

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Statutory Authority: 24 Delaware Code, Section 8510A (24 Del.C. §8510A)

PROPOSED

PUBLIC NOTICE

8500 Rules and Regulations Regarding Mandatory Information to be Supplied to the State Bureau of Identification

The Delaware Division of Professional Regulation (Division) in cooperation with the Executive Director of the Delaware Criminal Justice Information System is proposing to adopt regulations governing what information the Division must supply to the State Bureau of Identification regarding the Division's investigations, civil enforcement actions or complaints, and changes in license status when such information is related to alleged criminal conduct.

The Director of the Division and the Executive Director of the Delaware Criminal Justice Information System Board solicit, and will consider, timely filed written comments from interested individuals and groups concerning these proposed regulations. The deadline for the filing of such written comments will be thirty days (30) after the proposed amended regulations are published in the Delaware *Register of Regulations*.

Written comments should be submitted to the Director in care of Shauna Slaughter, Division of Professional Regulation, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

The Director will review written submission and consider promulgating the proposed regulations after comment period closes.

8500 Rules and Regulations Regarding Mandatory Information to be Supplied to the State Bureau of Identification

1.0 Source of Authority: 11 Del.C. §8510A

The Rules and Regulations herein contained constitute, comprise, and shall be known as the Rules and Regulations Regarding Mandatory Information to be supplied to the State Bureau of identification and are hereby promulgated, pursuant to 24 Del.C. §8510A.

2.0 Definitions

Whenever used in these Rules and Regulations unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated.

2.1 "Bureau" shall mean the Delaware State Bureau of Identification

2.2 "DELJIS" shall mean the Delaware Criminal Justice Information System.

2.3 "Director" shall mean the Director of the Division of Professional Regulation.

2.4 "Division" shall mean the Delaware Department of State, Division of Professional Regulation.

2.5 "Executive Director" shall mean the Executive Director of the Delaware Criminal Justice Information System.

2.6 "LEISS" shall mean the Law Enforcement Investigative Support System.

2.7 "Licensee" shall mean persons licensed, certified or registered under Titles 16, 23, 24, 28 and 29.

3.0 Purpose

The purpose of the rules and regulations is to establish appropriate guidelines for the Division to comply with the mandates of Title 11, §8510A. These rules serve to publish the agreed upon guidelines for the submission of information by the Director or designee to the Executive Director of DELJIS.

4.0 Reports of Criminal Conduct

4.1 Any investigation of a complaint or mandatory report conducted by the Division when there is reasonable cause to believe that criminal conduct has occurred shall be reported to the Executive Director of DELJIS within 30 days of making that determination. The manner of reporting shall be through the LEISS or in any other manner prescribed by the Executive Director.

4.2 All civil enforcement actions taken by the Division when it has been determined that criminal conduct has occurred or when testimony presented in the accompanying hearing has established evidence of criminal conduct, shall be reported to the Executive Director of DELJIS within 30 days of determining the existence of criminal conduct on the part of any licensee or other person.

4.3 Any change in license status (suspension, probation or revocation) of a licensee as a result of a finding, either by investigation, Board Hearing, hearing before a Hearing Officer, consent agreement or testimony offered at a hearing, which establishes that the licensee has been involved in criminal conduct, shall be reported to the Executive Director of DELJIS within 30 days of determining that such criminal conduct has occurred.

5.0 Required Information

5.1 The information that is provided to the Executive Director of DELJIS by the Director shall include the full name, sex, DOB (if available), address and any other identifying information necessary to fully and properly identify the person being reported. The information reported will include sufficient details of the alleged criminal conduct that will allow other Criminal Justice Agencies to understand the alleged criminal conduct perpetrated by the person being reported. Types of criminal conduct that shall be reported include, but are not limited to, the following:

5.1.1 Medicaid Fraud

5.1.2 Insurance Fraud of any type

5.1.3 Sexual Misconduct including boundary violations

5.1.4 Tax Fraud

5.1.5 Drug offenses including over prescribing and diversion

5.1.6 Fraudulent activity in the trades (plumbing, HVAC and electrical)

6.0 Authorized DELJIS Access

Access to the DELJIS system shall be in compliance with policies and regulations promulgated by the Executive Director of DELJIS.