

**DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
1900 Board of Nursing**

**Statutory Authority: 24 Delaware Code, Section 1906(1) (24 Del.C. §1906(1)) 24 DE Admin.
Code 1900**

FINAL

ORDER

After due notice in the Register of Regulations and publication of notice in two Delaware Newspapers, (Board Exhibit No. 1), a public hearing was held on Tuesday, January 12, 2005 by the Delaware Board of Nursing to receive and consider public comment concerning proposed Regulation No. 15. This proposed Regulation provides a list of crimes which the Board of Nursing believes are substantially related to the practice of nursing. The proposed Regulation was published in the Register of Regulations in Volume 8, Issue 6, on Wednesday, December 1, 2004. The Proposed Regulations as published in the Register of Regulations also addressed erroneously Regulation 8.7.16 concerning authorization to insert and remove epidural catheters. This proposed regulation as it was published in the Register incorrectly indicated that the Board was proposing to include the insertion and removal of epidural catheters within the functions of the Advanced Practice Nurse. This matter will be the subject of a future rulemaking procedure by the Board and is not being considered at this time.

Background

The 142nd General Assembly of the State of Delaware passed Senate Bill No. 229 which, among other things, directed various Boards, Agencies and Commissions including the Board of Nursing to adopt a regulation specifically identifying and setting forth crimes which were deemed to be substantially related to the practice of nursing. (See Section 35, Senate Bill No. 229, Del. Code Ann., §1906(b) (June 30, 2004)) The Governor signed this legislation into law.

In this legislation, the term “substantially related to” is defined to mean that the nature of the criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the provision of the particular professional services.

Summary Of The Evidence And Information Submitted

The Board received no written comments concerning the proposed regulation and there were no comments presented at the hearing beyond the comments from the Board’s Executive Director, Iva J. Boardman, R.N., M.S.N. Ms. Boardman, in sworn testimony, stated that the Board of Nursing looked at, among other things, the legal standards for licensees as defined in Section 7 of the Rules and Regulations of the Board to guide them in determining which crimes were substantially related to the practice of nursing. These standards include practice without discrimination as to age, race, religion, sex, sexual orientation, national origin or disability; respect for the dignity and rights of clients regardless of social or economic status, personal attributes or nature of health problems; respect for the client’s right to privacy by protecting confidentiality unless obligated by law to disclose information; and respect for the property of clients, their families and significant others. Members of the Board of nursing determined that the crimes identified included behavior that does not uphold the legal expected standards of nursing practice.

In proposing the Regulation, the Board of Nursing considered a compilation of crimes extracted from the Delaware Code and included federal criminal offenses (Title 18, U.S.C.A.) to include Federal Health Care offenses as being substantially related to the fitness of an individual to provide nursing services in the State of Delaware. Also included are any crimes under other laws which are substantially similar to those crimes identified in the proposed regulation.

Findings And Conclusions Of The Board:

It is the view of the Board that the conviction of such crimes should form the basis for a proposal to deny certification to an applicant as a matter of public information and protection. It is problematic that the Board has been required to specify in advance a list of crimes which are deemed to be “substantially related to the practice of

Nursing”. In the view of the Board such determinations are more appropriately made after a review of the circumstances surrounding the crime and the particular facts leading to the conviction.

Presently, the Board has the statutory ability to waive such criminal convictions where the Board finds that the individual has made sufficient restitution. The presence of a waiver provision vesting appropriate discretion in the Board allows the Board to take into consideration things such as the circumstances surrounding the commission of the crime, time elapsed since the conviction, the extent to which restitution has been made, the age of the individual at the time of the conviction and any other circumstances bearing on the sufficiency of the restitution for the offense. This ability to waive such convictions in appropriate cases was part of the Boards consideration for the crimes selected.

Decision And Effective Date

The Board, by this order adopts the proposed Regulation No. 15 with the following corrections to be effective ten (10) days after the publication of this Order in the Register of Regulations.

Text And Citation

The text of the Regulation No. 15 remains as published in the Register of Regulation, Volume No.8, Issue No. 6, Wednesday, December 1, 2004, with the exception of the erroneously published definition of “Jurisdiction” in Section 15.1 which is corrected to read: “ ‘Substantially similar crimes in another State or Jurisdiction’ includes all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, but not limited to, Federal Health Care Offenses”. This is a non-substantive change. The proposed Regulation change published as a Regulation 8.7.16 relating to the insertion and removal of epidural catheters is not adopted as discussed above.

IT IS SO ORDERED this 19th day of January 2005.

Lucille Gambardella, RN, Ph.D. Vice Pres.
Robert Draine, Public member
Diana Padula, LPN
Robert Lawson, Public member
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Rules and Regulations

8.0 Rules and Regulations Governing the Practice of Nursing as an Advanced Practice Nurse in the State of Delaware

8.1 Authority

These rules and regulations are adopted by the Delaware Board of Nursing under the authority of the Delaware Nurse Practice Act, 24 **Del.C.** §§1902(d), 1906(1), 1906(7).

8.2 Purpose

8.2.1 The general purpose of these rules and regulations is to assist in protecting and safeguarding the public by regulating the practice of the Advanced Practice Nurse.

8.3 Scope

8.3.1 These rules and regulations govern the educational and experience requirements and standards of practice for the Advanced Practice Nurse. Prescribing medications and treatments independently is pursuant to the Rules and Regulations promulgated by the Joint Practice Committee as defined in 24 **Del.C.** §1906(20). The

Advanced Practice Nurse is responsible and accountable for her or his practice. Nothing herein is deemed to limit the scope of practice or prohibit a Registered Nurse from engaging in those activities that constitute the practice of professional nursing and/ or professional nursing in a specialty area.

8.4 Definitions

“Advanced Practice Nurse” as defined in 24 Del.C. §1902(d)(1). Such a nurse will be given the title Advanced Practice Nurse by state licensure, and may use the title Advanced Practice Nurse within his/her specific specialty area.

“Audit” The verification of existence of a collaborative agreement for a minimum of 10% of the total number of licenses issued during a specified time period.

“Board” The Delaware Board of Nursing

“Certified Nurse Midwife (C.N.M.)” A Registered Nurse who is a provider for normal maternity, newborn and well-woman gynecological care. The CNM designation is received after completing an accredited post-basic nursing program in midwifery at schools of medicine, nursing or public health, and passing a certification examination administered by the ACNM Certification Council, Inc. or other nationally recognized, Board of Nursing approved certifying organization.

“Certified Registered Nurse Anesthetist (C.R.N.A.)” A Registered Nurse who has graduated from a nurse anesthesia educational program accredited by the American Association of Nurse Anesthetists’ Council on Accreditation of Nurse Anesthesia Educational programs, and who is certified by the American Association of Nurse Anesthetists’ Council on Certification of Nurse Anesthetists or other nationally recognized, Board of Nursing approved certifying organization.

“Clinical Nurse Specialist (C.N.S.)” A Registered Nurse with advanced nursing educational preparation who functions in primary, secondary, and tertiary settings with individuals, families, groups, or communities. The CNS designation is received after graduation from a Master’s degree program in a clinical nurse specialty or post Master’s certificate, such as gerontology, maternal-child, pediatrics, psych/mental health, etc. The CNS must have national certification in the area of specialization at the advanced level if such a certification exists or as specified in 8.9.4.1 of these Rules and Regulations. The certifying agency must meet the established criteria approved by the Delaware Board of Nursing.

“Clinical Nursing Specialty” a delimited focus of advanced nursing practice. Specialty areas can be identified in terms of population, setting, disease/ pathology, type of care or type of problem. Nursing administration does not qualify as a clinical nursing specialty.

3 DE Reg. 1373 (4/1/00)

“Collaborative Agreement” Written verification of health care facility approved clinical privileges; or health care facility approved job description; or a written document that outlines the process for consultation and referral between an Advanced Practice Nurse and a licensed physician, dentist, podiatrist, or licensed Delaware health care delivery system.

“Guidelines/ Protocols” Suggested pathways to be followed by an Advanced Practice Nurse for managing a particular medical problem. These guidelines/ protocols may be developed collaboratively by an Advanced Practice Nurse and a licensed physician, dentist or a podiatrist, or licensed Delaware health care delivery system.

“National Certification” That credential earned by a nurse who has met requirements of a Board approved certifying agency.

The agencies so approved include but are not limited to:

American Academy of Nurse Practitioners

American Nurses Credentialing Center

American Association of Nurse Anesthetists Council on Certification of Nurse Anesthetists

American Association of Nurse Anesthetists Council on Recertification of Nurse Anesthetists

National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing

Specialties

National Certification Board of Pediatric Nurse Practitioners and Nurses.

ACNM Certification Council, Inc.

“Nurse Practitioner (N.P.)” A Registered Nurse with advanced nursing educational preparation who is a provider of primary healthcare in a variety of settings with a focus on a specific area of practice. The NP designation is received after graduation from a Master’s program or from an accredited post-basic NP certificate program of at least one academic year in length in a nurse practitioner specialty such as acute care, adult, family, geriatric, pediatric, or women’s health, etc. The NP must have national certification in the area of specialization at the advanced level by a certifying agency which meets the established criteria approved by the Delaware Board of Nursing.

“Post Basic Program”

A combined didactic and clinical/preceptored program of at least one academic year of full time study

in the area of advanced nursing practice with a minimum of 400 clinical/preceptored hours.

The program must be one offered and administered by an approved health agency and/or institution of higher learning,

Post basic means a program taken after licensure is achieved.

“Scope of Specialized Practice” That area of practice in which an Advanced Practice Nurse has a Master’s degree or a post-basic program certificate in a clinical nursing specialty with national certification.

“Supervision” Direction given by a licensed physician or Advanced Practice Nurse to an Advanced Practice Nurse practicing pursuant to a temporary permit. The supervising physician or Advanced Practice Nurse must be periodically available at the site where care is provided, or available for immediate guidance.

8.5 Grandfathering Period

8.5.1 Any person holding a certificate of state licensure as an Advanced Practice Nurse that is valid on July 8, 1994 shall be eligible for renewal of such licensure under the conditions and standards prescribed herein for renewal of licensure.

8.6 Standards for the Advanced Practice Nurse

8.6.1 Advanced Practice Nurses view clients and their health concerns from an integrated multi-system perspective.

8.6.2 Standards provide the practitioner with a framework within which to operate and with the means to evaluate his/her practice. In meeting the standards of practice of nursing in the advanced role, each practitioner, including but not limited to those listed in 8.6.2 of these Rules and Regulations:

8.6.2.1 Performs comprehensive assessments using appropriate physical and psychosocial parameters;

8.6.2.2 Develops comprehensive nursing care plans based on current theories and advanced clinical knowledge and expertise;

8.6.2.3 Initiates and applies clinical treatments based on expert knowledge and technical competency to client populations with problems ranging from health promotion to complex illness and for whom the Advanced Practice Nurse assumes primary care responsibilities. These treatments include, but are not limited to psychotherapy, administration of anesthesia, and vaginal deliveries;

8.6.2.4 Functions under established guidelines/protocols and/ or accepted standards of care;

8.6.2.5 Uses the results of scientifically sound empirical research as a basis for nursing practice decisions;

8.6.2.6 Uses appropriate teaching/learning strategies to diagnose learning impediments;

8.6.2.7 Evaluates the quality of individual client care in accordance with quality assurance and other standards;

8.6.2.8 Reviews and revises guidelines/protocols, as necessary;

8.6.2.9 Maintains an accurate written account of the progress of clients for whom primary care responsibilities are assumed;

8.6.2.10 Collaborates with members of a multi-disciplinary team toward the accomplishment of mutually established goals;

8.6.2.11 Pursues strategies to enhance access to and use of adequate health care services;

8.6.2.12 Maintains optimal advanced practice based on a continual process of review and evaluation of scientific theory, research findings and current practice;

8.6.2.13 Performs consultative services for clients referred by other members of the multi-disciplinary team; and

8.6.2.14 Establishes a collaborative agreement with a licensed physician, dentist, podiatrist, or licensed Delaware health care delivery system to facilitate consultation and/or referral as appropriate in the delivery of health care to clients.

8.6.3 In addition to these standards, each nurse certified in an area of specialization and recognized by the Board to practice as an Advanced Practice Nurse is responsible for practice at the level and scope defined for that specialty certification by the agency which certified the nurse.

8.7 Generic Functions of the Advanced Practice Nurse Within the Specialized Scope of Practice include but are not limited to:

8.7.1 Eliciting detailed health history(s)

8.7.2 Defining nursing problem(s)

8.7.3 Performing physical examination(s)

8.7.4 Collecting and performing laboratory tests

- 8.7.5 Interpreting laboratory data
- 8.7.6 Initiating requests for essential laboratory procedures
- 8.7.7 Initiating requests for essential x-rays
- 8.7.8 Screening patients to identify abnormal problems
- 8.7.9 Initiating referrals to appropriate resources and services as necessary
- 8.7.10 Initiating or modifying treatment and medications within established guidelines
- 8.7.11 Assessing and reporting changes in the health of individuals, families and communities
- 8.7.12 Providing health education through teaching and counseling
- 8.7.13 Planning and/or instituting health care programs in the community with other health care professionals and the public
- 8.7.14 Delegating tasks appropriately
- 8.7.15 Prescribing medications and treatments independently pursuant to Rules and Regulations promulgated by the Joint Practice Committee as defined in 24 Del.C. §1906(20).

~~8.7.16 Inserting and removing epidural catheters after specialized training.~~

8.8 Criteria for Approval of Certification Agencies

8.8.1 A national certifying body which meets the following criteria shall be recognized by the Board to satisfy 24 Del.C. §1902(d)(1).

8.8.2 The national certifying body:

- 8.8.2.1 Is national in the scope of its credentialing.
- 8.8.2.2 Has no requirement for an applicant to be a member of any organization.
- 8.8.2.3 Has educational requirements which are consistent with the requirements of these rules.
- 8.8.2.4 Has an application process and credential review which includes documentation that the applicant's education is in the advanced nursing practice category being certified, and that the applicant's clinical practice is in the certification category.

8.8.2.5 Uses an examination as a basis for certification in the advanced nursing practice category which meets the following criteria:

- 8.8.2.5.1 The examination is based upon job analysis studies conducted using standard methodologies acceptable to the testing community;
- 8.8.2.5.2 The examination represents the knowledge, skills and abilities essential for the delivery of safe and effective advanced nursing care to the clients;
- 8.8.2.5.3 The examination content and its distribution are specified in a test plan (blueprint), based on the job analysis study, that is available to examinees;
- 8.8.2.5.4 Examination items are reviewed for content validity, cultural sensitivity and correct scoring using an established mechanism, both before use and periodically;
- 8.8.2.5.5 Examinations are evaluated for psychometric performance;
- 8.8.2.5.6 The passing standard is established using acceptable psychometric methods, and is reevaluated periodically; and
- 8.8.2.5.7 Examination security is maintained through established procedures

8.8.2.6 Issues certification based upon passing the examination and meeting all other certification requirements.

8.8.2.7 Provides for periodic recertification which includes review of qualifications and continued competency.

8.8.2.8 Has mechanisms in place for communication to Boards of Nursing for timely verification of an individual's certification status, changes in certification status, and changes in the certification program, including qualifications, test plan and scope of practice.

8.8.2.9 Has an evaluation process to provide quality assurance in its certification program.

8.9 Application for Licensure to Practice as an Advanced Practice Nurse

8.9.1 Application for licensure as a Registered Nurse shall be made on forms supplied by the Board.

8.9.2 In addition, an application for licensure to practice as an Advanced Practice Nurse shall be made on forms supplied by the Board.

8.9.2.1 The APN applicant shall be required to furnish the name(s) of the licensed physician, dentist, podiatrist, or licensed Delaware health care delivery system with whom a current collaborative agreement exists.

8.9.2.2 Notification of changes in the name of the licensed physician, dentist, podiatrist, or licensed Delaware health care delivery system shall be forwarded to the Board office.

8.9.3 Each application shall be returned to the Board office together with appropriate documentation and non-refundable fees.

8.9.4 A Registered Nurse meeting the practice requirement as listed in 8.11 and all other requirements set

forth in these Rules and Regulations may be issued a license as an Advanced Practice Nurse in the specific area of specialization in which the nurse has been nationally certified at the advanced level and/or has earned a Master's degree in a clinical nursing specialty.

8.9.4.1 Clinical nurse specialists, whose subspecialty area can be categorized under a broad scope of nursing practice for which a Board-approved national certification examination exists, are required to pass this certification examination to qualify for permanent licensure as an Advanced Practice Nurse. This would include, but not be limited to medical-surgical and psychiatric-mental health nursing. If a more specific post-graduate level certification examination that has Board of Nursing approval is available within the clinical nursing specialist's subspecialty area at the time of licensure application, the applicant may substitute this examination for the broad-based clinical nursing specialist certification examination.

8.9.4.2 Faculty members teaching in nursing education programs are not required to be licensed as Advanced Practice Nurses. Those faculty members teaching in graduate level clinical courses may apply for licensure as Advanced Practice Nurses and utilize graduate level clinical teaching hours to fulfill the practice requirement as stated in 8.11.2.1.

8.9.5 Renewal of licensure shall be on a date consistent with the current Registered Nurse renewal period. A renewal fee shall be paid.

8.9.6 The Board may refuse to issue, revoke, suspend or refuse to renew the license as an Advanced Practice Nurse or otherwise discipline an applicant or a practitioner who fails to meet the requirements for licensure as an Advanced Practice Nurse or as a registered nurse, or who commits any disciplinary offense under the Nurse Practice Act, 24 Del.C. Ch. 19, or the Rules and Regulations promulgated pursuant thereto. All decisions regarding independent practice and/or independent prescriptive authority are made by the Joint Practice Committee as provided in 24 Del.C. §1906(20) - (22).

8.10 Temporary Permit for Advanced Practice Nurse Licensure

8.10.1 A temporary permit to practice, pending Board approval for permanent licensure, may be issued provided that:

8.10.1.1 The individual applying has also applied for licensure to practice as a Registered Nurse in Delaware, or

8.10.1.2 The individual applying holds a current license in Delaware, and

8.10.1.3 The individual submits proof of graduation from a nationally accredited or Board approved Master's or certificate advanced practice nursing program, and has passed the certification examination, or

8.10.1.4 The individual is a graduate of a Master's program in a clinical nursing specialty for which there is no certifying examination, and can show evidence of at least 1000 hours of clinical nursing practice within the past 24 months.

8.10.1.5 Application(s) and fee(s) are on file in the Board office.

8.10.2 A temporary permit to practice, under supervision only, may be issued at the discretion of the Executive Director provided that:

8.10.2.1 The individual meets the requirements in 8.10.1.1 or 8.10.1.2, and 8.10.1.5 and;

8.10.2.2 The individual submits proof of graduation from a nationally accredited or Board approved Master's or certificate advanced practice nurse program, and;

8.10.2.3 The individual submits proof of admission into the approved certifying agency's examination or is seeking a temporary permit to practice under supervision to accrue the practice hours required to sit for the certifying examination or has accrued the required practice hours and is scheduled to take the first advanced certifying examination upon eligibility or is accruing the practice hours referred to in 8.10.2.4; or,

8.10.2.4 The individual meets 8.10.2.1 and 8.10.2.2 hereinabove and is awaiting review by the certifying agency for eligibility to sit for the certifying examination.

8.10.3 If the certifying examination has been passed, the appropriate form must accompany the application.

8.10.4 A temporary permit may be issued:

8.10.4.1 For up to two years in three month periods.

8.10.4.2 At the discretion of the Executive Director.

8.10.5 A temporary permit will be withdrawn:

8.10.5.1 Upon failure to pass the first certifying examination

8.10.5.1.1 The applicant may petition the Board of Nursing to extend a temporary permit under supervision until results of the next available certification exam are available by furnishing the following

information:

- 8.10.5.1.1.1 current employer reference,
- 8.10.5.1.1.2 supervision available,
- 8.10.5.1.1.3 job description,
- 8.10.5.1.1.4 letter outlining any extenuating circumstances,
- 8.10.5.1.1.5 any other information the Board of Nursing deems necessary.

8.10.5.2 For other reasons stipulated under temporary permits elsewhere in these Rules and Regulations.

3 DE Reg. 1373 (4/1/00)

8.10.6 A lapsed temporary permit for designation is equivalent to a lapsed license and the same rules apply.

8.10.7 Failure of the certifying examination does not impact on the retention of the basic professional Registered Nurse licensure.

8.10.8 Any person practicing or holding oneself out as an Advanced Practice Nurse in any category without a Board authorized license in such category shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of the Law regulating the Practice of Nursing in Delaware, (24 Del.C. Ch. 19).

8.10.9 Endorsement of Advanced Practice Nurse designation from another state is processed the same as for licensure by endorsement, provided that the applicant meets the criteria for an Advanced Practice Nurse license in Delaware.

8.11 Maintenance of Licensure Status: Reinstatement

8.11.1 To maintain licensure, the Advanced Practice Nurse must meet the requirements for recertification as established by the certifying agency.

8.11.2 The Advanced Practice Nurse must have practiced a minimum of 1500 hours in the past five years or no less than 600 hours in the past two years in the area of specialization in which licensure has been granted.

8.11.2.1 Faculty members teaching in graduate level clinical courses may count a maximum of 500 didactic course contact hours in the past five years or 200 in the past two years and all hours of direct on-site clinical supervision of students to meet the practice requirement.

8.11.2.2 An Advanced Practice Nurse who does not meet the practice requirement may be issued a temporary permit to practice under the supervision of a person licensed to practice medicine, surgery, dentistry, or advanced practice nursing, as determined on an individual basis by the Board.

8.11.3 The Advanced Practice Nurse will be required to furnish the name(s) of the licensed physician, dentist, podiatrist, or licensed Delaware health care delivery system with whom a current collaborative agreement exists.

8.11.4 Advanced Practice Nurses who fail to renew their licenses by February 28, May 31, or September 30 of the renewal period shall be considered to have lapsed licenses. After February 28, May 31, or September 30 of the current licensing period, any requests for reinstatement of a lapsed license shall be presented to the Board for action.

8.11.5 To reinstate licensure status as an Advanced Practice Nurse, the requirements for recertification and 1500 hours of practice in the past five years or no less than 600 hours in the past two years in the specialty area must be met or the process described in 8.11.4 followed.

8.11.6 An application for reinstatement of licensure must be filed and the appropriate fee paid.

8.12 Audit of Licensees

8.12.1 The Board may select licensees for audit two months prior to renewal in any biennium. The Board shall notify the licensees that they are to be audited for compliance of having a collaborative agreement.

8.12.1.1 Upon receipt of such notice, the licensee must submit a copy of a current collaborative agreement(s) within three weeks of receipt of the notice.

8.12.1.2 The Board shall notify the licensee of the results of the audit immediately following the Board meeting at which the audits are reviewed.

8.12.1.3 An unsatisfactory audit shall result in Board action.

8.12.1.4 Failure to notify the Board of a change in mailing address will not absolve the licensee from audit requirements.

8.12.2 The Board may select licensees for audit throughout the biennium.

8.13 Exceptions to the Requirements to Practice

8.13.1 The requirements set forth in 8.9 shall not apply to a Registered Nurse who is duly enrolled as a bona fide student in an approved educational program for Advanced Practice Nurses as long as the practice is confined to the educational requirements of the program and is under the direct supervision of a qualified instructor.

8.14 Definitions

8.14.1 **Collaborative Agreement** - Includes

8.14.1.1 A true collegial agreement between two parties where mutual goal setting, access, authority, and responsibility for actions belong to individual parties and there is a conviction to the belief that this collaborative agreement will continue to enhance patient outcomes and

8.14.1.2 a written document that outlines the process for consultation and referral between an Advanced Practice Nurse and a duly licensed Delaware physician, dentist, podiatrist or licensed Delaware health care delivery system. This document can include, but not be limited to, written verification of health care facility approved clinical privileges or a health care facility approved job description of the A.P.N. If the agreement is with a licensed Delaware health care delivery system, the individual will have to show that the system will supply appropriate medical back-up for purposes of consultation and referral.

8.14.2 **National Certification** - That credential earned by an Advanced Practice Nurse who has met requirements of a Board of Nursing approved certifying agency.

8.14.3 **Pharmacology/Pharmacotherapeutics** - refers to any course, program, or offering that would include, but not be limited to, the identification of individual and classes of drugs, their indications and contraindications, their likelihood of success, their dosages, their side-effects and their interactions. It also encompasses clinical judgement skills and decision making. These skills may be based on thorough interviewing, history taking, physical assessment, test selection and interpretation, patho-physiology, epidemiology, diagnostic reasoning, differentiation of conditions, treatment decisions, case evaluation and non-pharmacologic interventions.

8.14.4 **Prescription Order** - includes the prescription date, the name of the patient, the name, address, area of specialization and business telephone number of the advanced practice nurse prescriber, the name, strength, quantity, directions for use, and number of refills of the drug product or device prescribed, and must bear the name and prescriber ID number of the advanced practice nurse prescriber, and when applicable, prescriber's D.E.A. number and signature. There must be lines provided to show whether the prescription must be dispensed as written or substitution is permitted.

8.15 Requirements for Initial Independent Practice/prescriptive Authority

An APN who has not had independent prescriptive authority within the past two years in Delaware or any other jurisdiction who is applying for independent practice and/or independent prescriptive authority shall:

8.15.1 Be an Advanced Practice Nurse (APN) holding a current permanent license issued by the Board of Nursing (BON). If the individual does not hold national certification, eligibility will be determined on a case by case basis.

8.15.2 Have completed a post basic advanced practice nursing program that meets the criteria as established in Section 4.7 of Article 7 of the Rules and Regulations of the Delaware Board of Nursing with documentation of academic courses in advanced health assessment, diagnosis and management of problems within the clinical specialty, advanced patho-physiology and advanced pharmacology/pharmacotherapeutics. In the absence of transcript verification of the aforementioned courses, applicants shall show evidence of content integration through course descriptions, course syllabi, or correspondence from school officials. If the applicant cannot produce the required documentation, such applicant may petition the Joint Practice Committee for consideration of documented equivalent independent prescriptive authority experience.

8.15.3 Submit a copy of the current collaborative agreement to the Joint Practice Committee (JPC). The collaborative agreement(s) shall include arrangements for consultation, referral and/or hospitalization complementary to the area of the nurse's independent practice.

8.15.4 Show evidence of the equivalent of at least thirty hours of advanced pharmacology and pharmacotherapeutics related continuing education within the two years prior to application for independent practice and/or independent prescriptive authority. This may be continuing education programs or a three credit, semester long graduate level course. The thirty hours may also occur during the generic APN program as integrated content as long as this can be documented to the JPC. All offerings will be reviewed and approved by the JPC.

8.15.5 Demonstrate how submitted continuing education offerings relate to pharmacology and therapeutics within their area of specialty. This can be done by submitting the program titles to show content and dates attended. If the JPC questions the relevance of the offerings, the applicant must have available program descriptions, and/ or learner objectives, and/or program outlines for submission to the JPC for their review and approval.

8.16 Requirements for Independent Practice/prescriptive Authority by Endorsement

An APN who has had prescriptive authority in another jurisdiction who is applying for independent practice and/or independent prescriptive authority shall:

8.16.1 Show evidence of meeting 8.15.1 and 8.15.3.

8.16.2 Show evidence of having current prescriptive authority in another jurisdiction.

8.16.3 Have no encumbered APN designation(s) in any jurisdiction.

8.16.4 Show evidence of completion of a minimum of ten hours of JPC approved pharmacology/ pharmacotherapeutics related continuing education within the area of specialization and licensure within the past two years.

8.17 Application

8.17.1 Names and credentials of qualified applicants will be forwarded to the Joint Practice Committee for approval and then forwarded to the Board of Medical Practice for review and final approval.

8.18 Prescriptive Authority

8.18.1 APN's may prescribe, administer, and dispense legend medications including Schedule II - V controlled substances, (as defined in the Controlled Substance Act and labeled in compliance with 24 **Del.C.** §2536(C), parenteral medications, medical therapeutics, devices and diagnostics.

8.18.2 APN's will be assigned a provider identifier number as outlined by the Division of Professional Regulation.

8.18.3 Controlled Substances registration will be as follows:

8.18.3.1 APN's must register with the Drug Enforcement Agency and use such DEA number for controlled substance prescriptions.

8.18.3.2 APN's must register biennially with the Office of Narcotics and Dangerous Drugs in accordance with 16 **Del.C.** §4732(a).

8.18.4 APN's may request and issue professional samples of legend, including schedule II-V controlled substances, and over-the-counter medications that must be labeled in compliance with 24 **Del.C.** §2536(C).

8.18.5 APN's may give verbal prescription orders.

8.19 Prescriptive Writing

8.19.1 All prescription orders will be written as defined by the Delaware Board of Pharmacy as defined in 8.14.4.

8.20 Renewal

8.20.1 Maintain current APN licensure.

8.20.2 Maintain competency through a minimum of ten hours of JPC approved pharmacology/ pharmacotherapeutics related continuing education within the area of specialization and licensure per biennium. The pharmacology/ pharmacotherapeutics content may be a separate course or integrated within other offerings.

8.21 Disciplinary Proceedings

8.21.1 Pursuant to 24 **Del.C.** §1906(19)(c), the Joint Practice Committee is statutorily empowered, with the approval of the Board of Medical Practice, to grant independent practice and/or prescriptive authority to nurses who qualify for such authority. The Joint Practice Committee is also empowered to restrict, suspend or revoke such authority also with the approval of the Board of Medical Practice.

8.21.2 Independent practice or prescriptive authority may be restricted, suspended or revoked where the nurse has been found to have committed unprofessional conduct in his or her independent practice or prescriptive authority or if his or her mental or physical faculties have changed or deteriorated in such a manner as to create an inability to practice or prescribe with reasonable skill or safety to patients.

8.21.3 Unprofessional conduct, for purposes of restriction, suspension or revocation of independent practice or prescriptive authority shall include but not be limited to:

8.21.3.1 The use or attempted use of any false, fraudulent or forged statement or document or use of any fraudulent, deceitful, dishonest or immoral practice in connection with any acquisition or use of independent practice or prescriptive authority;

8.21.3.2 Conviction of a felony;

8.21.3.3 Any dishonorable or unethical conduct likely to deceive, defraud or harm the public;

8.21.3.4 Use, distribution or prescription of any drugs or medical devices other than for therapeutic or diagnostic purposes;

8.21.3.5 Misconduct, incompetence, or gross negligence in connection with independent or prescriptive practice;

8.21.3.6 Unjustified failure upon request to divulge information relevant to authorization or competence to independently practice or exercise prescriptive authority to the Executive Director of the Board of Nursing or to anyone designated by him or her to request such information.

8.21.3.7 The violation of the Nurse Practice Act or of an Order or Regulation of the Board of Nursing or the Board of Medical Practice related to independent practice or prescriptive authority.

8.21.3.8 Restriction, suspension, or revocation of independent practice or prescriptive authority granted

by another licensing authority in any state, territory or federal agency.

8.21.4 Complaints concerning the use or misuse of independent practice or prescriptive authority received by the Division of Professional Regulation or the Board of Nursing shall be investigated in accordance with the provisions of Title 29, Section 8807 governing investigations by the Division of Professional Regulation. As soon as convenience permits, the Board of Nursing shall assign an Investigating Board Member to assist with the investigation of the complaint. The Investigating Board Member shall, whenever practical, be a member of the Joint Practice Committee.

8.21.5 Upon receipt of a formal complaint from the Office of the Attorney General seeking the revocation, suspension or restriction of independent practice or prescriptive authority, the Committee Chairperson shall promptly arrange for not less than a quorum of the Committee to convene for an evidentiary hearing concerning such complaint upon due notice to the licensee against whom the complaint has been filed. Such notice shall comply with the provisions of the Administrative Procedures Act (29 **Del.C.** Ch. 101).

8.21.6 The hearing shall be conducted in accordance with the Administrative Procedures Act (29 **Del.C.** §101), and after the conclusion thereof, the Joint Practice Committee will promptly issue a written Decision and Order which shall be based upon the affirmative vote of a majority of the quorum hearing the case.

8.21.7 Any written Decision and Order of the Joint Practice Committee which imposes a restriction, suspension or revocation of independent practice or prescriptive authority shall not be effective prior to the approval of the Board of Medical Practice.

4 DE Reg. 296 (8/1/00)

5 DE Reg. 1606 (2/1/02)

15.0 The Board finds that for purposes of licensing, renewal, reinstatement and discipline, the conviction of any of the following crimes, or of the attempt to commit or a conspiracy to commit or conceal the following crimes or substantially similar crimes in another state or jurisdiction, is deemed to be substantially related to the practice of Nursing in the State of Delaware without regard to the place of conviction:

15.1 For the purposes of this section the following definitions shall apply:

“Conviction” means a verdict of guilty by whether entered by a judge or jury, or a plea of guilty or a plea of nolo contendere or other similar plea such as a “Robinson” or “Alford” plea unless the individual has been discharged under §4218 of Title 11 of the *Delaware Code* (probation before judgment) or under §1024 of Title 10 (domestic violence diversion program) or by §4764 of Title 16 (first offenders controlled substances diversion program).

“Jurisdiction” means substantially similar crimes in another state or jurisdiction ~~shall~~ include[s] all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, but not limited to, Federal Health Care offenses.

15.2 Any crime which involves the use of physical force or violence toward or upon the person of another and shall include by way of example and not of limitation the following crimes set forth in Title 11 of the *Delaware Code Annotated*:

Inchoate Crimes

15.2.1 §501 Criminal solicitation in the third degree

15.2.2 §502 Criminal solicitation in the second degree

15.2.3 §503 Criminal solicitation in the first degree

15.2.4 §511 Conspiracy in the third degree

15.2.5 §512 Conspiracy in the second degree

15.2.6 §513 Conspiracy in the first degree

Assaults and Related Offenses

15.2.7 §601. Offensive touching;

15.2.8 §602. Menacing;

15.2.9 §603. Reckless endangering in the second

degree;

15.2.10 §604. Reckless endangering in the first degree;

15.2.11 §605. Abuse of a pregnant female in the second degree;

15.2.12 §606. Abuse of a pregnant female in the first degree;

15.2.13 §611. Assault in the third degree;

15.2.14 §612. Assault in the second degree;

15.2.15 §613. Assault in the first degree;

- 15.2.16 §614. Assault on a sports official.
- 15.2.17 §615. Assault by abuse or neglect;
- 15.2.18 §621. Terroristic threatening;
- 15.2.19 §625. Unlawfully administering drugs;
- 15.2.20 §626. Unlawfully administering controlled

substance or counterfeit substance or narcotic drugs;

- 15.2.21 §627. Prohibited acts as to substances releasing vapors or fumes;
- 15.2.22 §629. Vehicular assault in the first degree;
- 15.2.23. §630. Vehicular homicide in the second degree;
- 15.2.24 §630A. Vehicular homicide in the first degree;
- 15.2.25 §631. Criminally negligent homicide;
- 15.2.26 §632. Manslaughter;
- 15.2.27 §633. Murder by abuse or neglect in the second degree;
- 15.2.28. §634. Murder by abuse or neglect in the first degree;
- 15.2.29 §635. Murder in the second degree;
- 15.2.30 §636. Murder in the first degree;
- 15.2.31 §645. Promoting suicide.

Abortion and Related Offenses

- 15.2.32 §651. Abortion;
- 15.2.33 §652. Self-abortion;
- 15.2.34 §653. Issuing abortifacient articles.

Sexual Offenses

- 15.2.35 §763. Sexual harassment;
- 15.2.36 §764. Indecent exposure in the second degree;
- 15.2.37 §765. Indecent exposure in the first degree;
- 15.2.38 §766. Incest;
- 15.2.39 §767. Unlawful sexual contact in the third degree;
- 15.2.40 §768. Unlawful sexual contact in the second degree;
- 15.2.41 §769. Unlawful sexual contact in the first degree;
- 15.2.42 §770. Rape in the fourth degree;
- 15.2.43 §771. Rape in the third degree;
- 15.2.44 §772. Rape in the second degree;
- 15.2.45 §773. Rape in the first degree;
- 15.2.46 §776. Sexual extortion;
- 15.2.47 §777. Bestiality;
- 15.2.48 §778. Continuous sexual abuse of a child;
- 15.2.49 §780. Female genital mutilation.

Kidnapping and Related Offenses

- 15.2.50 §781. Unlawful imprisonment in the second degree;
- 15.2.51 §782. Unlawful imprisonment in the first degree;
- 15.2.52 §783. Kidnapping in the second degree;
- 15.2.53 §783A. Kidnapping in the first degree;
- 15.2.54 §785. Interference with custody;

Coercion

- 15.2.55 §791. Acts constituting coercion;

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

Arson and Related Offenses

- 15.3.1 §801. Arson in the third degree;
- 15.3.2 §802. Arson in the second degree;
- 15.3.3 §803. Arson in the first degree;
- 15.3.4 §804. Reckless burning or exploding;
- 15.3.5 §805. Cross or religious symbol burning;
- 15.3.6 §811. Criminal mischief

Criminal Trespass and Burglary

- 15.3.7 §820. Trespassing with intent to peer or peep into a window or door of another;
- 15.3.8 §824. Burglary in the third degree;

15.3.9 §825. Burglary in the second degree;
15.3.10 §826. Burglary in the first degree;
15.3.11 §828. Possession of burglar's tools or instruments facilitating theft;

Robbery

15.3.12 §831. Robbery in the second degree;
15.3.13 §832. Robbery in the first degree.
15.3.14 §835. Carjacking in the second degree;
15.3.15 §836. Carjacking in the first degree;

Theft and Related Offenses

15.3.16 §840. Shoplifting
15.3.17 §840A. Use of illegitimate retail sales receipt or Universal Product Code Label.
15.3.18 §841. Theft;
15.3.19 §842. Theft; lost or mislaid property; mistaken delivery.
15.3.20 §843. Theft; false pretense.
15.3.21 §844. Theft; false promise.
15.3.22 §845. Theft of services.
15.3.23 §846. Extortion;
15.3.24 §848. Misapplication of property;
15.3.25 §849. Theft of rented property;
15.3.26 §850. Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices.

15.3.27 §851. Receiving stolen property;
15.3.28 §853. Unauthorized use of a vehicle;
15.3.29 §854. Identity theft;
15.3.30 §859. Larceny of livestock;
15.3.31 §860. Possession of shoplifter's tools or instruments facilitating theft;

Forgery and Related Offenses

15.3.32 §861. Forgery
15.3.33 §862. Possession of forgery devices;

Offenses Involving Falsification of Records

15.3.34 §871. Falsifying business records;
15.3.35 §873. Tampering with public records in the second degree;
15.3.36 §876. Tampering with public records in the first degree;
15.3.37 §877. Offering a false instrument for filing;
15.3.38 §878. Issuing a false certificate;

Bribery Not Involving Public Servants

15.3.39 §881. Bribery;
15.3.40 §882. Bribe receiving;

Frauds on Creditors

15.3.41 §891. Defrauding secured creditors;
15.3.42 §892. Fraud in insolvency;
15.3.43 §893. Interference with levied-upon property;

Other Frauds and Cheats

15.3.44 §900. Issuing a bad check;
15.3.45 §903. Unlawful use of credit card;
15.3.46 §903. A Re-encoder and scanning devices;
15.3.47 §906. Deceptive business practices;
15.3.48 §907. Criminal impersonation;
15.3.49 §907A. Criminal impersonation, accident related;
15.3.50 §907B. Criminal impersonation of a police officer;
15.3.51 §908. Unlawfully concealing a will;
15.3.52 §909. Securing execution of documents by deception;
15.3.53 §913. Insurance fraud;
15.3.54 §913A. Health care fraud;

15.3.55 §916. Home improvement fraud;

15.3.56 §917. New home construction fraud;

Computer Related Offenses

15.3.57 §932. Unauthorized access.

15.3.58 §933. Theft of computer services.

15.3.59 §934. Interruption of computer services.

15.3.60 §935. Misuse of computer system information.

15.3.61 §936. Destruction of computer equipment.

15.3.62 §937. Unrequested or unauthorized electronic mail or use of network or software to cause same.

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

Child Welfare; Sexual Offenses, Animal Offenses

15.4.1 §1100. Dealing in children;

15.4.2 §1101. Abandonment of child;

15.4.3 §1102. Endangering the welfare of a child;

15.4.4 §1105. Endangering the welfare of an incompetent person;

15.4.5 §1106. Unlawfully dealing with a child;

15.4.6 §1107. Endangering children;

15.4.7 §1108. Sexual exploitation of a child;

15.4.8 §1109. Unlawfully dealing in child pornography;

15.4.9 §1111. Possession of child pornography;

15.4.10 §1112. Sexual offenders; prohibitions from school zones.

15.4.11 §1112A. Sexual solicitation of a child;

15.4.12 §1113. Criminal non-support and aggravated criminal non-support.

15.4.13 §1114. Body-piercing; tattooing or branding;

15.4.14 §1114A. Tongue splitting;

15.4.15 §1116. Sale or distribution of tobacco to minors;

15.4.16 §1117. Notice;

15.4.17 §1118. Distribution of samples to minors;

15.4.18 §1124. Purchase or receipt of tobacco products to minors.

15.4.19 §1325. Cruelty to animals;

15.4.20 §1325A. The unlawful trade in dog or cat by-products;

15.4.21 §1326. Animals; fighting and baiting prohibited;

15.4.22 §1327. Maintaining a dangerous animal;

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

Bribery and Improper Influence

15.5.1 §1201. Bribery;

15.5.2 §1203. Receiving a bribe;

15.5.3 §1205. Giving unlawful gratuities;

15.5.4 §1206. Receiving unlawful gratuities;

15.5.5 §1207. Improper influence;

15.5.6 §1211. Official misconduct

15.5.7 §1212. Profiteering

Perjury and related offenses

15.5.8 §1221. Perjury in the third degree;

15.5.9 §1222. Perjury in the second degree;

15.5.10 §1223. Perjury in the first degree;

15.5.11 §1233. Making a false written statement; class

15.5.12 §1239. Wearing a disguise during commission of a felony

15.5.13 §1240. Terroristic threatening of public officials or public servants

15.5.14 §1243. Obstructing fire-fighting operations;

15.5.15 §1244. Hindering prosecution;

15.5.16 §1245. Falsely reporting an incident;

15.5.17 §1246. Compounding a crime;

15.5.18 §1249. Abetting the violation of driver's license restrictions;

15.5.19 §1250. Offenses against law-enforcement animals;

15.5.20 §1253. Escape after conviction;

15.5.21 §1254 . Assault in a detention facility;

15.5.22 §1256. Promoting prison contraband;

15.5.23 §1257. Resisting arrest;

15.5.24 §1257A. Use of an animal to avoid capture;

15.5.25 §1259. Sexual relations in detention facility;

15.5.26 §1260a. Misuse of prisoner mail;

Offenses Relating to Judicial and Similar Proceedings

15.5.27 §1261. Bribing a witness;

15.5.28 §1262. Bribe receiving by a witness;

15.5.29 §1263. Tampering with a witness;

15.5.30 §1263A. Interfering with child witness;

15.5.31 §1264. Bribing a juror;

15.5.32 §1265. Bribe receiving by a juror;

15.5.33 §1266. Tampering with a juror;

15.5.34 §1267. Misconduct by a juror;

15.5.35 §1269. Tampering with physical evidence; 15.5.36§1271. Criminal contempt;

15.5.37 §1271A. Criminal contempt of a domestic violence protective order;

15.5.37 §1273. Unlawful grand jury disclosure;

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

Disorderly Conduct and Related Offenses

15.6.1 §1302. Riot;

15.6.2 §1304. Hate crimes;

15.6.3 §1311. Harassment;

15.6.4 §1312. Aggravated harassment;

15.6.5 §1312A. Stalking;

15.6.6 §1313. Malicious interference with emergency communications;

15.6.7 §1315. Public intoxication;

15.6.8 §1321. Loitering;

15.6.9 §1322. Criminal nuisance;

15.6.10 §1323. Obstructing public passages;

15.6.11 §1324. Obstructing ingress to or egress from public buildings;

15.6.12 §1331. Desecration;

15.6.13 §1332. Abusing a corpse;

15.6.14 §1333. Trading in human remains and associated funerary objects.

15.6.15 §1335. Violation of privacy;

15.6.16 §1338. Bombs, incendiary devices, Molotov cocktails and explosive devices;

15.6.17 §1339. Adulteration;

15.6.18 §1340. Desecration of burial place.

Offenses Involving Public Indecency

15.6.19 §1341. Lewdness;

15.6.20 §1342. Prostitution;

15.6.21 §1343. Patronizing a prostitute prohibited.

15.6.22 §1351. Promoting prostitution in the third degree;

15.6.23 §1352. Promoting prostitution in the second degree;

15.6.24 §1353. Promoting prostitution in the first degree;

15.6.25 §1355. Permitting prostitution;

Obscenity

15.6.26 §1361. Obscenity; acts constituting;

15.6.27 §1365. Obscene literature harmful to minors;

15.6.28 §1366. Outdoor motion picture theatres;

Offenses Involving Gambling

15.6.29 §1403. Advancing gambling in the first degree;

15.6.30 §1404. Providing premises for gambling;

15.6.31 §1405. Possessing a gambling device; class A misdemeanor.

15.6.32 §1406. Being concerned in interest in keeping any gambling device;

15.6.33 §1411. Unlawfully disseminating gambling information;

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

15.7.1 §4751. Prohibited acts A;

15.7.2 §4752. Prohibited acts B;

15.7.3 §4752A. Unlawful delivery of noncontrolled substance.

15.7.4 §4753. Prohibited acts C.

15.7.5 §4753A. Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, L.S.D., or designer drugs.

15.7.6 §4754. Prohibited acts D;

15.7.7 §4754A. Possession and delivery of noncontrolled prescription drug.

15.7.8 §4755. Prohibited acts E;

15.7.9 §4756. Prohibited acts;

15.7.10 §4757. Hypodermic syringe or needle; delivering or possessing; disposal; exceptions;

15.7.11 §4758. Keeping drugs in original containers.

15.7.12 §4761. Distribution to persons under 21 years of age;

15.7.13 §4761A. Purchase of drugs from minors;

15.7.14 §4767. Distribution, delivery, or possession of controlled substance within 1,000 feet of school property;

15.7.15 §4768. Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship;

15.7.16 §4774. Penalties

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

Offenses Involving Deadly Weapons and Dangerous Instruments

15.8.1 §1442. Carrying a concealed deadly weapon;

15.8.2 §1443. Carrying a concealed dangerous instrument;

15.8.3 §1444. Possessing a destructive weapon;

15.8.4 §1445a. Unlawfully dealing with a dangerous weapon;

15.8.5 §1446. Unlawfully dealing with a switchblade knife;

15.8.6 §1447. Possession of a deadly weapon during commission of a felony;

15.8.7 §1447A. Possession of a firearm during commission of a felony;

15.8.8 §1448. Possession and purchase of deadly weapons by persons prohibited;

15.8.9 §1448A. Criminal history record checks for sales of firearms

15.8.10 §1449. Wearing body armor during commission of felony;

15.8.11 §1450. Receiving a stolen firearm;

15.8.12 §1451. Theft of a firearm;

15.8.13 §1452. Unlawfully dealing with knuckles-combination knife;

15.8.14 §1453. Unlawfully dealing with martial arts throwing star;

15.8.15 §1454. Giving a firearm to person prohibited;

15.8.16 §1455. Engaging in a firearms transaction on behalf of another;

15.8.17 §1456. Unlawfully permitting a minor access to a firearm;

15.8.18 §1457. Possession of a weapon in a Safe School and Recreation Zone;

15.8.19 §1458. Removing a firearm from the possession of a law enforcement officer;

15.8.20 §1459. Possession of a weapon with a removed, obliterated or altered serial number.

15.8.21 §1471. Prohibited Acts

Offenses Involving Organized Crime and Racketeering
15.8.22 §1504. Criminal Penalties for Organized Crime & Racketeering

Offenses Involving Intimidation of Victims or Witnesses
15.8.23 §3532. Acts of Intimidation: Class E felony
15.8.24 §3533. Aggravated act of intimidation, Class D felony

Other Crimes
15.8.25 Title 16 §1136 Violations – neglect or abuse of patient or resident of nursing facilities
15.8.26 Title 23 §2305 Penalties; jurisdiction
15.8.27 Title 30 §571 Attempt to evade or defeat tax.
15.8.28 Title 30 §572 Failure to collect or pay over tax;
15.8.29 Title 30 §573 Failure to file return, supply information or pay tax;
15.8.30 Title 30 §574 Fraud and false statements; §576 Misdemeanors
15.8.31 Title 31 §1007 Penalties
15.8.32 Title 21 §2118A Unlawful possession or manufacture of proof of insurance, penalties
15.8.33 Title 21 §2133 Penalties’ jurisdiction of justices of the peace
15.8.34 Title 21 §2315 False statements
15.8.35 Title 21 §2316 Altering or forging certificate of title, manufacturer’s certificate of origin, registration card, vehicle warranty or certification sticker or vehicle identification plate
15.8.36 Title 21 §2620 False statements; incorrect or incomplete information
15.8.37 Title 21 §2703 License to operate a motorcycle, motorbike, etc.
15.8.38 Title 21 §2710 Issuance of a Level 1 Learner’s Permit and Class D operator’s license to persons under 18 years of age
15.8.39 Title 21 §2722 Restricted licenses based on driver’s physical limitations
15.8.40 Title 21 §2751 Unlawful application for or use of license or identification card
15.8.41 Title 21 §2752 False statements
15.8.42 Title 21 §2753 Operation of vehicle by unlicensed minor
15.8.43 Title 21 §2754 Employment of unlicensed person
15.8.44 Title 21 §2755 Authorizing or permitting the operation of a motor vehicle by another
15.8.45 Title 21 §2756 Driving vehicle while license is suspended or revoked;
15.8.46 Title 21 §2758 Driving during period of denial; penalties
15.8.47 Title 21 §2760 Duplication, reproduction, altering, or counterfeiting of driver’s licenses or identification cards
15.8.48 Title 21 §2810 Driving after judgment prohibited; penalty; jurisdiction
15.8.49 Title 21 §2814 Additional penalty when convicted of an offense which would render an individual an habitual offender
15.8.50 Title 21 §3107 False statements
15.8.51 Title 21 §4103 Obedience to authorized person directing traffic
15.8.52 Title 21 §4112 Interference with official traffic-control devices or railroad signs or signals or other street signs
15.8.53 Title 21 §4127 Unlawful evasion of Delaware Turnpike and the Korean War Veterans Memorial Highway; harassment of toll collectors; penalty; appeal; jurisdiction; payment of minimum fine before trial
15.8.54 Title 21 §4166 Overtaking and passing school bus; stop signal devices
15.8.55 Title 21 §4172 Speed exhibitions; drag races and other speed contests
15.8.56 Title 21 §4172A Malicious mischief by motor vehicle
15.8.57 Title 21 §4175 Reckless driving
15.8.58 Title 21 §4175A Aggressive driving
15.8.59 Title 21 §4177 Driving a vehicle while under the influence or with a prohibited alcohol content; evidence; arrests; and penalties
15.8.60 Title 21 §4177J Drinking while driving prohibited
15.8.61 Title 21 §4177L Driving by persons under the age of 21 after consumption of alcohol; penalties
15.8.62 Title 21 §4177M Operating a commercial motor vehicle with a prohibited blood alcohol concentration or while impaired by drugs
15.8.63 Title 21 §4183 Parking areas for vehicles being used by persons with disabilities
15.8.64 Title 21 §4198J Bicycling on highways under influence of drugs or alcohol

15.8.65 Title 21 §41980 Operation of electric personal assistive mobility devices (EPAMD)

15.8.66 Title 21 §4201 Duty of driver involved in accident resulting in property damage or injury

15.8.67 Title 21 §4202 Duty of driver involved in accident resulting in injury or death to any person

15.8.68 Title 21 §4203 Duty to report accidents; evidence

15.8.69 Title 21 §4601 Introduction, sale, distribution or advertisement for sale to public of motor vehicle master keys; penalties

15.8.70 Title 21 §4604 Possession of motor vehicle masters keys, manipulative keys, key-cutting devices, lock picks or lock picking devices and hot wires

15.8.71 Title 21 §6420 Penalties; jurisdiction

15.8.72 Title 21 §6701 Injuring vehicle or obstructing its operation

15.8.73 Title 21 §6703 Tampering with vehicle

15.8.74 Title 21 §6704 Receiving or transferring stolen vehicle

15.8.75 Title 21 §6705 Removed, falsified or unauthorized identification number on vehicle, bicycle or engine; removed or affixed license/registration plate with intent to misrepresent identify

15.8.76 Title 21 §6708 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card

15.8.77 Title 21 §6709 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers

15.8.78 Title 21 §6710 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers

Supplementary List of Offenses

Title 2

Transportation

15.8.79 §309 Dangerous Flying

15.8.80 §310 Hunting from Aircraft.

Title 3,

Agriculture

15.8.81 §1041 Willfully or maliciously starting fires

15.8.82 §1044 Obstructing person in performance of duty

15.8.83 §8713 Offenses – involving meat and poultry inspection including bribery or attempted bribery or assaulting or impeding any person in the performance of his duties

15.8.84 §8715 Penalties generally – misdemeanor; felony if offensive involves fraud or distribution or attempted distribution of adulterated article

Title 4

Alcoholic Liquors

15.8.85 §901 Offenses carrying penalty of imprisonment for 3 to 6 months – including peddling of alcoholic liquors, dispensing liquor from a disorderly house, selling alcoholic liquor without a license, claiming to have a license, keeping or selling for beverage purposes any solid or liquor containing alcohol not originally manufactured for use as a beverage

15.8.86 §903 Offenses carrying penalty of fine of not more than \$100.00 or imprisonment for 1 month on failure to pay fine – including selling beer to which other alcohol has been added or selling adulterated alcoholic liquor; selling alcoholic liquor in time, manner or quantity not authorized by license; selling alcoholic beverage in dining room or bedroom not fitted equipped in manner prescribed by Commissioner/Division; selling alcoholic beverages without complying with specific provisions of statute; selling an alcoholic liquor at a time not authorized; selling alcoholic liquor to prohibited person; allowing alcoholic beverage to be consumed in liquor store; failing to post license conspicuously; keeping or transporting alcoholic liquor in contravention of the statute; selling a product containing alcoholic liquor as medicine after being notified by the Commissioner that a product is being used for beverage purposes; not having a license and inducing the public to believe person has license; buying or receiving alcoholic liquor from person not authorized to sell such liquor and keeping such liquor; obtaining during time when sale is forbidden any alcoholic liquor from a licensee for sale; causing a disturbance or bringing or drinking alcoholic liquor in a place where such is prohibited; buying alcoholic liquor from another person; being a licensee, failing to post conspicuously a sign warning against drinking during pregnancy

15.8.87 §904 Offenses Concerning Certain Persons [forbidding direct or indirect sales to and purchases by a person under age of 21] (classified misdemeanor)

15.8.88 §907 Interference with Officer or Inspector (classified misdemeanor)

Title 6

Commerce and Trade

15.8.89 §2581 Civil Penalty: Disposition of Funds [re: enhanced penalties assessed for prohibited trade practices against infirm or elderly] (unclassified misdemeanor)

15.8.90 §4619 Penalties [for improper sale of secondhand watches] (unclassified misdemeanor)

15.8.91 §4909A Enforcement and Remedies [providing for enhanced penalties for Auto Repair Fraud victimizing the infirm or elderly] (unclassified misdemeanor)

15.8.92 §5132 Hindering or Obstructing [DOA] Officer (unclassified misdemeanor)

15.8.93 §5133 Impersonation of [DOA] Officer (unclassified misdemeanor)

15.8.94 §5134 Offenses and Penalties [involving possession or use of false weights] (unclassified misdemeanor)

15.8.95 §7322 Criminal Penalties [for violation of the Securities Act] (class E, F, or G felony depending on the amount of investor loss)

Title 7

Conservation

15.8.96 §707 Hunting or Shooting from Motor Vehicle, Boats or Farm Machinery (class C or B environmental misdemeanor)

15.8.97 §710 Use of Silencer on Gun (class C environmental misdemeanor)

15.8.98 §711 Hunting with Automatic – Loading Gun (class C environmental misdemeanor)

15.8.99 §719 Discharge of Firearms on or near Public Roads and Public Rights-of-Way (class C misdemeanor)

15.8.100 §1710 Poisoning of Dogs (unclassified misdemeanor)

15.8.101 §1717 Unauthorized Acts against a Service Guide or Seeing Eye Dog (class D felony)

15.8.102 §1739 Violations by Owners of Dangerous or Potentially Dangerous Dogs (unclassified misdemeanor)

15.8.103 §5409 Prohibited Acts [involving Disposition of Human Remains] (unclassified misdemeanor)

15.8.104 §6015 Interference with Department Personnel (unclassified misdemeanor)

15.8.105 §6025 [Improper Disposal of] Solid Waste (unclassified misdemeanor)

15.8.106 §6304 Prohibitions [relating to generation, storage, disposal, transportation, and treatment of hazardous waste] (unclassified misdemeanor)

15.8.107 §6315 Interference with Department [DNREC] Personnel (unclassified misdemeanor)

Title 11

Crimes

15.8.108 §2402 Interception of Communications Generally; Divulging Contents of Communications (class misdemeanor, class F felony, class D felony, depending on specifics of violation)

15.8.109 §2403 Manufacture, Possession or Sale of Intercepting Device (class F felony)

15.8.110 §2410 Breaking and Entering, Etc. to Place or Remove Equipment (class F felony)

15.8.111 §2412 Obstruction, Impediment or Prevention of Interception (class F felony)

15.8.112 §2421 Obtaining, Altering or Preventing Authorized Access (class B misdemeanor, class A misdemeanor for 2nd offense)

15.8.114 §2422 Divulging Contents of Communications (class F felony)

15.8.115 §2431 Installation and Use Generally [of pen trace and trap and trace devices] (class A misdemeanor)

15.8.116 §3532 Act of Intimidation [of victim of or witness to crime] (class E felony)

15.8.117 §3533 Aggravated Act of Intimidation (class D felony)

15.8.118 §3534 Attempt to Intimidate (class E felony, class D felony, depending on the nature of the act attempted)

15.8.119 §4374 Disclosure of Expunged Records (class B misdemeanor)

15.8.120 §6562 Furnishing Contraband [to DOC prisoners] (unclassified misdemeanor)

15.8.121 §8523 Penalties [for violation of reporting provision re: SBI] (class A misdemeanor, class E felony, depending on the specifics of the offense)

15.8.122 §8562 Penalties [for failure of child-care provider to obtain information required under §8561 or for those providing false information] (class A misdemeanor, class G felony depending on the specifics of the offense)

15.8.123 §8572 Penalties [for providing false information when seeking employment in a public school] (class G felony)

15.8.124 §9016 Filing False Claim [under Victims' Compensation Fund] (class A misdemeanor)

Title 12

Decedents' Estates

15.8.125 §210 Alteration, Theft or Destruction of Will (class E felony)

Title 14

Education

15.8.126 §9303 Hazing Prohibited (class B misdemeanor)

Title 16

Health & Safety Nature of the Offense

15.8.127 §914 Penalty for Violation [of reporting requirements involving abuse under §903] (unclassified misdemeanor)

15.8.128 §2513 Penalties [relating to improper health-care decisions] (misdemeanor, class felony for falsification, destruction of a document to create a false impression that measures to prolong life have been authorized)

15.8.129 §3317 Treatment of Meats with Unlawful Drugs and Preparations [prior to sale] unclassified misdemeanor)

15.8.130 §7103 General Provisions [regarding sale, purchase, etc. of explosives] (unclassified misdemeanor)

15.8.131 §7112 Penalties [for violations of chapter other than §7103] (unclassified misdemeanor, felony depending on nature of the offense)

15.8.132 §7416 Penalties [for violating statute governing Radiation Control] (unclassified misdemeanor)

Title 23

Navigation and Waters

15.8.133 §2202 Child Safety on Recreational Boats (unclassified misdemeanor)

15.8.134 §2303 Operation of a Vessel or Boat while under the Influence of Intoxicating Liquor and/or Drugs (unclassified misdemeanor, class G felony, depending on number of offenses)

Title 24

Professions and Occupations Deadly Weapons Dealers

15.8.135 §903 Sale to Persons under 21 or Intoxicated Persons (unclassified misdemeanor)

Title 30

State Taxes Motor Carriers Fuel Purchase Law

15.8.136 §5215 False Statements (unclassified misdemeanor)

Title 31

Welfare

15.8.137 §2117 [Interference] Relating to the Blind and "Seeing Eye Dogs" (unclassified misdemeanor)

15.8.138 §3913 Violations [knowing or reckless abuse of an infirm adult] (class A misdemeanor, class G felony for exploitation of infirm adult's resources valued at \$500 to \$5000, class E felony if resources are valued from \$5000 to \$10,000, class D felony if resources are valued over \$10,000 or if abuse or neglect results in bodily harm, class A felony if abuse or neglect results in death)

15.9 Any crime which is a violation of Title 24, Chapter 19 (Nurse Practices Act) as it may be amended from time to time.

15.10 The Board reserves the jurisdiction and authority to modify this regulation as and if it becomes necessary to either add or delete crimes including such additions as may be required on an emergency basis under 29 Del.C. §10119 to address imminent peril to the public health, safety or welfare. The Board also specifically reserves the jurisdiction to review any crime committed by an applicant for licensure with regard to the temporal proximity of the crime or the conviction to the application and to determine whether the period of time involved has been so long as to negate any reasonable conclusion or determination that the crime for which the individual was convicted has a direct bearing on the individual's fitness or ability to perform one or more of the duties and responsibilities necessarily related to nursing or to otherwise determine that sufficient restitution has been made for the offense committed.

***Please Note: As the rest of the sections were not amended they are not being published. A complete set of the rules and regulations for the Board of Nursing is available at: <http://dpr.delaware.gov/boards/nursing/>**

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