

**DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
BOARD OF OPTOMETRY**

**Statutory Authority: 24 Delaware Code, Section 2104(a)(1) (24 Del.C. §2104(a)(1)) 24 DE
Admin. Code 2100**

PUBLIC NOTICE

PROPOSED

The Delaware Board of Optometry in accordance with 24 Del.C. §2104(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 optometric services.

A public hearing will be held on December 16, 2004 at 6:45 p.m. in the Second Floor Conference Room B 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 Optometry, 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.

2100 Board of Optometry

14.0 Crimes substantially related to the practice of optometry:

14.1 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 optometry in the State of Delaware without regard to the place of conviction:

14.1.1 Aggravated menacing. 11 Del.C. § 602 (b)

14.1.2 Reckless endangering in the first degree. 11 Del.C. § 604

14.1.3 Abuse of a pregnant female in the second degree. 11 Del.C. § 605.

14.1.4 Abuse of a pregnant female in the first degree. 11 Del.C. § 606.

14.1.5 Assault in the third degree. 11 Del. C § 611.

14.1.6 Assault in the second degree. 11 Del.C. § 612

14.1.7 Assault in the first degree. 11 Del.C. § 613.

14.1.8 Abuse of a sports official; felony. 11 Del.C. § 614.

14.1.9 Assault by abuse or neglect. 11 Del.C. § 615.

14.1.10 Terroristic threatening; felony. 11 Del.C. § 621.

14.1.11 Unlawfully administering drugs. 11 Del.C. § 625.

14.1.12 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11

Del.C. §626

14.1.13 Vehicle assault in the first degree. 11 Del.C. § 629.

14.1.14 Vehicle homicide in the second degree. 11 Del.C. § 630.

14.1.15 Vehicle homicide in the first degree. 11 Del.C. § 630A.

14.1.16 Criminally negligent homicide. 11 Del.C. § 631.

14.1.17 Manslaughter. 11 Del.C. § 632.

14.1.18 Murder by abuse or neglect in the second degree. 11 Del.C. § 633

14.1.19 Murder by abuse or neglect in the first degree. 11 Del.C. § 634.

14.1.20 Murder in the second degree; class A felony. 11 Del.C. § 635.

14.1.21 Murder in the first degree. 11 Del.C. § 636.

14.1.22 Promoting suicide. 11 Del.C. § 645.

14.1.23 Abortion. 11 Del.C. § 651.

14.1.24 Incest. 11 Del.C. § 766.

14.1.25 Unlawful sexual contact in the second degree. 11 Del.C. § 768.

14.1.26 Unlawful sexual contact in the first degree. 11 Del.C. § 769.

14.1.26 Rape in the fourth degree. 11 Del.C. § 770.

- 14.1.27 Rape in the third degree. 11 Del.C. § 771.
- 14.1.28 Rape in the second degree. 11 Del.C. § 772.
- 14.1.29 Rape in the first degree. 11 Del.C. § 773.
- 14.1.30 Sexual extortion. 11 Del.C. § 776.
- 14.1.31 Bestiality. 11 Del.C. § 777.
- 14.1.32 Continuous sexual abuse of a child. 11 Del.C. § 778.
- 14.1.33 Dangerous crime against a child. 11 Del.C. § 779.
- 14.1.34 Female genital mutilation. 11 Del.C. § 780.
- 14.1.35 Unlawful imprisonment in the first degree. 11 Del.C. § 782.
- 14.1.36 Kidnapping in the second degree. 11 Del.C. § 783.
- 14.1.37 Kidnapping in the first degree. 11 Del.C. § 783A.
- 14.1.38 Arson in the third degree. 11 Del.C. § 801.
- 14.1.39 Arson in the second degree. 11 Del.C. § 802.
- 14.1.40 Arson in the first degree. 11 Del.C. § 803.
- 14.1.41 Criminal mischief. 11 Del.C. § 811.
- 14.1.42 Burglary in the third degree. 11 Del.C. § 824.
- 14.1.43 Burglary in the second degree. 11 Del.C. § 825.
- 14.1.44 Burglary in the first degree. 11 Del.C. § 826.
- 14.1.45 Possession of burglar's tools or instruments facilitating theft. 11 Del.C. § 828.
- 14.1.46 Robbery in the second degree. 11 Del.C. § 831.
- 14.1.47 Robbery in the first degree. 11 Del.C. § 832.
- 14.1.48 Carjacking in the second degree. 11 Del.C. § 835.
- 14.1.49 Carjacking in the first degree. 11 Del.C. § 836.
- 14.1.50 Shoplifting; felony. 11 Del.C. § 840.
- 14.1.51 Use of illegitimate retail sales receipt or Universal Product Code Label; felony. 11 Del.C. § 840A.
- 14.1.52 Extortion. 11 Del.C. § 846.
- 14.1.53 Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices; felony. 11 Del.C. § 850.
- 14.1.54 Receiving stolen property; felony. 11 Del.C. § 851
- 14.1.55 Identity theft. 11 Del.C. § 854.
- 14.1.56 Possession of shoplifters tools or instruments facilitating theft. 11 Del.C. § 860.
- 14.1.57 Forgery; felony; misdemeanor 11 Del.C. § 861.
- 14.1.58 Possession of forgery devices. 11 Del.C. § 862.
- 14.1.59 Falsifying business records. 11 Del.C. § 871.
- 14.1.60 Tampering with public records in the second degree 11 Del.C. § 873.
- 14.1.61 Tampering with public records in the first degree. 11 Del.C. § 876.
- 14.1.62 Offering a false instrument for filing. 11 Del.C. § 877.
- 14.1.63 Issuing a false certificate. 11 Del.C. § 878.
- 14.1.64 Issuing a bad check; felony. 11 Del.C. § 900.
- 14.1.65 Unlawful use of credit card; felony. 11 Del.C. § 903.
- 14.1.66 Reencoder and scanning devices. 11 Del.C. § 903A.
- 14.1.67 Deceptive business practices. 11 Del.C. § 906.
- 14.1.68 Criminal impersonation. 11 Del.C. § 907.
- 14.1.69 Criminal impersonation, accident related. 11 Del.C. § 907A.
- 14.1.70 Criminal impersonation of a police officer. 11 Del.C. § 907B.
- 14.1.71 Securing execution of documents by deception. 11 Del.C. § 909.
- 14.1.72 Fraudulent conveyance of public lands. 11 Del.C. § 911.
- 14.1.73 Fraudulent receipt of public lands. 11 Del.C. § 912.
- 14.1.74 Insurance fraud. 11 Del.C. § 913.
- 14.1.75 Health care fraud. 11 Del.C. § 913A.
- 14.1.76 Use of consumer identification information. 11 Del.C. § 914.
- 14.1.77 Home improvement fraud. 11 Del.C. § 916.
- 14.1.78 New home construction fraud. 11 Del.C. § 917.
- 14.1.79 Unauthorized access. 11 Del.C. § 932.

14.1.80 Theft of computer services. 11 Del.C. § 933.
14.1.81 Interruption of computer services. 11 Del.C. § 934.
14.1.82 Misuse of computer system information. 11 Del.C. § 935.
14.1.83 Destruction of computer equipment. 11 Del.C. § 936.
14.1.84 Dealing in children. 11 Del.C. § 1100.
14.1.85 Abandonment of child. 11 Del.C. § 1101.
14.1.86 Endangering the welfare of a child. 11 Del.C. § 1102.
14.1.87 Endangering the welfare of an incompetent person. 11 Del.C. § 1105.
14.1.88 Sexual exploitation of a child. 11 Del.C. § 1108.
14.1.89 Unlawfully dealing in child pornography. 11 Del.C. § 1109.
14.1.90 Possession of child pornography. 11 Del.C. § 1111.
14.1.91 Sexual offenders; prohibitions from school zones. 11 Del.C. § 1112.
14.1.92 Sexual solicitation of a child. 11 Del.C. § 1112A
14.1.93 Bribery. 11 Del.C. § 1201
14.1.94 Receiving a bribe; class E felony. 11 Del.C. § 1203.
14.1.95 Improper influence. 11 Del.C. § 1207.
14.1.96 Official misconduct. 11 Del.C. § 1211.
14.1.97 Perjury in the second degree. 11 Del.C. § 1222.
14.1.98 Perjury in the first degree. 11 Del.C. § 1223.
14.1.99 Making a false written statement. 11 Del.C. § 1233.
14.1.100 Wearing a disguise during the commission of a felony. 11 Del.C. § 239.
14.1.101 Terroristic threatening of public officials or public servants. 11 Del.C. § 1240.
14.1.102 Hindering prosecution. 11 Del.C. § 1244.
14.1.103 Falsely reporting an incident. 11 Del.C. § 1245.
14.1.104 Abetting the violation of driver's license restrictions. 11 Del.C. § 1249.
14.1.105 Offenses against law-enforcement animals. Felony 11 Del.C. § 1250.
14.1.106 Escape in the second degree. 11 Del.C. § 1252.
14.1.107 Escape after conviction. 11 Del.C. § 1253.
14.1.108 Assault in a detention facility. 11 Del.C. § 1254.
14.1.109 Promoting prison contraband; felony; misdemeanor. 11 Del.C. § 1256.
14.1.110 Use of an animal to avoid capture; felony 11 Del.C. § 1257A.
14.1.111 Misuse of prisoner mail; felony. 11 Del.C. § 1260.
14.1.112 Bribing a witness. 11 Del.C. § 1261.
14.1.113 Bribe receiving by a witness. 11 Del.C. § 1262.
14.1.114 Tampering with a witness. 11 Del.C. § 1263.
14.1.115 Interfering with child witness. 11 Del.C. § 1263A.
14.1.116 Bribing a juror. 11 Del.C. § 1264.
14.1.117 Bribe receiving by a juror. 11 Del.C. § 1265.
14.1.118 Tampering with a juror. 11 Del.C. § 1266.
14.1.119 Misconduct by a juror. 11 Del.C. § 1267.
14.1.120 Tampering with physical evidence. 11 Del.C. § 1269.
14.1.121 Riot. 11 Del.C. § 1302.
14.1.122 Hate crimes; misdemeanor; felony. 11 Del.C. § 1304.
14.1.123 Aggravated harassment. 11 Del.C. § 1312.
14.1.124 Stalking. 11 Del.C. § 1312A.
14.1.125 Cruelty to animals; felony. 11 Del.C. § 1325.
14.1.126 Animals; fighting and baiting prohibited; felony. 11 Del.C. § 1326.
14.1.127 Maintaining a dangerous animal; felony. 11 Del.C. § 1327.
14.1.128 Abusing a corpse. 11 Del.C. § 1332.
14.1.129 Trading in human remains and associated funerary objects. 11 Del.C. § 1333.
14.1.129 Violation of privacy; misdemeanor; felony. 11 Del.C. § 1335.
14.1.130 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 Del.C. § 1338.
14.1.131 Adulteration. 11 Del.C. § 1339.
14.1.132 Prostitution. 11 Del.C. § 1342.
14.1.133 Patronizing a prostitute prohibited. 11 Del.C. § 1343.
14.1.134 Promoting prostitution in the third degree. 11 Del.C. § 1351.
14.1.135 Promoting prostitution in the second degree. 11 Del.C. § 1352.

- 14.1.136 Promoting prostitution in the first degree. 11 **Del.C.** § 1353.
- 14.1.137 Permitting prostitution. 11 **Del.C.** § 1355.
- 14.1.138 Carrying a concealed deadly weapon. 11 **Del.C.** § 1442.
- 14.1.139 Carrying a concealed dangerous instrument. 11 **Del.C.** § 1443.
- 14.1.140 Possessing a destructive weapon. 11 **Del.C.** § 1444.
- 14.1.141 Unlawfully dealing with a dangerous weapon. 11 **Del.C.** § 1445.
- 14.1.142 Possession of a deadly weapon during commission of a felony. 11 **Del.C.** § 1447.
- 14.1.143 Possession of a firearm during commission of a felony. 11 **Del.C.** § 1447A.
- 14.1.144 Possession and purchase of deadly weapons by persons prohibited. 11 **Del.C.** § 1448.
- 14.1.145 Criminal history record checks for sales of firearms; felony. 11 **Del.C.** § 1448A.
- 14.1.146 Wearing body armor during commission of felony. 11 **Del.C.** § 1449.
- 14.1.147 Receiving a stolen firearm. 11 **Del.C.** § 1450.
- 14.1.148 Theft of a firearm. 11 **Del.C.** § 1451.
- 14.1.149 Giving a firearm to person prohibited. 11 **Del.C.** § 1454.
- 14.1.150 Engaging in a firearms transaction on behalf of another. 11 **Del.C.** § 1455.
- 14.1.151 Unlawfully permitting a minor access to a firearm. 11 **Del.C.** § 1456.
- 14.1.152 Possession of a weapon in a Safe School and Recreation Zone. 11 **Del.C.** § 1457.
- 14.1.153 Removing a firearm from the possession of a law enforcement officer. 11 **Del.C.** § 1458.
- 14.1.154 Possession of a weapon with a removed, obliterated or altered serial number. 11 **Del.C.** § 1459.
- 14.1.155 Prohibited acts, cheating devices(a)-(e), second or subsequent offense. 11 **Del.C.** § 1471.
- 14.1.156 Organized Crime and Racketeering. 11 **Del.C.** § 1504.
- 14.1.157 Victim or Witness Intimidation 11 **Del.C.** § 3532 & 3533.
- 14.1.158 Abuse, neglect, mistreatment or financial exploitation of residents or patients 16 **Del.C.** § 1136(a), (b) and (c).
- 14.1.159 Prohibited acts A under the Uniform Controlled Substances Act. 16 **Del.C.** § 4751(a), (b) and (c).
- 14.1.160 Prohibited acts B under the Uniform Controlled Substances Act. 16 **Del.C.** § 4752(a) and (b).
- 14.1.161 Unlawful delivery of noncontrolled substance. 16 **Del.C.** § 4752A.
- 14.1.162 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).
- 14.1.163 Possession and delivery of noncontrolled prescription drug. 16 **Del.C.** § 4754A.
- 14.1.164 Prohibited acts E under the Uniform Controlled Substances Act. 16 **Del.C.** § 4755.(a)(1) and (2).
- 14.1.165 Prohibited acts under the Uniform Controlled Substances Act. 16 **Del.C.** § 4756(a)(1)-(5) and (b).
- 14.1.166 Hypodermic syringe or needle; delivering or possessing; disposal; 16 **Del.C.** § 4757.
- 14.1.167 Keeping drugs in original containers. 16 **Del.C.** § 4758.
- 14.1.168 Distribution to persons under 21 years of age. 16 **Del.C.** § 4761.
- 14.1.169 Purchase of drugs from minors. 16 **Del.C.** § 4761A
- 14.1.170 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 **Del.C.** § 4767
- 14.1.171 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
- 14.1.172 Drug paraphernalia. 16 **Del.C.** § 4771 (a) and (b).
- 14.1.173 Possession, manufacture and sale, delivery to a minor and advertising of drug paraphernalia. 16 **Del.C.** § 4774(a), (b),(c) (d)
- 14.1.174 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).
- 14.1.175 Attempt to evade or defeat tax. 30 **Del.C.** § 571.
- 14.1.176 Failure to collect or pay over tax. 30 **Del.C.** § 572.
- 14.1.177 Failure to file return, supply information or pay tax. 30 **Del.C.** § 573.
- 14.1.178 Fraud and false statements. 30 **Del.C.** § 574.

- 14.1.179 Obtaining benefit under false representation. 31 **Del.C.** § 1003.
- 14.1.180 Reports, statements and documents. 31 **Del.C.** § 1004(1), (2), (3), (4), (5)
- 14.1.181 Kickback schemes and solicitations. 31 **Del.C.** § 1005.
- 14.1.182 Conversion of payment. 31 **Del.C.** § 1006.
- 14.1.183 Unlawful possession or manufacture of proof of insurance. 21 **Del.C.** § 2118A.
- 14.1.184 Temporary registration violations related to providing false information. 21 **Del.C.** § 2133(a)
- (1)-(3).
- 14.1.185 False statements. 21 **Del.C.** § 2315.
- 14.1.186 Altering or forging certificate of title, manufacturer's certificate of origin, registration card, vehicle warranty or certification sticker or vehicle identification plate. 21 **Del.C.** § 2316.
- 14.1.187 False statements; incorrect or incomplete information. 21 **Del.C.** § 2620.
- 14.1.188 License to operate a motorcycle, motorbike, etc. 21 **Del.C.** § 2703.
- 14.1.189 Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age. 21 **Del.C.** § 2710.
- 14.1.190 Unlawful application for or use of license or identification card. 21 **Del.C.** § 2751.
- 14.1.191 False statements. 21 **Del.C.** § 2752.
- 14.1.192 Driving vehicle while license is suspended or revoked. 21 **Del.C.** § 2756.
- 14.1.193 Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards. 21 **Del.C.** § 2760(a) and (b).
- 14.1.194 Driving after judgment prohibited. 21 **Del.C.** § 2810.
- 14.1.195 False statements. 21 **Del.C.** § 3107.
- 14.1.196 Driving a vehicle while under the influence or with a prohibited alcohol content. 21 **Del.C.** § 4177 (3) and (4).
- 14.1.197 Duty of driver involved in accident resulting in injury or death to any person. 21 **Del.C.** § 4202.
- 14.1.198 Duty to report accidents; evidence. 21 **Del.C.** § 4203.
- 14.1.199 Possession of motor vehicle master keys, manipulative keys, key-cutting devices, lock picks or lock picking devices and hot wires. 21 **Del.C.** § 4604(a).
- 14.1.200 Tampering with vehicle. 21 **Del.C.** § 6703.
- 14.1.201 Receiving or transferring stolen vehicle. 21 **Del.C.** § 6704.
- 14.1.202 Removed, falsified or unauthorized identification number on vehicle, bicycle or engine; removed or affixed license/registration plate with intent to misrepresent identity. 21 **Del.C.** § 6705(a)-(e).
- 14.1.203 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card. 21 **Del.C.** § 6708(a) and (b).
- 14.1.204 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers. 21 **Del.C.** § 6709(a).
- 14.1.205 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers. 21 **Del.C.** § 6710(a).
- 14.1.206 Offenses [involving meat and poultry inspection including bribery or attempted bribery or assaulting or impeding any person in the performance of his duties] (felony) 3 **Del.C.** § 871
- 14.1.207 Fraudulent Written Statements 3 **Del.C.** § 10049
- 14.1.208 Fraudulent Certificate of Registration or Eligibility Documents 3 **Del.C.** § 10050
- 14.1.209 Prohibited trade practices against infirm or elderly 6 **Del.C.** § 2581
- 14.1.210 Auto Repair Fraud victimizing the infirm or elderly 6 **Del.C.** § 4909A
- 14.1.211 Possession or use of false weights. 6 **Del.C.** § 5134
- 14.1.212 Violations of the Securities Act 6 **Del.C.** § 7322
- 14.1.213 Unauthorized Acts against a Service Guide or Seeing Eye Dog 7 **Del.C.** § 1717
- 14.1.214 Interception of Communications Generally; Divulging Contents of Communications 11 **Del.C.** § 2402
- 14.1.215 Manufacture, Possession or Sale of Intercepting Device. 11 **Del.C.** § 2403
- 14.1.216 Breaking and Entering, Etc. to Place or Remove Equipment 11 **Del.C.** § 2410
- 14.1.217 Obstruction, Impediment or Prevention of Interception. 11 **Del.C.** § 2412
- 14.1.218 Obtaining, Altering or Preventing Authorized Access. 11 **Del.C.** § 2421
- 14.1.219 Divulging Contents of Communications. 11 **Del.C.** § 2422
- 14.1.220 Installation and Use Generally [of pen trace and trap and trace devices]. 11 **Del.C.** § 2431
- 14.1.221 Aggravated Act of Intimidation. 11 **Del.C.** § 3533
- 14.1.223 Attempt to Intimidate. 11 **Del.C.** § 3534

- 14.1.224 Disclosure of Expunged Records. 11 Del.C. § 4374
- 14.1.225 Violation of reporting provisions re: SBI. 11 Del.C. § 8523
- 14.1.226 Failure of child-care provider to obtain information required under § 8561 or for those providing false information. 11 Del.C. § 8562
- 14.1.227 Providing false information when seeking employment in a public school. 11 Del.C. § 8572
- 14.1.228 Filing False Claim [under Victims' Compensation Fund]. 11 Del.C. § 9016
- 14.1.229 Alteration, Theft or Destruction of Will. 12 Del.C. § 210
- 14.1.230 Violation of reporting requirements involving abuse under § 903. 16 Del.C. § 914
- 14.1.231 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. 16 Del.C. § 2513(a) and (b).
- 14.1.232 Violations related to the sale, purchase, receipt, possession, transportation, use, safety and control of explosive materials other than 16 Del.C. § 7103. 16 Del.C. § 7112
- 14.1.233 Operation of a Vessel or Boat while under the Influence of Intoxicating Liquor and/or Drugs 23 Del.C. § 2302 (3) and (4)
- 14.1.234 License Requirements. 24 Del.C. § 901
- 14.1.235 Sale to Persons under 21 or Intoxicated Persons. 24 Del.C. § 903
- 14.1.236 Failure to make Reports of Persons who are Subject to Loss of Consciousness 24 Del.C. § 1763
- 14.1.237 [Interference] Relating to the Blind and "Seeing Eye Dogs" 31 Del.C. § 2117
- 14.1.238 Abuse, neglect, exploitation or mistreatment of infirm adult. 31 Del.C. § 3913(a), (b) and (c).
- 14.2 Crimes substantially related to the practice of optometry 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 Optometry is available at: <http://www.state.de.us/research/AdminCode/title24/2100 Board of Optometry.shtml>**

8 DE Reg. 640 (11/01/04)