

DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
2000 Board of Occupational Therapists
Statutory Authority: 24 Delaware Code, Section 2006(b) (24 Del.C. §2006(b))
24 DE Admin. Code 2000

PROPOSED

PUBLIC NOTICE

The State Board of Occupational Therapy Practice in accordance with 24 **Del.C.** §2006(b) has proposed changes to its rules and regulations as mandated by SB 229. The proposal identifies crimes that are substantially related to the practice of occupational therapy.

A public hearing was held on November 17, 2004 after which the Board decided to review its propose. A revised list of related crimes was developed on January 12, 2005 which includes deletions, additions and clarifications that are substantive. Changes from the proposal originally published in the *Register of Regulations* on October 1, 2004 are noted.

A second public hearing will be held on March 16, 2005 at 4:30 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the State Board of Occupational Therapy Practice, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

7.0 Crimes substantially related to practice of occupational therapy

7.1 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 the following crimes, is deemed to be a crime substantially related to the practice of occupational therapy in the State of Delaware without regard to the place of conviction:

- 7.1.1 Unlawful harm to law enforcement or seeing eye dogs. 7 Del.C. §1717**
- 7.1.2 Aggravated menacing. 11 Del.C. §602(b)**
- 7.1.3 Reckless endangering. 11 Del.C. §604**
- 7.1.4 Abuse of a pregnant female in the second degree. 11 Del.C. §605**
- 7.1.5 Abuse of a pregnant female in the first degree. 11 Del.C. §606**
- 7.1.6 Assault in the second degree. 11 Del.C. §612**
- 7.1.7 Assault in the first degree. 11 Del.C. §613**
- 7.1.8 Felony abuse of a sports official. 11 Del.C. §614**
- 7.1.9 Assault by abuse of neglect. 11 Del.C. §615**
- 7.1.10 Felony Terroristic threatening. 11 Del.C. §621**
- 7.1.11 Unlawful administering drugs. 11 Del.C. §625**
- 7.1.12 Unlawful administering controlled substance or counterfeit substance or narcotic drugs. 11 Del.C. §626**
- 7.1.13 Vehicular assault in the first degree. 11 Del.C. §629**
- 7.1.14 Criminally negligent homicide. 11 Del.C. §631**
- 7.1.15 Manslaughter. 11 Del.C. §632**
- 7.1.16 Murder by abuse or neglect in the second degree. 11 Del.C. §633**
- 7.1.17 Murder by abuse or neglect in the first degree. 11 Del.C. §634**
- 7.1.18 Murder in the second degree. 11 Del.C. §635**
- 7.1.19 Murder in the first degree. 11 Del.C. §636**
- 7.1.20 Sexual harassment. 11 Del.C. §763**
- 7.1.21 Unlawful sexual contact in the second degree. 11 Del.C. §768**
- 7.1.22 Unlawful sexual contact in the first degree. 11 Del.C. §769**
- 7.1.23 Rape in the fourth degree. 11 Del.C. §770**
- 7.1.24 Rape in the third degree. 11 Del.C. §771**
- 7.1.25 Rape in the second degree. 11 Del.C. §772**

7.1.26 Rape in the first degree. 11 Del.C. §773
7.1.27 Sexual extortion. 11 Del.C. §776
7.1.28 Bestiality. 11 Del.C. §777
7.1.29 Continuous sexual abuse of a child. 11 Del.C. §778
7.1.30 Dangerous crime against a child. 11 Del.C. §779
7.1.31 Unlawful imprisonment in the first degree. 11 Del.C. §782
7.1.32 Kidnapping in the second degree. 11 Del.C. §783
7.1.33 Kidnapping in the first degree. 11 Del.C. §783A
7.1.34 Acts constituting coercion. 11 Del.C. §791
7.1.35 Burglary in the second degree. 11 Del.C. §825
7.1.36 Burglary in the first degree. 11 Del.C. §826
7.1.37 Robbery in the second degree. 11 Del.C. §831
7.1.38 Robbery in the first degree. 11 Del.C. §832
7.1.39 Carjacking in the second degree. 11 Del.C. §835
7.1.40 Carjacking in the first degree. 11 Del.C. §836
7.1.41 Extortion. 11 Del.C. §846
7.1.42 Identity theft. 11 Del.C. §854
7.1.43 Felony forgery. 11 Del.C. §861
7.1.44 Falsifying business records. 11 Del.C. §871
7.1.45 Felony unlawful use of a credit card. 11 Del.C. §903
7.1.46 Insurance fraud. 11 Del.C. §913
7.1.47 Health care fraud. 11 Del.C. §913A
7.1.48 Dealing in children. 11 Del.C. §1100
7.1.49 Endangering the welfare of a child. 11 Del.C. §1102
7.1.50 Endangering the welfare of an incompetent person. 11 Del.C. §1105
7.1.51 Unlawfully dealing with a child. 11 Del.C. §1106
7.1.52 Sexual exploitation of a child. 11 Del.C. §1108
7.1.53 Unlawful dealing in child pornography. 11 Del.C. §1109
7.1.54 Possession of child pornography 11 Del.C. §1111
7.1.55 Sexual offenders; prohibitions from school zones. 11 Del.C. §1112
7.1.56 Sexual solicitation of a child. 11 Del.C. §1112A
7.1.57 Terroristic threatening of public officials or public servants. 11 Del.C. §1240
7.1.58 Felony abetting the violation of driver's license restrictions. 11 Del.C. §1249
7.1.59 Felony offenses against law enforcement animals. 11 Del.C. §1250
7.1.60 Felony hate crimes. 11 Del.C. §1304
7.1.61 Felony stalking. 11 Del.C. §1312A
7.1.62 Felony cruelty to animals. 11 Del.C. §1325
7.1.63 Felony maintaining a dangerous animal. 11 Del.C. §1327(a)
7.1.64 Felony violation of privacy. 11 Del.C. §1335(a)
7.1.65 Adulteration. 11 Del.C. §1339
7.1.66 Promoting prostitution in the second degree. 11 Del. C. § 1352
7.1.67 Promoting prostitution in the first degree. 11 Del.C. §1353
7.1.68 Obscenity. 11 Del.C. §1361
7.1.69 Carrying a concealed deadly weapon. 11 Del.C. §1442
7.1.70 Felony unlawful dealing with a dangerous weapon. 11 Del.C. §1445(a)
7.1.71 Felony possession of a deadly weapon during the commission of a felony. 11 Del.C. §1447
7.1.72 Possession of a firearm during a commission of a felony. 11 Del.C. §1447A
7.1.73 Possession and purchase of deadly weapons by persons prohibited. 11 Del.C. §1448
7.1.74 Felony Possession of a weapon in a Safe School and Recreation Zone. 11 Del.C. §1457
7.1.75 Duty to report child abuse or neglect. 16 Del.C. §903
7.1.76 Abuse, neglect, mistreatment or financial exploitation of residents or patients in a nursing or similar facility. 16 Del.C. §1136
7.1.77 Felony falsification or destruction of records related to maintenance medical treatment. 16 Del.C. §2513

- 7.1.78 Manufacture, delivery or possession with intent to deliver schedule I or II narcotic drugs. 16 Del.C. §4751
- 7.1.79 Manufacture, delivery or possession with intent to deliver Schedule I, II, III, IV, or V non-narcotic drugs. 16 Del.C. §4752
- 7.1.80 Unlawful delivery or noncontrolled substances. 16 Del.C. §4752A.
- 7.1.81 Possession, consumption, or use of controlled substances. 16 Del.C. §4753.
- 7.1.82 Trafficking in marijuana, cocaine, illegal drugs, metamphetamines, L.S.D., or designer drugs. 16 Del.C. §4753A
- 7.1.83 Possession, consumption, or use of non-narcotic controlled substances classified in Schedule I, II, III, IV, or V. 16 Del. C. § 4754
- 7.1.84 Crimes related to controlled substances. 16 Del.C. §4756
- 7.1.85 Distribution of controlled substances to persons under 21 years of age. 16 Del.C. §4761
- 7.1.86 Distribution, delivery or possession of a controlled substance within 1,000 feet of school property. 16 Del.C. §4767
- 7.1.87 Distribution, delivery or possession of a controlled substance within 300 feet of park, recreation area, church, synagogue or other place of worship. 16 Del.C. §4768
- 7.1.88 Felony obtaining benefit under false representation. 31 Del.C. §1003
- 7.1.89 Felony falsification of reports, statements, or documents. 31 Del.C. §1004
- 7.1.90 Kickback schemes and solicitation. 31 Del.C. §1005
- 7.1.91 Conversion of benefit payment. 31 Del.C. §1006
- 7.1.92 Intentional abuse, neglect, mistreatment, or exploitation of an infirm adult. 31 Del.C. §3913
- 7.2 Crimes substantially related to the practice of occupational therapy 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.

***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 Occupational Therapy is available at:**

<http://dpr.delaware.gov/boards/occupationaltherapy/index.shtml>

8 DE Reg. 1063 (2/01/05)