirm or elderly. 6 Del.C. §4909A.

9.1.252 Hindering or obstructing [DOA] officer. 6 Del.C. §5132.

9.1.253 Impersonation of [DOA] officer. 6 Del.C. §5133.

9.1.254 Violations of the Securities Act. 6 Del.C. §7322.

9.1.255 Poisoning of dogs. 7 Del.C. §1710.

9.1.256 Unauthorized acts against a service guide or seeing eye dog. 7 Del.C. §1717.

9.1.257 Interference with department personnel. 7 Del.C. §6015.

9.1.258 Improper disposal of solid waste. 7 Del.C. §6025.

9.1.259 Failure to report discharge of pollutant or contaminant. 7 Del.C. §6028.

9.1.260 Prohibitions [relating to generation, storage, disposal, transportation, and treatment of hazardous waste]. 7 Del.C. §6304.

9.1.261 Interference with department [DNREC] personnel. 7 Del.C. §6315

9.1.262 Interception of Communications Generally; Divulging Contents of Communications 11 Del.C. §2402.

9.1.263 Manufacture, Possession or Sale of Intercepting Device. 11 Del.C. §2403.

9.1.264 Breaking and Entering, Etc. to Place or Remove Equipment. 11 Del.C. §2410.

9.1.265 Obstruction, Impediment or Prevention of Interception. 11 Del.C. §2412.

9.1.266 Obtaining, Altering or Preventing Authorized Access. 11 Del.C. §2421.

9.1.267 Divulging Contents of Communications. 11 Del.C. §2422.

9.1.268 Installation and Use Generally [of pen trace and trap and trace devices]. 11 Del.C. §243.

9.1.269 Attempt to Intimidate. 11 Del.C. §3534.

9.1.270 Disclosure of Expunged Records. 11 Del.C. §4374.

9.1.271 Violation of reporting provisions re: SBI.; felony 11 Del.C. §8523.

9.1.272 Failure of child-care provider to obtain information required under §8561 or for those providing false information. 11 Del.C. §8562.

9.1.273 Providing false information when seeking employment in a public school. 11 Del.C. §8572.

9.1.274 Filing False Claim [under Victims' Compensation Fund]. 11 Del.C. §9016.

9.1.275 Alteration, theft or destruction of will. 12 Del.C. §210.

9.1.276 Failure of Physician to file report of abuse of neglect pursuant to 16 Del.C. §903.

9.1.277 Coercion or intimidation involving health-care decisions and falsification, destruction of a document to create a false impression that measures to prolong life have been authorized. 16 Del.C. §513.

9.1.278 Treatment of meats with unlawful drugs and preparations [prior to sale]. 16 Del.C. §3317.

9.1.279 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.

9.1.280 Violation of contractor trust provision of § 802 for Highway Construction Payments. 17 Del.C. §805.

9.1.281 Violation of deadly weapons dealers' license requirements. 24 Del.C. §901.

9.1.282 Sale [deadly weapons] to persons under 21 or intoxicated persons. 24 Del.C. §903.

9.1.283 [Failure to make] reports of persons who are subject to loss of consciousness. 24 Del.C. §1763.

9.1.284 False statements [State taxes motor fuel carriers]. 30 Del.C. §5215.

9.1.285 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.

14 DE Reg. 281 (10/01/10) (Prop.)