

DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
700 Board of Chiropractic
Statutory Authority: 24 Delaware Code, Section 706(a)(1) (24 Del.C. 706(a)(1))
24 DE Admin. Code 700

FINAL

ORDER

After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on December 16, 2004 at a scheduled meeting of the Delaware Board of Chiropractic to receive comments regarding proposed Regulation 9.0. The proposed regulation identifies crimes substantially related to chiropractic practice as mandated by SB 229 enacted by the 142nd General Assembly. The proposed regulation was published in the *Register of Regulations*, Vol. 8, Issue 5, November 1, 2004.

Background

Under Title 24, Chapter 7, as amended by SB 229, one of the qualifications for licensure is that the applicant “shall not have a criminal conviction record, nor pending criminal charge relating to an offense, the circumstances of which substantially relate to the practice of chiropractic. Applicants who have criminal convictions records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the Board in sufficient specificity to enable the Board to make a determination whether the record or charge is substantially related to the practice of chiropractic.” 24 **Del.C.** §707(a)(5). In addition, a licensee shall be subject to disciplinary action for unprofessional conduct which includes, but is not limited to, “conviction of a crime that is substantially related the practice of chiropractic.” 24 **Del.C.** §711(b)(2).

“‘Substantially related’ means 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 practice of chiropractic. 24 **Del.C.** §707(a)(5); 24 **Del.C.** §711(b)(2).

The Board is charged by SB 229 to “promulgate regulations specifically identifying those crimes, which are substantially related to the practice of chiropractic.” 24 **Del.C.** §706(f).

Summary Of The Evidence

No written comments were received. No members of the public attended the hearing.

Findings Of Fact

The Board carefully reviewed and considered the crimes presented as a compilation of crimes extracted from the **Delaware Code**. The overarching concern of the Board was the safety of public since the licensees have direct physical contact with the individuals they treat while performing chiropractic procedures which can include children. In addition, healthcare professions come into contact with the public at times when their patients are sick or infirmed and often extremely vulnerable to undue influence or other forms of abuse. The “primary objective of the Board of Chiropractic, to which all other objectives and purposes are secondary, is to protect the general public, specifically those persons who are the direct recipients of the services regulated by this chapter, from unsafe practices and from occupational practices which tend to reduce competition or fix the price of services rendered” 24 **Del.C.** §700. Board finds that the violent crimes and crimes involving abuse of children identified in the proposed rule are substantially related to the practice of chiropractic.

Decision And Effective Date

NOW THEREFORE, the Board hereby adopts the changes to Regulation 9.0 to be effective 10 days following publication of this order in the *Register of Regulations*.

Text And Citation

The text of the revised rules remains as published in *Register of Regulations*, Vol. 8, Issue 5, November 1, 2004, without any changes.

IT IS SO ORDERED this 16th day of December, 2004.

STATE BOARD OF CHIROPRACTIC

William Cowan, D.C., Chairman, Professional Member
Gary Morgan, D.C., Professional Member
Trent Camp, D.C., Professional Member
Raymond Moore, Public Member
Terry Jackson, Public Member
Pramela Kaza, Public Member
Michael P. Kelman, D.C., Professional Member

700 Board of Chiropractic

9.0 Crimes substantially related to the practice of chiropractic

9.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of chiropractic in the State of Delaware without regard to the place of conviction:

- 9.1.1 Manslaughter. 11 Del.C. §632.
- 9.1.2 Murder by abuse or neglect in the first degree. 11 Del.C. § 634.
- 9.1.3 Murder in the second degree. 11 Del.C. § 635.
- 9.1.4 Murder in the first degree. 11 Del.C. § 636.
- 9.1.5 Rape in the second degree. 11 Del.C. § 772.
- 9.1.6 Rape in the first degree. 11 Del.C. § 773.
- 9.1.7 Continuous sexual abuse of a child. 11 Del.C. § 778.
- 9.1.8 Dangerous crime against a child. 11 Del.C. § 779.
- 9.1.9 Sexual exploitation of a child. 11 Del.C. § 1108.
- 9.1.10 Unlawfully dealing in child pornography. 11 Del.C. § 1109.

9.2 Crimes substantially related to the practice of chiropractic shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

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

***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 Chiropractic is available at:**

<http://www.state.de.us/research/AdminCode/title24/700 Board of Chiropractic.shtml>