

DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals
Statutory Authority: 24 Delaware Code, Section 3006(a)(1) (24 Del.C. §3006(a)(1)) 24 DE Admin. Code 3000

PROPOSED

PUBLIC NOTICE

The Delaware Board of Professional Counselors of Mental Health and Chemical Dependency Professionals in accordance with 24 **Del.C.** §3006(a)(1) has proposed changes to its rules and regulations as mandated by SB 229. The proposal identifies crimes that are substantially related to the provision of mental health counseling and chemical dependency counseling.

A public hearing will be held on February 4, 2005 at 3:00 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 Delaware Board of Professional Counselors of Mental Health and Chemical Dependency Professionals, 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.

11.0 Crimes substantially related to the provision of mental health counseling and chemical dependency counseling:

11.1 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 provision of mental health counseling and chemical dependency counseling in the State of Delaware without regard to the place of conviction:

- 11.1.1 Menacing. 11 Del.C. §602(a)**
- 11.1.2 Aggravated menacing. 11 Del.C. §602(b)**
- 11.1.3 Reckless endangering in the first degree. 11 Del.C. §604**
- 11.1.4 Abuse of a pregnant female in the second degree. 11 Del.C. §605.**
- 11.1.5 Abuse of a pregnant female in the first degree. 11 Del.C. §606.**
- 11.1.6 Assault in the third degree. 11 Del.C. §611.**
- 11.1.7 Assault in the second degree. 11 Del.C. §612**
- 11.1.8 Assault in the first degree. 11 Del.C. §613.**
- 11.1.9 Abuse of a sports official; felony. 11 Del.C. §614.**
- 11.1.10 Assault by abuse or neglect. 11 Del.C. §615.**
- 11.1.11 Terroristic threatening. 11 Del.C. §621(a) and (b).**
- 11.1.12 Unlawfully administering drugs. 11 Del.C. §625.**
- 11.1.13 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 Del.C. §626.**
- 11.1.14 Criminally negligent homicide. 11 Del.C. §631.**
- 11.1.15 Manslaughter. 11 Del.C. §632.**
- 11.1.16 Murder by abuse or neglect in the second degree. 11 Del.C. §633**
- 11.1.17 Murder by abuse or neglect in the first degree. 11 Del.C. §634.**
- 11.1.18 Murder in the second degree. 11 Del.C. §635.**
- 11.1.19 Murder in the first degree. 11 Del.C. §636.**
- 11.1.20 Promoting suicide. 11 Del.C. §645.**
- 11.1.21 Abortion. 11 Del.C. §651.**
- 11.1.22 Self abortion. 11 Del.C. §652.**
- 11.1.23 Issuing abortifacient articles. 11 Del.C. §653.**
- 11.1.24 Sexual harassment. 11 Del.C. §763.**
- 11.1.25 Indecent exposure in the second degree. 11 Del.C. §764.**

11.1.26 Indecent exposure in the first degree. 11 Del.C. §765.
11.1.27 Incest. 11 Del.C. §766.
11.1.28 Unlawful sexual contact in the third degree. 11 Del.C. §767.
11.1.29 Unlawful sexual contact in the second degree. 11 Del.C. §768.
11.1.30 Unlawful sexual contact in the first degree. 11 Del.C. §769.
11.1.31 Rape in the fourth degree. 11 Del.C. §770.
11.1.32 Rape in the third degree. 11 Del.C. §771.
11.1.33 Rape in the second degree. 11 Del.C. §772.
11.1.34 Rape in the first degree. 11 Del.C. §773.
11.1.35 Sexual extortion. 11 Del.C. §776.
11.1.36 Bestiality. 11 Del.C. §777.
11.1.37 Continuous sexual abuse of a child. 11 Del.C. §778.
11.1.38 Dangerous crime against a child. 11 Del.C. §779.
11.1.39 Female genital mutilation. 11 Del.C. §780.
11.1.40 Unlawful imprisonment in the second degree. 11 Del.C. §781.
11.1.41 Unlawful imprisonment in the first degree. 11 Del.C. §782.
11.1.42 Kidnapping in the second degree. 11 Del.C. §783.
11.1.43 Kidnapping in the first degree. 11 Del.C. §783A.
11.1.44 Acts constituting coercion. 11 Del.C. §791.
11.1.45 Arson in the third degree. 11 Del.C. §801.
11.1.46 Arson in the second degree. 11 Del.C. §802.
11.1.47 Arson in the first degree. 11 Del.C. §803.
11.1.48 Cross or religious symbol burning. 11 Del.C. §805.
11.1.49 Trespassing with intent to peer or peep into a window of another. 11 Del.C. §820.
11.1.50 Burglary in the third degree. 11 Del.C. §824.
11.1.51 Burglary in the second degree. 11 Del.C. §825.
11.1.52 Burglary in the first degree. 11 Del.C. §826.
11.1.53 Robbery in the second degree. 11 Del.C. §831.
11.1.54 Robbery in the first degree. 11 Del.C. §832.
11.1.55 Carjacking in the second degree. 11 Del.C. §835.
11.1.56 Carjacking in the first degree. 11 Del.C. §836.
11.1.57 Theft; felony. 11 Del.C. §841.
11.1.58 Theft; false pretense. 11 Del.C. §843.
11.1.59 Theft; false promise. 11 Del.C. §844.
11.1.60 Extortion. 11 Del.C. §846.
11.1.61 Misapplication of property. 11 Del.C. §848.
11.1.62 Theft of rented property; felony 11 Del.C. §849.
11.1.63 Receiving stolen property. 11 Del.C. §851.
11.1.64 Identity theft. 11 Del.C. §854.
11.1.65 Forgery. 11 Del.C. §861.
11.1.66 Possession of forgery devices. 11 Del.C. §862.
11.1.67 Falsifying business records. 11 Del.C. §871.
11.1.68 Tampering with public records in the second degree 11 Del.C. §873.
11.1.69 Tampering with public records in the first degree. 11 Del.C. §876.
11.1.70 Offering a false instrument for filing. 11 Del.C. §877.
11.1.71 Issuing a false certificate. 11 Del.C. §878.
11.1.72 Bribery. 11 Del.C. §881.
11.1.73 Bribe receiving. 11 Del.C. §882.
11.1.74 Defrauding secured creditors. 11 Del.C. §891.
11.1.75 Fraud in insolvency. 11 Del.C. §892.
11.1.76 Interference with levied-upon property. 11 Del.C. §893.
11.1.77 Issuing a bad check; felony. 11 Del.C. §900.
11.1.78 Unlawful use of credit card; felony. 11 Del.C. §903.
11.1.79 Reencoder and scanning devices. 11 Del.C. §903A.

- 11.1.80 Criminal impersonation. 11 Del.C. §907.
- 11.1.81 Criminal impersonation, accident related. 11 Del.C. §907A.
- 11.1.82 Criminal impersonation of a police officer. 11 Del.C. §907B.
- 11.1.83 Unlawfully concealing a will. 11 Del.C. §908.
- 11.1.84 Securing execution of documents by deception. 11 Del.C. §909.
- 11.1.85 Fraudulent conveyance of public lands. 11 Del.C. §911.
- 11.1.86 Fraudulent receipt of public lands. 11 Del.C. §912.
- 11.1.87 Insurance fraud. 11 Del.C. §913.
- 11.1.88 Health care fraud. 11 Del.C. §913A.
- 11.1.89 Home improvement fraud. 11 Del.C. §916.
- 11.1.90 New home construction fraud. 11 Del.C. §917.
- 11.1.91 Misuse of computer system information. 11 Del.C. §935.
- 11.1.92 Bigamy. 11 Del.C. §1001.
- 11.1.93 Bigamous marriage contracted outside of the State. 11 Del.C. §1002.
- 11.1.94 Dealing in children. 11 Del.C. §1100.
- 11.1.95 Abandonment of child. 11 Del.C. §1101.
- 11.1.96 Endangering the welfare of a child. 11 Del.C. §1102.
- 11.1.97 Endangering the welfare of an incompetent person. 11 Del.C. §1105.
- 11.1.98 Unlawfully dealing with a child. 11 Del.C. §1106.
- 11.1.99 Sexual exploitation of a child. 11 Del.C. §1108.
- 11.1.100 Unlawfully dealing in child pornography. 11 Del.C. §1109.
- 11.1.101 Possession of child pornography. 11 Del.C. §1111.
- 11.1.102 Sexual offenders; prohibitions from school zones. 11 Del.C. §1112.
- 11.1.103 Sexual solicitation of a child. 11 Del.C. §1112A.
- 11.1.104 Criminal non-support and aggravated criminal non-support. 11 Del.C. §1113.
- 11.1.105 Bribery. 11 Del.C. §1201
- 11.1.106 Receiving a bribe; felony. 11 Del.C. §1203.
- 11.1.107 Improper influence. 11 Del.C. §1207.
- 11.1.108 Perjury in the third degree. 11 Del.C. §1221.
- 11.1.109 Perjury in the second degree. 11 Del.C. §1353.
- 11.1.147 Permitting prostitution. 11 Del.C. §1355.
- 11.1.148 Obscenity. 11 Del.C. §1361.
- 11.1.149 Obscene literature harmful to minors. 11 Del.C. §1365.
- 11.1.150 Outdoor motion picture theatres. 11 Del.C. §1366.
- 11.1.151 Possessing a destructive weapon. 11 Del.C. §1444.
- 11.1.152 Unlawfully dealing with a dangerous weapon; felony. 11 Del.C. §1445.
- 11.1.153 Possession of a deadly weapon during commission of a felony. 11 Del.C. §1447.
- 11.1.154 Possession of a firearm during commission of a felony. 11 Del.C. §1447A.
- 11.1.155 Possession and purchase of deadly weapons by persons prohibited. 11 Del.C. §1448.
- 11.1.156 Receiving a stolen firearm. 11 Del.C. §1450.
- 11.1.157 Theft of a firearm. 11 Del.C. §1451.
- 11.1.158 Giving a firearm to person prohibited. 11 Del.C. §1454.
- 11.1.159 Engaging in a firearms transaction on behalf of another. 11 Del.C. §1455.
- 11.1.160 Possession of a weapon in a Safe School and Recreation Zone. 11 Del.C. §1457.
- 11.1.161 Removing a firearm from the possession of a law enforcement officer. 11 Del.C. §1458.
- 11.1.162 Organized Crime and Racketeering. 11 Del.C. §1504.
- 11.1.163 Victim or Witness Intimidation 11 Del.C. §§3532 & 3533.
- 11.1.164 Abuse, neglect, mistreatment or financial exploitation of residents or patients. 16 Del.C. §1136(a), (b) and (c).
- 11.1.165 Prohibited acts A under the Uniform Controlled Substances Act. 16 Del.C. §4751(a), (b) and (c).
- 11.1.166 Unlawful delivery of non controlled substance. 16 Del.C. §4752A.
- 11.1.167 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3,4-methylenedioxymethamphetamine (MDMA). 16 Del.C. §4753A (a)(1)-(9).
- 11.1.168 Prohibited acts under the Uniform Controlled Substances Act. 16 Del.C. §4756(a)(1)-(5) and (b).

- 11.1.169 Distribution to persons under 21 years of age. 16 Del.C. §4761.
- 11.1.170 Purchase of drugs from minors. 16 Del.C. §4761A
- 11.1.171 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 Del.C. §4767
- 11.1.172 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship. 16 Del.C. §4768
- 11.1.173 Drug paraphernalia-Manufacture and sale; delivery to a minor; felony. 16 Del.C. §§4771 and 4774.
- 11.1.174 Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs; third and fourth offenses. 23 Del.C. §2302(a) and §2305 (3) and (4).
- 11.1.175 Obtaining benefit under false representation. 31 Del.C. §1003.
- 11.1.176 Reports, statements and documents. 31 Del.C. §1004.
- 11.1.177 Kickback schemes and solicitations. 31 Del.C. §1005.
- 11.1.178 Conversion of payment. 31 Del.C. §1006.
- 11.1.179 Driving a vehicle while under the influence or with a prohibited alcohol content; third and fourth offenses. 21 Del.C. §4177 (3) and (4).
- 11.1.180 Duty of driver involved in accident resulting in injury or death to any person; felony. 21 Del.C. §4202.
- 11.1.181 Prohibited trade practices against infirm or elderly. 6 Del.C. §2581
- 11.1.182 Prohibition of intimidation [under the Fair Housing Act]; 6 Del.C. §4619
- 11.1.183 Auto Repair Fraud victimizing the infirm or elderly. 6 Del.C. §4909A
- 11.1.184 Unauthorized Acts against a Service Guide or Seeing Eye Dog 7 Del.C. §1717
- 11.1.185 Interception of Communications Generally; Divulging Contents of Communications 11 Del.C. §2402
- 11.1.186 Breaking and Entering, Etc. to Place or Remove Equipment 11 Del.C. §2410
- 11.1.187 Divulging Contents of Communications. 11 Del.C. §2422
- 11.1.188 Installation and Use Generally [of pen trace and trap and trace devices]. 11 Del.C. §243.
- 11.1.189 Attempt to Intimidate. 11 Del.C. §3534
- 11.1.190 Failure of child-care provider to obtain information required under §8561 or for those providing false information; felony. 11 Del.C. §8562
- 11.1.191 Providing false information when seeking employment in a public school. 11 Del.C. §8572
- 11.1.192 Filing False Claim [under Victims' Compensation Fund]. 11 Del.C. §9016
- 11.1.193 Alteration, Theft or Destruction of Will. 12 Del.C. §210.
- 11.1.194 Failure of Physician to file report of abuse of neglect pursuant to 16 Del.C. §903.
- 11.1.195 Coercion or intimidation involving health-care decisions and falsification, destruction of a document to create a false impression that measures to prolong life have been authorized; felony. 16 Del.C. §2513 (b).
- 11.1.196 [Failure to make] Reports of Persons who are Subject to Loss Consciousness. 24 Del.C. §1763.
- 11.1.197 Abuse, neglect, exploitation or mistreatment of infirm adult. 31 Del.C. §3913(a), (b) and (c).
- 11.2 Crimes substantially related to provision of mental health counseling and chemical dependency counseling 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 Professional Counselors of Mental Health and Chemical Dependency Professionals is available at:**

<http://www.professionallicensing.state.de.us/boards/profcounselors/index.shtml>

8 DE Reg. 963 (1/1/05)