

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Statutory Authority: 24 Delaware Code, Section 5306(a)(1) (24 **Del.C.** §5306(a)(1))
24 **DE Admin. Code** 5300

FINAL

ORDER

5300 Board of Massage and Bodywork

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on June 21, 2012 at a scheduled meeting of the Delaware Board of Massage and Bodywork (“the Board”) to receive comments regarding proposed amendments to the Board’s Rules and Regulations. The Board has proposed revisions to Rule 3.0, pertaining to the examination required for licensure as a massage therapist. Currently, an applicant is required to take and pass the National Certification Examination administered by the National Certification Board for Therapeutic Massage and Bodywork (“NCBTMB”). The proposed revision will permit an applicant to take either the NCBTMB examination, or the MBLEx examination administered by the Federation of State Massage Therapy Boards. This revision will give applicants two methods to achieve licensure. In addition, the Board has proposed a new Rule 7.9, which will permit professional Board members to use Board meeting attendance towards CE requirements, pursuant to the limitations of Rule 7.3.2.

Pursuant to the Administrative Procedures Act, 29 **Del.C.** §10115, notice of the proposed amendments to the Rules and Regulations was published on May 1, 2012 in the *Delaware Register of Regulations*, Volume 15, Issue 11 at 15 **DE Reg.** 1581.

Summary of the Evidence and Information Submitted

There was no written or verbal comment presented at the June 21, 2012 hearing.

The following notices were admitted as exhibits and made part of the record:

Exhibit 1: *News Journal* Affidavit of Publication.

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

Findings of Fact and Conclusions

There was no written or verbal comment presented.

Pursuant to 24 **Del.C.** §5306(a)(3), the Board has the authority to “[d]esignate the written examination to be taken by all persons applying for licensure as massage and bodywork therapists.” This provision recognizes the expertise of the Board to make this determination. Currently, an applicant is required to take and pass the National Certification Examination administered by the National Certification Board for Therapeutic Massage and Bodywork (“NCBTMB”). The proposed revision will permit an applicant to take either the NCBTMB examination, or the MBLEx examination administered by the Federation of State Massage Therapy Boards. The Board determined that both examinations will ensure that applicants are qualified to practice massage and bodywork in the State of Delaware. Permitting applicants to choose which examination to take will simply give applicants two methods to achieve licensure.

With respect to the proposed new Rule 7.9, professional members will be able to use Board meeting attendance towards CE requirements, pursuant to the limitations of Rule 7.3.2. The Board determined that this Rule is appropriate and consistent with what a number of other Title 24 boards permit, such as the Delaware Real Estate Commission and the Delaware Board of Occupational Therapy Practice.

The Law

The Board’s rulemaking authority is provided by 24 **Del.C.** §5306(a)(1)).

Decision and Effective Date

The Board hereby adopts the proposed amendments to the Rules and Regulations as effective 10 days following publication of this Order in the *Delaware Register of Regulations*.

Text and Citation

The text of the revised Rules and Regulations remains as published in the *Delaware Register of Regulations*, Volume 15, Issue 11 on May 1, 2012, without modification.

SO ORDERED this 21st day of June 2012.

DELAWARE BOARD OF MASSAGE AND BODYWORK

Holly Overmyer, President	Rachel Dunning
Sandra Jachimowski, Vice President	Gordon Gelley
Kari Ainsworth	Sharon Harris, Secretary
Wayne Dawson	

5300 Board of Massage and Bodywork

1.0 Definitions and Clarifications

- 1.1 The term "500 hours of supervised in-class study" as referenced in 24 **Del.C.** §5308(a)(1) shall mean that an instructor has controlled and reviewed the applicant's education on the premises of a school or approved program of massage or bodywork therapy, and can document that the applicant has successfully completed a curriculum that is substantially the same as referenced in 24 **Del.C.** §5308(a)(1) and which includes hands-on technique and contraindications as they relate to massage and bodywork. More than one school or approved program of massage or bodywork therapy may be attended in order to accumulate the total 500 hour requirement.
- 1.2 The term a "300 - hour course of supervised in-class study of massage" as referenced in 24 **Del.C.** §5309(a)(1) shall mean that an instructor has controlled and reviewed the applicant's education on the premises of a school or approved program of massage or bodywork therapy, and can document that the applicant has successfully completed a 300 hour course which includes no less than sixty hours of anatomy and physiology, one hundred-forty hours of theory and technique and one hundred hours of elective courses in the field of massage therapy as referenced in 24 **Del.C.** §5309(a)(1).
 - 1.2.1 The 300 hour course must be a unified introductory training program in massage and bodywork, including training in the subjects set forth in Regulation 1.4. The entire 300 hour course must be taken at one school or approved program. The Board may, upon request, waive the "single school" requirement for good cause or hardship, such as the closure of a school.
- 1.3 The term a "200 hour course of supervised in-class study of massage" as referenced in 24 **Del.C.** §5309(b) shall mean that an instructor has controlled and reviewed the applicant's education on the premises of a school or approved program of massage or bodywork therapy, and can document that the applicant has successfully completed a 200 hour course which includes no less than fifty hours of anatomy and physiology, one hundred-ten hours of theory and technique, twenty- five hours of ethics, law, and contraindications and fifteen hours of elective courses in the field of massage therapy as referenced in 24 **Del.C.** §5309(b).
- 1.4 The Board has jurisdiction over the "practice of massage and bodywork" as defined in 24 **Del.C.** §5302(6).
 - 1.4.1 "**Massage**" includes, the following practices or modalities:
 - Chair Massage
 - Deep Tissue Massage Therapy
 - Manual Lymphatic Drainage
 - Massage Therapy
 - Myofascial Release Therapy
 - Neuromuscular Therapy
 - Swedish Massage Therapy
 - Trager
 - Visceral Manipulation
 - 1.4.2 "**Bodywork**" includes the following practices or modalities:
 - Acupressure
 - Craniosacral therapy
 - Clinical aroma therapy
 - Hellerwork
 - Process Acupressure
 - Reflexology
 - Rolfing
 - Shiatsu

1.5 Continuing Education categories

- 1.5.1 **“Core course”** means a continuing education course with a subject matter within the “practice of massage and bodywork,” which contributes to the professional competency of the massage/bodywork therapist or massage technician. Core courses must be designed to maintain, improve, or expand skills and knowledge or to develop new and relevant skills and knowledge.
- 1.5.2 **“Elective course”** means a continuing education course with a subject matter that is outside the “practice of massage and bodywork,” which does not directly contribute to the professional competency of the massage/bodywork therapist or massage technician. Elective courses must have one of the following subject matters: modalities outside the “practice of massage and bodywork,” personal growth and self-improvement, business management, anatomy, or physiology.

- 1.6 **“CPR certification”** means a valid **Heartsaver®** CPR Certification or its equivalent issued by the American Heart Association, a valid Adult CPR Certification or its equivalent issued by the American Red Cross, or a valid Standard CPR Certification or its equivalent issued by the National Safety Council.

3 DE Reg. 1516 (5/1/00)

4 DE Reg. 1245 (2/1/01)

8 DE Reg. 692 (11/1/04)

10 DE Reg. 575 (09/01/06)

11 DE Reg. 692 (11/01/07)

12 DE Reg. 75 (07/01/08)

2.0 Filing of Application for Licensure as Massage/Bodywork Therapist

- 2.1 A person seeking licensure as a massage/bodywork therapist must submit a completed application on a form prescribed by the board to the board office at the Division of Professional Regulation (“Division”), Dover, Delaware. Each application must be accompanied by (1) proof of current CPR certification and (2) payment of the application fee established by the Division.
- 2.2 In addition to the application and materials described in regulation 2.1, an applicant for licensure as a massage/bodywork therapist shall have (1) each school or approved program of massage or bodywork where the applicant completed the hours of study required by 24 **Del.C.** §5308(a)(1) submit to the Board an official transcript or official documentation showing dates and total hours attended and a description of the curriculum completed; and (2) Assessment Systems, Incorporated or its predecessor, submit to the Board verification of the applicant's score on the written examination described in regulation 3.0.
- 2.3 The Board shall not consider an application for licensure as a massage/bodywork therapist until all items specified in regulations 2.1 and 2.2 are submitted to the Board's office.
 - 2.3.1 The Board may, in its discretion, approve applications contingent on receipt of necessary documentation. If the required documentation is not received within 120 days from the date when the application is first reviewed by the Board, the Board shall propose to deny the application.
 - 2.3.2 If an application is complete in terms of required documents, but the candidate has not responded to a Board request for further information, explanation or clarification within 120 days of the Board's request, the Board shall vote on the application as is.
- 2.4 **Renewal.** Applicants for renewal of a massage/bodywork therapist license must maintain a current CPR certification, pay the required renewal fee, and submit a completed renewal application that indicates whether the applicant has met the CE requirements pursuant to regulation 7.0. Licensees shall maintain current CPR certification throughout the biennial licensure period.

4 DE Reg. 1245 (2/1/01)

8 DE Reg. 692 (11/1/04)

10 DE Reg. 575 (09/01/06)

12 DE Reg. 75 (07/01/08)

3.0 Examination

~~The Board designates the National Certification Examination administered by the National Certification Board for Therapeutic Massage and Bodywork (“NCBTMB”) as the written examination to be taken by all persons applying for licensure as a massage/bodywork therapist. The Board will accept as a passing score on the exam the passing score established by the NCBTMB.~~

A person applying for licensure as a massage and bodywork therapist shall take one of the following written examinations:

- 3.1 The National Certification Examination administered by the National Certification Board for Therapeutic Massage and Bodywork ("NCBTMB"). The Board will accept as a passing score on the exam the passing score established by the NCBTMB.
- 3.2 The MBLEx examination administered by the Federation of State Massage Therapy Boards ("FSMTB"). The Board will accept as a passing score on the exam the passing score established by the FSMTB.

4.0 Application for Certification as Massage Technician

- 4.1 A person seeking certification as a massage technician must submit a completed application on a form prescribed by the board to the board office at the Division of Professional Regulation, Dover, Delaware. Each application must be accompanied by (1) proof of current certification and (2) payment of the application fee established by the Division of Professional Regulation.
- 4.2 In addition to the application and materials described in Regulation 4.1, an applicant for certification as a massage technician shall have the school or approved program of massage or bodywork therapy where the applicant completed the hours or study required by 24 **Del.C.** §5309(a)(1) submit to the Board an official transcript or official documentation showing dates and total hours attended and a description of the curriculum completed.
- 4.2.1 An applicant for a temporary massage technician certification, in addition to the application and materials described in Regulation 4.1, shall have the school or approved program of massage or bodywork therapy where the applicant completed the hours or study required by 24 **Del.C.** §5309(b) submit to the Board an official transcript or official documentation showing dates and total hours attended and a description of the curriculum completed.
- 4.3 The board shall not consider an application for certification as a massage technician until all items specified in Regulation 4.1 and 4.2 are submitted to the board's office.
- 4.3.1 The board may, in its discretion, approve applications contingent on receipt of necessary documentation. If the required documentation is not received within 120 days from the date when the application is first reviewed by the board, the board will propose to deny the application.
- 4.3.2 If an application is complete in terms of required documents, but the candidate has not responded to a board request for further information, explanation or clarification within 120 days of the board's request, the board will vote on the application as it stands.
- 4.4 Renewal. Applicants for renewal of a massage technician certificate shall submit a completed renewal form, renewal fee, proof of continuing education pursuant to Rule 7.0 and proof of current CPR certification. Certificate holders shall be required to maintain current CPR certification throughout the biennial licensure period. Temporary massage technician certificates are valid for no more than one (1) year and may not be renewed or reissued pursuant to the provision of 24 **Del.C.** §5309(b).

3 DE Reg. 1516 (5/1/00)

4 DE Reg. 1245 (2/1/01)

8 DE Reg. 692 (11/1/04)

10 DE Reg. 575 (09/01/06)

5.0 Expired License or Certificate

An expired license as a massage/bodywork therapist or expired certificate as a massage technician, excluding temporary massage technician certificates, may be reinstated within one (1) year after expiration upon application and payment of the renewal fee plus a late fee as set by the Division of Professional Regulation, submission of documentation demonstrating compliance with the continuing education requirements of Regulation 7.0 and proof of current CPR certification.

5 DE Reg. 827 (10/01/01)

8 DE Reg. 692 (11/1/04)

10 DE Reg. 575 (09/01/06)

6.0 Inactive Status

- 6.1 A licensee asking to have his or her license placed on inactive status must notify the board of his/her intention to do so in writing prior to the expiration of his/her current license. Holders of temporary massage technician certificates are not eligible for inactive status.
- 6.2 A licensee on inactive status seeking to re-enter practice must notify the board in writing of his/her intention, pay the appropriate fee, and provide the board with documentation demonstrating compliance with the continuing education hours required by Regulation 7.0, and proof of current CPR certification.

8 DE Reg. 692 (11/1/04)

7.0 Continuing Education (CE)

- 7.1 Renewal Requirements. Massage/bodywork therapists shall complete 24 hours of approved CE during each biennial licensing period, except as otherwise provided in these regulations. Massage technician shall complete 12 hours of approved CE during each biennial licensing period, except as otherwise provided in these regulations. Completion of the required CE hours is a prerequisite for renewing a license or certificate. Hours earned in a biennial licensing period in excess of those required for renewal may not be credited towards the hours required for renewal in any other licensing period.
- 7.1.1 Calculation of Hours. For academic course work, correspondence courses, or seminar/workshop instruction, one hour of acceptable CE shall mean 50 minutes of actual instruction. One academic semester hour shall be equivalent to 15 CE hours; one academic quarter hour shall be equivalent to 10 CE hours.
- 7.1.2 If, during a licensing period, an individual certified by the Board as a massage technician is issued a license as a massage/bodywork therapist, the CE requirement for that licensing period is as follows:
- 7.1.2.1 If the license is issued more than 12 months prior to the next renewal date, the licensee shall complete 24 hours of acceptable CE during the licensing period.
- 7.1.2.2 If the license is issued less than 12 months prior to the next renewal date, the licensee shall complete 12 hours of acceptable CE during the licensing period.
- 7.2 Candidates for renewal who were first licensed or certified 12 months or less before the date of renewal are exempt from the CE requirement for the period in which they were first licensed or certified.
- 7.3 Content. Therapists and technicians may:
- 7.3.1 Fulfill all of their CE requirements with approved Core courses.
- 7.3.2 Fulfill 25% of their CE requirements with approved Elective courses.
- 7.3.3 Fulfill 50% of their CE requirements with Board-approved courses conducted online, by video replay, video- or tele-conference, correspondence, or mail. This allowance is subject to the limitation of Elective courses in regulation 7.3.2.
- 7.4 Board approval.
- 7.4.1 NCBTMB- and AMTA-approved CE courses are automatically approved for content. This provision is subject to the requirements and limitations under regulation 7.3.
- 7.4.2 To obtain credit for CE courses not approved by NCBTMB or AMTA, those courses must be approved by the Board before submission of a renewal application. CE course participants or providers may apply for pre-approval of courses by submitting a written request to the Board that must include a program agenda, a syllabus indicating the time spent on each topic, the names and resumes of the presenters, and the number of CE hours and category requested. The Board reserves the right to approve less than the number of hours requested or to approve a course in a different category than requested.
- 7.4.3 Self-directed activity. The Board may approve credit for self-directed activities, including, but not limited to teaching, research, and preparation or presentation of professional papers and articles. Licensees may apply for pre-approval of self-directed activities by submitting a written request for pre-approval that must include an outline of the scope of the activity, the number of CE hours and category requested, the anticipated completion date, the role of the licensee in the case of multiple participants (e.g. research), and whether any part of the self-directed activity has ever been previously approved or submitted for credit by the same licensee.
- 7.4.4 Course preparation and instruction. The Board may approve up to six additional CE credits, on an hour for hour basis, to instructors for their initial preparation and presentation of an approved CE course (e.g. an instructor preparing and presenting an eight hour course for the first time may receive up to six additional credit hours.) This provision remains subject to the limitations of regulation 7.3.2.
- 7.4.5 Board approval of a licensee's CE hours in a modality is not a Board endorsement of the licensee's competence to practice that modality.
- 7.5 Verification.
- 7.5.1 Verification of CE hours shall be by attestation. Attestation shall be completed electronically if the renewal is accomplished online. Alternatively, the attestation of completion may be submitted by paper renewal forms. Requests for paper renewal forms must be directed to the Division.
- 7.5.2 Post-Renewal Audit. The Board will conduct random audits of renewal applications to ensure the veracity of attestations and compliance with the renewal requirements. Licensees selected for the random audit shall submit CE course attendance verification in the form of a certificate of attendance or completion that

must be signed by the course presenter or by a designated official of the sponsoring organization. Licensees shall retain their CE course attendance documentation for each licensure period and for at least one 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 pursuant to regulation 5.0 shall be audited.

- 7.6 Hardship. A candidate for renewal may be granted an extension of time in which to complete CE hours upon a showing of unusual hardship. "Hardship" may include, but is not limited to, disability, illness, extended absence from the jurisdiction, and exceptional family responsibilities. Requests for hardship extensions must be submitted to the Board in writing prior to the end of the licensing or certification period for which the request is being made.
- 7.7 Requirements for Late Renewal. Unless extended by the Board for hardship as defined in regulation 7.6, and subject to the one-year limitation set forth in regulation 5.0, massage/bodywork therapists and massage technicians applying for late renewal must provide proof of completion of the required CE for the immediately preceding licensure period.
- 7.8 Requirements for Return to Active Status. Unless extended by the Board for hardship as defined in regulation 7.6, massage/bodywork therapists and massage technicians returning from inactive status must provide notice to the Board as set forth in regulation 6.2 and must provide adequate proof of the satisfactory completion of 24 hours of Board approved CE within the immediately preceding two-year period prior to the date of the notice to return to active. A massage technician returning from inactive status must provide notice to the Board as set forth in regulation 6.2 and must provide adequate proof of the satisfactory completion of 12 hours of Board approved CE within the immediately preceding two year period prior to the date of the notice to return to active status. CE hours required to return to active status may not be credited towards the hours required for renewal in any other licensing period.
- 7.9 Professional members of the Board may receive one hour of elective CE for each Board meeting attended, subject to the requirements of Rule 7.3.2. Such hours may be applied to CE required for licensure renewal.

- 3 DE Reg. 1516 (5/1/00)
- 4 DE Reg. 1245 (2/1/01)
- 4 DE Reg. 1944 (6/1/01)
- 5 DE Reg. 1409 (1/1/02)
- 7 DE Reg. 40 (7/1/03)
- 8 DE Reg. 692 (11/1/04)
- 12 DE Reg. 75 (07/01/08)

8.0 Scope of Practice

Licensed massage/bodywork therapist and certified massage technicians shall perform only the massage and bodywork activities and techniques for which they have been trained as stated in their certificates, diplomas or transcripts from the school or program of massage therapy where trained.

- 8 DE Reg. 692 (11/1/04)

9.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 9.1 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.
- 9.2 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.
- 9.3 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).
- 9.4 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.

- 9.5 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 9.8 of this section.
- 9.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
 - 9.6.1 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.
 - 9.6.2 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.
 - 9.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
 - 9.6.4 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.
 - 9.6.5 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.
 - 9.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 9.7 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.
- 9.8 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.
- 9.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
- 9.10 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.
- 9.11 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.
- 9.12 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.

8 DE Reg. 692 (11/1/04)

10.0 Crimes Substantially Related to the Practice of Massage and Bodywork:

- 10.1 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 massage and bodywork in the State of Delaware without regard to the place of conviction:
 - 10.1.1 Aggravated menacing. 11 **Del.C.** §602(b)
 - 10.1.2 Reckless endangering in the first degree. 11 **Del.C.** §604
 - 10.1.3 Abuse of a pregnant female in the first degree. 11 **Del.C.** §606.
 - 10.1.4 Assault in the second degree. 11 **Del.C.** §612
 - 10.1.5 Assault in the first degree. 11 **Del.C.** §613.
 - 10.1.6 Abuse of a sports official; felony. 11 **Del.C.** §614.
 - 10.1.7 Terroristic threatening; felony. 11 **Del.C.** §621.
 - 10.1.8 Unlawfully administering drugs. 11 **Del.C.** §625.
 - 10.1.9 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 **Del.C.** §626.
 - 10.1.10 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633.
 - 10.1.11 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634.
 - 10.1.12 Murder in the second degree. 11 **Del.C.** §635.
 - 10.1.13 Murder in the first degree. 11 **Del.C.** §636.
 - 10.1.14 Incest. 11 **Del.C.** §766.
 - 10.1.15 Unlawful sexual contact in the third degree. 11 **Del.C.** §767.
 - 10.1.16 Unlawful sexual contact in the second degree. 11 **Del.C.** §768.
 - 10.1.17 Unlawful sexual contact in the first degree. 11 **Del.C.** §769.
 - 10.1.18 Rape in the fourth degree. 11 **Del.C.** §770.
 - 10.1.19 Rape in the third degree. 11 **Del.C.** §771.
 - 10.1.20 Rape in the second degree. 11 **Del.C.** §772.
 - 10.1.21 Rape in the first degree. 11 **Del.C.** §773.
 - 10.1.22 Sexual extortion. 11 **Del.C.** §776.
 - 10.1.23 Bestiality. 11 **Del.C.** §777.
 - 10.1.24 Continuous sexual abuse of a child. 11 **Del.C.** §778.
 - 10.1.25 Dangerous crime against a child. 11 **Del.C.** §779.
 - 10.1.26 Female genital mutilation. 11 **Del.C.** §780.
 - 10.1.27 Kidnapping in the second degree. 11 **Del.C.** §783.
 - 10.1.28 Kidnapping in the first degree. 11 **Del.C.** §783A.
 - 10.1.29 Acts constituting coercion. 11 **Del.C.** §791.
 - 10.1.30 Arson in the first degree. 11 **Del.C.** §803.
 - 10.1.31 Burglary in the third degree. 11 **Del.C.** §824.
 - 10.1.32 Burglary in the second degree. 11 **Del.C.** §825.
 - 10.1.33 Burglary in the first degree. 11 **Del.C.** §826.
 - 10.1.34 Robbery in the second degree. 11 **Del.C.** §831.
 - 10.1.35 Robbery in the first degree. 11 **Del.C.** §832.
 - 10.1.36 Carjacking in the second degree. 11 **Del.C.** §835.
 - 10.1.37 Carjacking in the first degree. 11 **Del.C.** §836.
 - 10.1.38 Theft; felony. 11 **Del.C.** §841.
 - 10.1.39 Theft; lost or mislaid property; mistaken delivery. 11 **Del.C.** §842.
 - 10.1.40 Extortion. 11 **Del.C.** §846.
 - 10.1.41 Receiving stolen property. 11 **Del.C.** §851.
 - 10.1.42 Identity theft. 11 **Del.C.** §854.
 - 10.1.43 Criminal impersonation of a police officer. 11 **Del.C.** §907B.
 - 10.1.44 Securing execution of documents by deception. 11 **Del.C.** §909.

- 10.1.45 Insurance fraud. 11 **Del.C.** §913.
- 10.1.46 Health care fraud. 11 **Del.C.** §913A.
- 10.1.47 Dealing in children. 11 **Del.C.** §1100.
- 10.1.48 Sexual exploitation of a child. 11 **Del.C.** §1108.
- 10.1.49 Unlawfully dealing in child pornography. 11 **Del.C.** §1109.
- 10.1.50 Possession of child pornography. 11 **Del.C.** §1111.
- 10.1.51 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112.
- 10.1.52 Sexual solicitation of a child. 11 **Del.C.** §1112A.
- 10.1.53 Improper influence. 11 **Del.C.** §1207.
- 10.1.54 Terroristic threatening of public officials or public servants. 11 **Del.C.** §1240.
- 10.1.55 Assault in a detention facility. 11 **Del.C.** §1254.
- 10.1.56 Promoting prison contraband; felony. 11 **Del.C.** §1256.
- 10.1.57 Tampering with a witness. 11 **Del.C.** §1263.
- 10.1.58 Hate crimes; felony. 11 **Del.C.** §1304.
- 10.1.59 Aggravated harassment. 11 **Del.C.** §1312.
- 10.1.60 Stalking. 11 **Del.C.** §1312A.
- 10.1.61 Cruelty to animals; felony. 11 **Del.C.** §1325.
- 10.1.62 Maintaining a dangerous animal; felony. 11 **Del.C.** §1327.
- 10.1.63 Abusing a corpse. 11 **Del.C.** §1332.
- 10.1.64 Violation of privacy. 11 **Del.C.** §1335.
- 10.1.65 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 **Del.C.** §1338.
- 10.1.66 Adulteration. 11 **Del.C.** §1339.
- 10.1.67 Lewdness. 11 **Del.C.** §1341.
- 10.1.68 Prostitution. 11 **Del.C.** §1342.
- 10.1.69 Patronizing a prostitute prohibited. 11 **Del.C.** §1343.
- 10.1.70 Promoting prostitution in the third degree. 11 **Del.C.** §1351.
- 10.1.71 Promoting prostitution in the second degree. 11 **Del.C.** §1352.
- 10.1.72 Promoting prostitution in the first degree. 11 **Del.C.** §1353.
- 10.1.73 Permitting prostitution. 11 **Del.C.** §1355.
- 10.1.74 Obscenity. 11 **Del.C.** §1361.
- 10.1.75 Possessing a destructive weapon. 11 **Del.C.** §1444.
- 10.1.76 Unlawfully dealing with a dangerous weapon; felony. 11 **Del.C.** §1445.
- 10.1.77 Possession of a deadly weapon during commission of a felony. 11 **Del.C.** §1447.
- 10.1.78 Possession of a firearm during commission of a felony. 11 **Del.C.** §1447A.
- 10.1.80 Possession and purchase of deadly weapons by persons prohibited. 11 **Del.C.** §1448.
- 10.1.80 Giving a firearm to person prohibited. 11 **Del.C.** §1454.
- 10.1.81 Engaging in a firearms transaction on behalf of another. 11 **Del.C.** §1455.
- 10.1.82 Removing a firearm from the possession of a law enforcement officer. 11 **Del.C.** §1458.
- 10.1.83 Organized Crime and Racketeering. 11 **Del.C.** §1504.
- 10.1.84 Victim or Witness Intimidation. 11 **Del.C.** §§3532 & 3533.
- 10.1.85 Abuse, neglect, mistreatment or financial exploitation of residents or patients. 16 **Del.C.** §1136(a), (b) and (c).
- 10.1.86 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (LS.D.), designer drugs, or 3,4-methylenedioxyamphetamine (MDMA). 16 **Del.C.** §4753A (a)(1)-(9).
- 10.1.87 Prohibited acts E under the Uniform Controlled Substances Act. 16 **Del.C.** §4755.
- 10.1.88 Prohibited acts under the Uniform Controlled Substances Act. 16 **Del.C.** §4756(a)(1)-(5) and (b).
- 10.1.89 Breaking and Entering, etc. to Place or Remove Equipment 11 **Del.C.** §2410
- 10.1.90 Attempt to Intimidate. 11 **Del.C.** §3534
- 10.1.91 Abuse, neglect, exploitation or mistreatment of infirm adult. 31 **Del.C.** §3913(a), (b) and (c).
- 10.2 Crimes substantially related to the practice of massage and bodywork shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

8 DE Reg. 1107 (02/01/05)
16 DE Reg. 222 (08/01/12) (Final)