DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Statutory Authority: 24 Delaware Code, Section 5206(1) (24 **Del.C.** §5206(1))
24 **DE Admin. Code** 5200

FINAL

ORDER

5200 Board of Examiners of Nursing Home Administrators

NATURE AND STAGE OF THE PROCEEDINGS

On October 1, 2012, the Delaware Board of Nursing Home Administrators published proposed changes to its regulations in the *Delaware Register of Regulations*, Volume 16, Issue 4. This notice further indicated that written comments would be accepted by the Board for thirty days, a public hearing would be held, and written comments would be accepted for fifteen days thereafter. After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on November 13, 2012 at a regularly scheduled meeting of the Delaware Board of Nursing Home Administrators to receive verbal comments regarding the Board's proposed amendments to its regulations.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

At the time of the deliberations, the Board considered the following documents:

Board Exhibit 1 – Affidavit of publication of the public hearing notice in the *News Journal*; and

Board Exhibit 2 – Affidavit of publication of the public hearing notice in the *Delaware State News*.

There was no verbal testimony given at the public hearing on November 13, 2012. No written comments were received by the Board during the initial thirty day public comment period; nor were any written comments received after the public hearing during the fifteen day 29 **Del.C.** §10115(a) second public comment period.

FINDINGS OF FACT AND CONCLUSIONS

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulations.
2. There were no public comments provided to the Board during the two written public comment periods, or the public hearing.
3. Pursuant to 24 **Del.C.** §5206(1), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The proposed amendment to Rule 5.3.4 seeks to increase the number of online or similar continuing education courses licensees are permitted to take in order to meet the continuing education requirements. The proposed additions of Rules 5.6 and 5.6.1 are an attempt to grant continuing education credits to approved preceptors for providing supervision to applicants for licensure.
5. Having received no public comments, the Board finds no reason to amend the regulations as proposed.

DECISION AND EFFECTIVE DATE

The Board hereby adopts the changes to its rules and regulations as proposed, to be effective 10 days following publication of this order in the *Register of Regulations*. The new regulations are attached hereto as Exhibit A.

SO ORDERED this 10th day of September, 2013.

BY THE DELAWARE BOARD OF NURSING HOME ADMINISTRATORS

Teruko White, N.H.A., President
Michael Salitsky, N.H.A., Vice President
Timothy Bane, Public Member
Sandra Dole, Healthcare Public Member
Elizabeth Hague, Healthcare Public Member
Victorine Parker, Public Member
E. Ray Quillen, N.H.A
Hope Squier, Healthcare Public Member
Frances Wimbush, Public Member Secretary

5200 Board of Examiners of Nursing Home Administrators

1.0 General Provisions

1.1 Words and terms defined in Title 24, Chapter 52 of the **Delaware Code** are applicable to these regulations.

1.2 The following additional words and terms, when used within these regulations, shall have the following meaning unless the context clearly indicates otherwise:

"**Direct Supervision** "means oversight on the premises of a nursing home by a preceptor.

"**Preceptor**" means an individual who currently has an active Delaware Nursing Home Administrator license and is employed in a Skilled Nursing Facility (SNF) or Assisted Living Facility (AL) and is approved by the Board to have oversight of an AIT candidate according to the rules of the AIT Program.

"**Sponsoring Facility**" means the nursing home facility at which candidates expect to conduct the majority of their AIT program, often their employer.

1.3 Licensees shall display their license in their office or other conspicuous place in their place of business or employment.

1.4 Upon receipt of satisfactory evidence that a license has been lost, mutilated, or destroyed, the Board may issue a duplicate license. The duplication fee is set by the Division of Professional Regulation (Division).

1.5 Licensee shall inform the Board of a change in address within 30 days.

15 DE Reg. 1770 (06/01/12)

2.0 Application for Licensure by Examination

2.1 Applications shall be made in writing on forms provided by the Board.

2.2 To obtain licensure, applicants must meet the educational and experience requirements and must pass the National Association of Boards ("NAB") examination.

2.3 Applicants must obtain Board approval before they may take the NAB examination. To obtain Board approval, applicants must:

2.3.1 Submit satisfactory evidence of having met one of the educational requirements under Section 5209(a)(1) of Title 24 of the **Delaware Code**, and

2.3.2 Submit a plan to complete the Administrator-In-Training ("AIT") program that corresponds with their education in accordance with regulation section 3.0, and

2.3.3 Identify the applicant's preferred Preceptors.

2.4 If the Board is satisfied that the applicant has completed the requisite education and approves the applicant's AIT plan and preferred Preceptors, the applicant shall be approved to begin their AIT program under the direct supervision of the approved Preceptors.

2.4.1 Approved applicants shall begin their AIT program immediately.

2.4.2 Applicants not approved by the Board may be given the opportunity to rectify deficiencies in their applications before denial of their application is proposed.

2.5 Applicants approved to take the examination will be granted licensure once the Board receives confirmation that the applicant has achieved a passing score of 75% or more on the National Association of Boards ("NAB") examination.

2.5.1 Applicants who do not pass the first examination may retake the examination within the following three months after the date of the exam without further Board approval.

2.5.2 Applicants who do not pass the second examination may retake the examination within the following six months after the date of the exam without further Board approval.

2.5.3 Applicants who do not pass the third examination must obtain Board approval each time they wish to retake the examination. The Board will approve these applicants to retake the examination only after they complete 40 additional hours working under the direct supervision of a Delaware-licensed nursing home administrator in a skilled nursing facility previously approved by the Board.

3.0 Administrator-In-Training ("AIT") Program

3.1 Every Administrator-In-Training (AIT) program shall be approved by the Board and shall be conducted under the direct supervision of the Pre-Approved Preceptor(s). The start date and expiration date of the approved AIT program shall be printed on the AIT license. AIT Progress Reports must be submitted to the Board by the AIT every three (3) months for the duration of the AIT program. Supervised training of the AIT must continue for the entire duration of the AIT program, regardless of whether or not the AIT outline has been fulfilled.

3.2 AIT programs must be split between a skilled nursing facility ("SNF") and an assisted living facility ("ALF"). If the Sponsoring Facility is an SNF, the Board will require that at least 10% of the program be completed in an

ALF. If the Sponsoring Facility is an ALF, the Board will require that at least 25% of the program be completed in an SNF. The training for each subject of the program shall be conducted in the proper facility. Because the AIT program is split between an SNF and an ALF, a preceptor is required for each type of facility.

3.3 Its shall begin their program immediately after receiving notification of approval of their AIT plan and Preceptors.

3.4 Preceptors shall make themselves available to provide direction, observation, aid, training, and instruction to their AIT. Preceptors shall submit quarterly progress reports to the Board. AIT programs are expected to be an interactive process between the Preceptor and their AIT to ensure that the AIT fully experiences the nature and scope of a nursing home administrator's responsibilities.

3.5 AIT programs are expected to provide applicants with experience that will establish their suitability and fitness to practice as a nursing home administrator and their ability to perform the essential functions of a nursing home administrator. Examples of essential functions are:

- Understanding and communicating general and technical information that is necessary to the administration and operation of a nursing home with or without reasonable accommodation i.e., applicable health and safety regulations.
- Assuming responsibility for the administration of a nursing home.
- Relating the physical, psychological, spiritual, emotional, and social needs of ill or aged individuals to the administration of a nursing home and creating the compassionate climate necessary to meet the needs of the patients with or without reasonable accommodation.

3.6 AIT programs must be completed within the allotted time, including any extensions granted by the Board; otherwise the AIT license expires and the individual must submit a new application for licensure as an AIT.

3.7 Extensions may be granted at the sole discretion of the Board upon written request by an AIT or a Preceptor. Requests for extensions must be submitted before the expiration of the AIT licensing certificate and must provide a detailed explanation of the reason an extension is needed.

15 DE Reg. 1770 (06/01/12)

4.0 Application for Licensure by Reciprocity

4.1 Applicants must:

4.1.1 Submit a notarized statement listing all licensing jurisdictions in which a license was held, and

4.1.2 Cause a verification of licensure status to be submitted directly to the Board from all jurisdictions.

4.2 Determination of Substantial Similarity of Licensing Standards - The applicant must submit a copy of the laws and regulations governing licensure from the jurisdiction from which reciprocity is sought. The burden of proof is upon the applicant to demonstrate that the licensure standards are at least equivalent to those of this State. Based upon the information presented, the Board shall make a determination regarding substantial similarity.

5.0 Programs for Continuing Education Credits

5.1 Continuing education programs consisting of Board approved seminars, resident or extension courses, conferences and workshops totaling 48 classroom hours or more, on any of the subject areas enumerated in 5.2 below, are required for biennial licensure of a license as a Nursing Home Administrator. The following are requirements for license renewal:

5.1.1 For licenses initially authorized during the first six months of the biennial period, 36 credit hours will be required for renewal.

5.1.2 For licenses initially authorized during the second six months of the biennial period, 24 credit hours will be required for renewal.

5.1.3 For licenses initially authorized during the third six months of the biennial period, 12 credit hours will be required for renewal.

5.1.4 For licenses initially authorized during the fourth six months of the biennial period, no credit hours will be required for renewal.

5.1.5 When continuing education units are not met, there will be no extensions, absent showing hardship.

5.2 Content of programs of continuing education shall include one or more of the following general subject areas or their equivalents:

5.2.1 Applicable standards of environmental health and safety,

5.2.2 Local health and safety regulations,

5.2.3 General Administration,

5.2.4 Psychology of patient care,

5.2.5 Principles of medical care,

5.2.6 Personal and social care,

5.2.7 Therapeutic and supportive care and services in long-term care,

5.2.8 Department organization and management,

5.2.9 Community interrelationships, and,

5.2.10 Business or financial management.

5.3 Acceptable programs of continuing education are:

5.3.1 Those conducted solely by accredited educational institutions.

5.3.2 Those conducted jointly by accredited educational institutions and associations, professional societies, or organizations other than accredited colleges or universities.

5.3.3 Those conducted solely by associations, professional societies, and other professional organizations other than accredited educational institutions.

5.3.4 Those self-instruction or home study courses, videos, computer-assisted programs, ~~and teleconferences~~ online and webinars courses approved by the National Association of Boards (NAB) and or pre-approved by the Board, may be accumulated at no more than ~~12~~ 24 hours per renewal period.

5.3.5 Courses approved by the National Association of Boards (NAB).

5.4 Upon completion of an approved program of study, the sponsor or sponsors of the program shall issue certificates of attendance or other evidence of completion satisfactory to the Board.

5.5 Licensees appointed to the Delaware Board of Examiners of Nursing Home Administrators may receive 0.5 CE credits for every board meeting they attend, regardless of the length of the meeting. Members may be granted credit for a maximum of six meetings within a two-year licensure period, for a cap of 3.0 CE credits.

5.6 Preceptors shall receive 3 CE credits per student per licensure period with a maximum of 6 CE credits per licensure period.

5.6.1 CE credits will not be awarded to the Preceptor until final approval of the AIT's final quarterly progress report by the Board.

15 DE Reg. 1770 (06/01/12)

6.0 Temporary Licensure

Temporary licenses shall be issued in the manner established by and in accordance with the requirements of 24 **Del.C.** § 5211.

7.0 Renewal of Licensure

7.1 Licensees shall report any facts requested by the Board in conjunction with the renewal process.

7.2 Licensees must attest to completion of the continuing education requirements of regulation 5.0. Attestation shall be completed electronically if the renewal is accomplished online. Alternatively, the attestation of certification may be submitted by paper renewal forms. Requests for paper renewal forms must be directed to the Division of Professional Regulation.

7.3 Post-Renewal Audit – The Board will conduct random audits of renewal applications to ensure the veracity of attestations and compliance with the renewal requirements. Licensees selected for the random audit shall submit CE course attendance verification in the form of a certificate signed by the course presenter or by a designated official of the sponsoring organization. Licensees shall retain their CE course attendance documentation for each licensure period and for at least one (1) year after renewal. Licensees found to be deficient or found to have falsely attested may be subject to disciplinary proceedings and may have their license suspended or revoked. Licensees renewing during the late renewal period shall be audited.

7.4 Late Renewal.

7.4.1 A licensed Nursing Home Administrator whose license has expired may, within one year following the licensure period, have his license reinstated without examination upon payment of the renewal fee, plus a late fee. In addition, satisfactory evidence must be submitted to the Board that during the preceding two year period the applicant has completed continuing education programs or courses of study that meet the requirements of regulation 5.0.

7.4.2 Any licensee whose license has expired for a period in excess of one year may have his license reinstated without examination in accordance with regulation 7.4.1 and upon satisfying the Board as to the applicant's current qualifications by completing an application form, providing, however, such applicant may attach a resume in lieu of completing the sections on occupational background and administrative experience of the application form.

8.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

8.1 If the report is received by the President of the regulatory Board, the President shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the President of the regulatory Board, or that President's designate or designates.

8.2 The President of the regulatory Board or the President's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.

8.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screening shall take place within 30 days following notification to the professional by the participating Board President or the President's designate(s).

8.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board President or that President's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the President of the participating Board or that President's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the President of the participating Board.

8.5 Failure to cooperate fully with the participating Board President or that President's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board President or the President's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 8.8 of this section.

8.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:

8.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.

8.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the President of the participating Board or to that President's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the President of the participating Board or that President's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.

8.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.

8.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.

8.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's President or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.

8.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.

8.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.

8.8 The participating Board's President, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.

8.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.

8.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.

8.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.

8.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

9.0 Crimes substantially related to the practice of nursing home administration:

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 nursing home administration in the State of Delaware without regard to the place of conviction:

9.1.1 Offensive touching. 11 **Del.C.** §601.

9.1.2 Aggravated menacing. 11 **Del.C.** §602(b).

9.1.3 Reckless endangering in the second degree. 11 **Del.C.** §603.

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

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

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

9.1.7 Assault in the third degree. 11 **Del.C.** §611.

9.1.8 Assault in the second degree. 11 **Del.C.** §612.

9.1.9 Assault in the first degree. 11 **Del.C.** §613.

9.1.10 Abuse of a sports official. 11 **Del.C.** §614.

9.1.11 Assault by abuse or neglect. 11 **Del.C.** §615.

9.1.12 Gang participation. 11 **Del.C.** §616.

9.1.13 Terroristic threatening. 11 **Del.C.** §621.

9.1.14 Unlawfully administering drugs. 11 **Del.C.** §625.

9.1.15 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 **Del.C.** §626.

9.1.16 Vehicular assault in the first degree. 11 **Del.C.** §629.

9.1.17 Vehicular homicide in the second degree. 11 **Del.C.** §630.

9.1.18 Vehicular homicide in the first degree. 11 **Del.C.** §630A.

9.1.19 Criminally negligent homicide. 11 **Del.C.** §631.

9.1.20 Manslaughter. 11 **Del.C.** §632.

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

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

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

9.1.24 Murder in the first degree. 11 **Del.C.** §636.

9.1.25 Promoting suicide. 11 **Del.C.** §645.

9.1.26 Abortion. 11 **Del.C.** §651.

9.1.27 Self-abortion. 11 **Del.C.** §652.
9.1.28 Issuing abortional articles. 11 **Del.C.** §653.
9.1.29 Indecent exposure in the second degree. 11 **Del.C.** §764.
9.1.30 Indecent exposure in the first degree. 11 **Del.C.** §765.
9.1.31 Incest. 11 **Del.C.** §766.
9.1.32 Unlawful sexual contact in the third degree. 11 **Del.C.** §767.
9.1.33 Unlawful sexual contact in the second degree. 11 **Del.C.** §768.
9.1.34 Unlawful sexual contact in the first degree. 11 **Del.C.** §769.
9.1.35 Rape in the fourth degree. 11 **Del.C.** §770.
9.1.36 Rape in the third degree. 11 **Del.C.** §771.
9.1.37 Rape in the second degree. 11 **Del.C.** §772.
9.1.38 Rape in the first degree. 11 **Del.C.** §773.
9.1.39 Sexual extortion. 11 **Del.C.** §776.
9.1.40 Bestiality. 11 **Del.C.** §777.
9.1.41 Continuous sexual abuse of a child. 11 **Del.C.** §778.
9.1.42 Dangerous crime against a child. 11 **Del.C.** §779.
9.1.43 Female genital mutilation. 11 **Del.C.** §780.
9.1.44 Unlawful imprisonment in the second degree. 11 **Del.C.** §781.
9.1.45 Unlawful imprisonment in the first degree. 11 **Del.C.** §782.
9.1.46 Kidnapping in the second degree. 11 **Del.C.** §783.
9.1.47 Kidnapping in the first degree. 11 **Del.C.** §783A.
9.1.48 Interference with custody. 11 **Del.C.** §785.
9.1.49 Acts constituting coercion. 11 **Del.C.** §791.
9.1.50 Arson in the third degree. 11 **Del.C.** §801.
9.1.51 Arson in the second degree. 11 **Del.C.** §802.
9.1.52 Arson in the first degree. 11 **Del.C.** §803.
9.1.53 Reckless burning or exploding; felony. 11 **Del.C.** §804.
9.1.54 Cross or religious symbol burning. 11 **Del.C.** §805.
9.1.55 Criminal mischief. 11 **Del.C.** §811.
9.1.56 Trespassing with intent to peep or peer. 11 **Del.C.** §820.
9.1.57 Burglary in the third degree. 11 **Del.C.** §824.
9.1.58 Burglary in the second degree. 11 **Del.C.** §825.
9.1.59 Burglary in the first degree. 11 **Del.C.** §826.
9.1.60 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828.
9.1.61 Robbery in the second degree. 11 **Del.C.** §831.
9.1.62 Robbery in the first degree. 11 **Del.C.** §832.
9.1.63 Carjacking in the second degree. 11 **Del.C.** §835.
9.1.64 Carjacking in the first degree. 11 **Del.C.** §836.
9.1.65 Shoplifting. 11 **Del.C.** §840.
9.1.66 Use of illegitimate retail sales receipt or Universal Product Code Label. 11 **Del.C.** §840A.
9.1.67 Theft. 11 **Del.C.** §841.
9.1.68 Theft; lost or mislaid property. 11 **Del.C.** §842.
9.1.69 Theft; false pretense. 11 **Del.C.** §843.
9.1.70 Theft; false promise. 11 **Del.C.** §844.
9.1.71 Theft of services. 11 **Del.C.** §845.
9.1.72 Extortion. 11 **Del.C.** §846.
9.1.73 Misapplication of property. 11 **Del.C.** §848.
9.1.74 Theft of rented property. 11 **Del.C.** §849.
9.1.75 Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices; felony. 11 **Del.C.** §850.
9.1.76 Receiving stolen property; felony. 11 **Del.C.** §851.

9.1.77 Identity theft. 11 **Del.C.** §854.
9.1.78 Possession of shoplifters tools or instruments facilitating theft. 11 **Del.C.** §860.
9.1.79 Forgery. 11 **Del.C.** §861.
9.1.80 Possession of forgery devices. 11 **Del.C.** §862.
9.1.81 Falsifying business records. 11 **Del.C.** §871.
9.1.82 Tampering with public records in the second degree 11 **Del.C.** §873.
9.1.83 Tampering with public records in the first degree. 11 **Del.C.** §876.
9.1.84 Offering a false instrument for filing. 11 **Del.C.** §877.
9.1.85 Issuing a false certificate. 11 **Del.C.** §878.
9.1.86 Bribery. 11 **Del.C.** §881.
9.1.87 Bribe receiving. 11 **Del.C.** §882.
9.1.88 Defrauding secured creditors. 11 **Del.C.** §891.
9.1.89 Fraud in insolvency. 11 **Del.C.** §892.
9.1.90 Interference with levied-upon property. 11 **Del.C.** §893.
9.1.91 Issuing a bad check. 11 **Del.C.** §900.
9.1.92 Unlawful use of credit card. 11 **Del.C.** §903.
9.1.93 Re-encoder and scanning devices. 11 **Del.C.** §903A.
9.1.94 Deceptive business practices. 11 **Del.C.** §906.
9.1.95 Criminal impersonation. 11 **Del.C.** §907.
9.1.96 Criminal impersonation, accident related. 11 **Del.C.** §907A.
9.1.97 Criminal impersonation of a police officer. 11 **Del.C.** §907B.
9.1.98 Unlawfully concealing a will. 11 **Del.C.** §908.
9.1.99 Securing execution of documents by deception. 11 **Del.C.** §909.
9.1.100 Fraudulent conveyance of public lands. 11 **Del.C.** §911.
9.1.101 Fraudulent receipt of public lands. 11 **Del.C.** §912.
9.1.102 Insurance fraud. 11 **Del.C.** §913.
9.1.103 Health care fraud. 11 **Del.C.** §913A.
9.1.104 Home improvement fraud. 11 **Del.C.** §916.
9.1.105 New home construction fraud. 11 **Del.C.** §917.
9.1.106 Transfer of recorded sounds. 11 **Del.C.** §920.
9.1.107 Sale of transferred recorded sounds. 11 **Del.C.** §921.
9.1.108 Improper labeling 11 **Del.C.** §922.
9.1.109 Theft of computer services. 11 **Del.C.** §933.
9.1.110 Interruption of computer services. 11 **Del.C.** §934.
9.1.111 Misuse of computer system information. 11 **Del.C.** §935.
9.1.112 Destruction of computer equipment. 11 **Del.C.** §936.
9.1.113 Failure to promptly cease electronic communication upon request. 11 **Del.C.** §920.
9.1.114 Bigamy. 11 **Del.C.** §1001.
9.1.115 Bigamous marriage contracted outside of the State. 11 **Del.C.** §1002.
9.1.116 Dealing in children. 11 **Del.C.** §1100.
9.1.117 Endangering the welfare of a child. 11 **Del.C.** §1102.
9.1.118 Endangering the welfare of an incompetent person. 11 **Del.C.** §1105.
9.1.119 Sexual exploitation of a child. 11 **Del.C.** §1108.
9.1.120 Unlawfully dealing in child pornography. 11 **Del.C.** §1109.
9.1.121 Possession of child pornography. 11 **Del.C.** §1111.
9.1.122 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112.
9.1.123 Sexual solicitation of a child. 11 **Del.C.** §1112A.
9.1.124 Body-piercing, tattooing or branding. 11 **Del.C.** §1114.
9.1.125 Tongue-splitting. 11 **Del.C.** §1114A.
9.1.126 Bribery. 11 **Del.C.** §1201.
9.1.127 Receiving a bribe; class E felony. 11 **Del.C.** §1203.

9.1.128 Improper influence. 11 **Del.C.** §1207.
9.1.129 Official misconduct. 11 **Del.C.** §1211.
9.1.130 Profiteering. 11 **Del.C.** §1212.
9.1.131 Perjury in the second degree. 11 **Del.C.** §1222.
9.1.132 Perjury in the first degree. 11 **Del.C.** §1223.
9.1.133 Making a false written statement. 11 **Del.C.** §1233.
9.1.134 Terroristic threatening of public officials or public servants. 11 **Del.C.** §1240.
9.1.135 Hindering prosecution; felony. 11 **Del.C.** §1244.
9.1.136 Falsely reporting an incident; felony. 11 **Del.C.** §1245.
9.1.137 Obstructing the control and suppression of rabies; felony. 11 **Del.C.** §1248.
9.1.138 Abetting the violation of driver's license restrictions; felony. 11 **Del.C.** §1249.
9.1.139 Offenses against law-enforcement animals; felony. 11 **Del.C.** §1250.
9.1.140 Escape in the second degree. 11 **Del.C.** §1252.
9.1.141 Escape after conviction. 11 **Del.C.** §1253.
9.1.142 Assault in a detention facility. 11 **Del.C.** §1254.
9.1.143 Promoting prison contraband; felony. 11 **Del.C.** §1256.
9.1.144 Use of an animal to avoid capture; felony 11 **Del.C.** §1257A.
9.1.145 Sexual relations in detention facility. 11 **Del.C.** §1259.
9.1.146 Bribing a witness. 11 **Del.C.** §1261.
9.1.147 Bribe receiving by a witness. 11 **Del.C.** §1262.
9.1.148 Tampering with a witness. 11 **Del.C.** §1263.
9.1.149 Interfering with child witness. 11 **Del.C.** §1263A.
9.1.150 Bribing a juror. 11 **Del.C.** §1264.
9.1.151 Bribe receiving by a juror. 11 **Del.C.** §1265.
9.1.152 Tampering with a juror. 11 **Del.C.** §1266.
9.1.153 Misconduct by a juror. 11 **Del.C.** §1267.
9.1.154 Tampering with physical evidence. 11 **Del.C.** §1269.
9.1.155 Riot. 11 **Del.C.** §1302.
9.1.156 Hate crimes. 11 **Del.C.** §10304.
9.1.157 Aggravated harassment. 11 **Del.C.** §1312.
9.1.158 Stalking. 11 **Del.C.** §1312A.
9.1.159 Malicious interference with emergency communications. 11 **Del.C.** §1313.
9.1.160 Criminal nuisance. 11 **Del.C.** §1322.
9.1.161 Cruelty to animals. 11 **Del.C.** §1325.
9.1.162 The unlawful trade in dog or cat by-products. 11 **Del.C.** §1325A
9.1.163 Animals; fighting and baiting prohibited; felony. 11 **Del.C.** §1326.
9.1.164 Maintaining a dangerous animal; felony. 11 **Del.C.** §1327.
9.1.165 Abusing a corpse. 11 **Del.C.** §1332.
9.1.166 Trading in human remains and associated funerary objects. 11 **Del.C.** §1333.
9.1.167Violation of privacy. 11 **Del.C.** §1335.
9.1.168 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 **Del.C.** §1338.
9.1.169 Adulteration. 11 **Del.C.** §1339.
9.1.170 Promoting prostitution in the third degree. 11 **Del.C.** §1351.
9.1.171 Promoting prostitution in the second degree. 11 **Del.C.** §1352.
9.1.172 Promoting prostitution in the first degree. 11 **Del.C.** §1353.
9.1.173 Permitting prostitution. 11 **Del.C.** §1355.
9.1.174 Obscenity. 11 **Del.C.** §1361.
9.1.175 Carrying a concealed deadly weapon. 11 **Del.C.** §1442.
9.1.176 Possessing a destructive weapon. 11 **Del.C.** §1444.
9.1.177 Unlawfully dealing with a dangerous weapon. 11 **Del.C.** §1445.
9.1.178 Possession of a deadly weapon during commission of a felony. 11 **Del.C.** §1447.

9.1.179 Possession of a firearm during commission of a felony. 11 **Del.C.** §1447A.

9.1.180 Possession and purchase of deadly weapons by persons prohibited. 11 **Del.C.** §1448.

9.1.181 Criminal history record checks for sales of firearms; felony. 11 **Del.C.** §1448A.

9.1.182 Receiving a stolen firearm. 11 **Del.C.** §1450.

9.1.183 Theft of a firearm. 11 **Del.C.** §1451.

9.1.184 Giving a firearm to person prohibited. 11 **Del.C.** §1454.

9.1.185 Engaging in a firearms transaction on behalf of another. 11 **Del.C.** §1455.

9.1.186 Unlawfully permitting a minor access to a firearm. 11 **Del.C.** §1456.

9.1.187 Possession of a weapon in a Safe School and Recreation Zone; felony. 11 **Del.C.** §1457.

9.1.188 Removing a firearm from the possession of a law enforcement officer. 11 **Del.C.** §1458.

9.1.189 Prohibited acts. cheating devices)-(e). 11 **Del.C.** §1471.

9.1.190 Organized Crime and Racketeering. 11 **Del.C.** §1504.

9.1.191 Victim or Witness Intimidation. 11 **Del.C.** §3532 & 3533.

9.1.192 Abuse, neglect, mistreatment or financial exploitation of residents or patients 16 **Del.C.** §1136(a), (b) and (c).

9.1.193 Prohibited acts A under the Uniform Controlled Substances Act. 16 **Del.C.** §4751(a), (b) and (c).

9.1.194 Prohibited acts B under the Uniform Controlled Substances Act. 16 **Del.C.** §4752(a) and (b).

9.1.195 Unlawful delivery of noncontrolled substance. 16 **Del.C.** §4752A.

9.1.196 Prohibited acts C under the Uniform Controlled Substances Act. 116 **Del.C.** §4753.

9.1.197 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).

9.1.198 Prohibited acts D under the Uniform Controlled Substances Act. 16 **Del.C.** §4754.

9.1.199 Possession and delivery of noncontrolled prescription drug. 16 **Del.C.** §4754A.

9.1.200 Prohibited acts E under the Uniform Controlled Substances Act. 16 **Del.C.** §4755(a)(1) and (2)

9.1.201 Prohibited acts under the Uniform Controlled Substances Act. 16 **Del.C.** §4756(a)(1)-(5) and (b).

9.1.202 Hypodermic syringe or needle; delivering or possessing; disposal; 16 **Del.C.** §4757.

9.1.203 Keeping drugs in original containers. 16 **Del.C.** §4758

9.1.204 Distribution to persons under 21 years of age. 16 **Del.C.** §4761.

9.1.205 Purchase of drugs from minors. 16 **Del.C.** §4761A

9.1.206 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 **Del.C.** §4767.

9.1.207 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.

9.1.208 Drug paraphernalia. 16 **Del.C.** §4771(a) and (b).

9.1.209 Possession, manufacture and sale, delivery to a minor and advertising of drug paraphernalia. 16 **Del.C.** §4774(a), (b), (c) (d)

9.1.210 Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs; felony. 23 **Del.C.** §2302(a) and § 2305 (3) and (4).

9.1.211 Attempt to evade or defeat tax. 30 **Del.C.** §571.

9.1.212 Failure to collect or pay over tax. 30 **Del.C.** §572.

9.1.213 Fraud and false statements [taxes]. 30 **Del.C.** §574.

9.1.214 Understatement or evasion [taxes]. 30 **Del.C.** §576.

9.1.215 Obtaining benefit under false representation. 31 **Del.C.** §1003.

9.1.216 Reports, statements and documents. 31 **Del.C.** §1004(1), (2), (3), (4), (5)

9.1.217 Kickback schemes and solicitations. 31 **Del.C.** §1005.

9.1.218 Conversion of payment. 31 **Del.C.** §1006.

9.1.219 Unlawful possession or manufacture of proof of insurance. 21 **Del.C.** §2118A.

9.1.220 Temporary registration violations related to providing false information. 21 **Del.C.** §2133(a) (1)-(3).

9.1.221 False statements. 21 **Del.C.** §2315.

9.1.222 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.

9.1.223 False statements; incorrect or incomplete information. 21 **Del.C.** §2620.

9.1.224 License to operate a motorcycle, motorbike, etc. 21 **Del.C.** §2703.

9.1.225 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.

9.1.226 Unlawful application for or use of license or identification card. 21 **Del.C.** §751.

9.1.227 False statements. 21 **Del.C.** §2752

9.1.228 Employment of unlicensed person. 21 **Del.C.** §2754.

9.1.229 Authorizing or permitting the operation of a motor ny another. 21 **Del.C.** §2754.

9.1.230 Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards. 21 **Del.C.** §2760(a) and (b).

9.1.231 Driving after judgment prohibited. 21 **Del.C.** §2810.

9.1.232 False statements. 21 **Del.C.** §3107.

9.1.233 Driving a vehicle while under the influence or with a prohibited alcohol content; felony. 21 **Del.C.** §4177(3) and (4).

9.1.234 Duty of driver involved in accident resulting in injury or death to any person. 21 **Del.C.** §4202.

9.1.235 Duty to report accidents; evidence. 21 **Del.C.** §4203.

9.1.236 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).

9.1.237 Receiving or transferring stolen vehicle. 21 **Del.C.** §6704.

9.1.238 Removed, falsified or unauthorized identification number on vehicle, bicycle or engine; removed or affixed license/registration plate with intent to misrepresent identity; felony. 21 **Del.C.** §6705(b) and (d).

9.1.239 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card. 21 **Del.C.** §6708(a) and (b).

9.1.240 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers. 21 **Del.C.** §6709(a).

9.1.241 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers. 21 **Del.C.** §6710(a).

9.1.242 Obstructing person in performance of duty. 3 **Del.C.** §1044.

9.1.243 Unlawful Acts. 3 **Del.C.** §1224.

9.1.244 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.** §8713.

9.1.245 Fraud or distribution or attempted distribution of adulterated article. 3 **Del.C.** §8715.

9.1.246 Fraudulent Written Statements. 3 **Del.C.** §10049.

9.1.247 Fraudulent Certificate of Registration or Eligibility Documents 3 **Del.C.** §10050.

9.1.248 Interference with officer or inspector. 4 **Del.C.** §907.

9.1.249 Prohibited trade practices against infirm or elderly. 6 **Del.C.** §2581.

9.1.250 Prohibition of intimidation [under the Fair Housing Act]; felony.6 **Del.C.** §4619.

9.1.251 Auto Repair Fraud victimizing the infirm or elderly. 6 **Del.C.** §4909A.

9.1.252 Hindering or obstructing [DOA] officer. 6 **Del.C.** §5132.

9.1.253 Impersonation of [DOA] officer. 6 **Del.C.** §5133.

9.1.254 Violations of the Securities Act. 6 **Del.C.** §7322.

9.1.255 Poisoning of dogs. 7 **Del.C.** §1710.

9.1.256 Unauthorized acts against a service guide or seeing eye dog. 7 **Del.C.** §1717.

9.1.257 Interference with department personnel. 7 **Del.C.** §6015.

9.1.258 Improper disposal of solid waste. 7 **Del.C.** §6025.

9.1.259 Failure to report discharge of pollutant or contaminant. 7 **Del.C.** §6028.

9.1.260 Prohibitions [relating to generation, storage, disposal, transportation, and treatment of hazardous waste]. 7 **Del.C.** §6304.

9.1.261 Interference with department [DNREC] personnel. 7 **Del.C.** §6315

9.1.262 Interception of Communications Generally; Divulging Contents of Communications 11 **Del.C.** §2402.

9.1.263 Manufacture, Possession or Sale of Intercepting Device. 11 **Del.C.** §2403.

9.1.264 Breaking and Entering, Etc. to Place or Remove Equipment. 11 **Del.C.** §2410.

9.1.265 Obstruction, Impediment or Prevention of Interception. 11 **Del.C.** §2412.

9.1.266 Obtaining, Altering or Preventing Authorized Access. 11 **Del.C.** §2421.

9.1.267 Divulging Contents of Communications. 11 **Del.C.** §2422.

9.1.268 Installation and Use Generally [of pen trace and trap and trace devices]. 11 **Del.C.** §243.

9.1.269 Attempt to Intimidate. 11 **Del.C.** §3534.

9.1.270 Disclosure of Expunged Records. 11 **Del.C.** §4374.

9.1.271 Violation of reporting provisions re: SBI.; felony 11 **Del.C.** §8523.

9.1.272 Failure of child-care provider to obtain information required under §8561 or for those providing false information. 11 **Del.C.** §8562.

9.1.273 Providing false information when seeking employment in a public school. 11 **Del.C.** §8572.

9.1.274 Filing False Claim [under Victims' Compensation Fund]. 11 **Del.C.** §9016.

9.1.275 Alteration, theft or destruction of will. 12 **Del.C.** §210.

9.1.276 Failure of Physician to file report of abuse of neglect pursuant to 16 **Del.C.** §903.

9.1.277 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.** §513.

9.1.278 Treatment of meats with unlawful drugs and preparations [prior to sale]. 16 **Del.C.** §3317.

9.1.279 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.

9.1.280 Violation of contractor trust provision of § 802 for Highway Construction Payments. 17 **Del.C.** §805.

9.1.281 Violation of deadly weapons dealers' license requirements. 24 **Del.C.** §901.

9.1.282 Sale [deadly weapons] to persons under 21 or intoxicated persons. 24 **Del.C.** §903.

9.1.283 [Failure to make] reports of persons who are subject to loss of consciousness. 24 **Del.C.** §1763.

9.1.284 False statements [State taxes motor fuel carriers]. 30 **Del.C.** §5215.

9.1.285 Abuse, neglect, exploitation or mistreatment of infirm adult. 31 **Del.C.** §3913(a), (b) and (c).

9.2 Crimes substantially related to the practice of nursing home administration 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.

3 DE Reg. 1060 (2/1/00)
9 DE Reg. 104 (07/01/05)
9 DE Reg. 1986 (06/01/06)
14 DE Reg. 1107 (04/01/11)
17 DE Reg. 553 (11/01/13) (Final)