Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

3500 BOARD OF EXAMINERS OF PSYCHOLOGISTS

Statutory Authority: 24 Delaware Code, Section 3506(a)(1) (24 **Del.C.** §3506(a)(1))
24 **DE Admin. Code** 3500

FINAL

ORDER

3500 Board of Examiners of Psychologists

Pursuant to 29 **Del.C.** §10113(b)(5) and 24 **Del.C.** §3506(a)(1), the Delaware Board of Examiners of Psychologists issues this Order adopting the below amendments to the Board's regulations. Specifically, pursuant to 29 **Del.C.** §10113(b)(5), Regulations 6.1.1 and 7.1 of the Board of Examiners of Psychologists must be changed to make it consistent with newly adopted statutory changes in Title 24, Chapter 35 of the Delaware Code. These changes do not otherwise alter the substance of the regulations. In addition, Regulation 9.6 must be changed in order to correct a technical error pursuant to 29 **Del.C.** §10113(b)(4), as the term "relicensure" in an incorrect description of the process of renewal.

SUMMARY OF THE EVIDENCE

1. Rule 6.1.1 now states: "Programs that are accredited by the American Psychological Association are recognized as meeting the definition of a professional psychology program. The criteria for accreditation serves as a model for professional psychology training."
2. The Board makes the following change to this regulation (additions are underlined, removals are stricken through):

   6.1.1.1 Programs that are accredited by the American Psychological Association <u>and Psychological Clinical Science Accreditation System</u> are recognized as meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional psychology training.
3. Rule 7.1 now states:

   7.1 Predoctoral internship supervision as required by doctoral programs in psychology. The predoctoral internship consists of a minimum of 1,500 hours of actual work experience completed in not less than 48 weeks, nor more than 104 weeks. At least 50% of the predoctoral supervised experience must be in clinical services such as treatment, consultation, assessment, and report writing, with at least 25% of that time devoted to face-to-face direct patient/client contact. No more than 25% of time shall be allocated for research.
4. The Board makes the following change to this regulation (additions are underlined, removals are stricken through):

   7.1 Predoctoral internship supervision ~~as~~ <u>is</u> required by doctoral programs in psychology. The predoctoral internship consists of a minimum of 1,500 hours of actual work experience completed in not less than 48 weeks, nor more than 104 weeks. At least 50% of the predoctoral supervised experience must be in clinical services such as treatment, consultation, assessment, and report writing, with at least 25% of that time devoted to face-to-face direct patient/client contact. No more than 25% of time shall be allocated for research.
5. Board Rule 9.6 now states:

   9.6 Supervision of the psychological assistant by the Delaware licensed psychologist is to be a regular and formal process. It is required that the licensed psychologist and the psychological assistant have weekly one-on-one, face-to-face supervision with review of each case served by the psychological assistant. The supervising psychologist must be familiar with each patient/ client seen by the psychological assistant and with the ongoing progress of treatment. One hour of supervision for every ten hours, or fraction thereof, of direct clinical work by the psychological assistant is required as a minimum. For example, if a psychological assistant provides eight (8) hours of direct clinical service, he or she must receive a minimum of one (1) hour of supervision. Likewise, a psychological assistant, who has fifteen (15) hours of direct clinical contact, must receive at least two (2) hours of supervision. This supervision must be documented in writing on patient records. In addition, the supervising psychologist shall submit at the time of relicensure and at the termination of the supervision relationship a supervision report on a form provided by the Board which will become a part of the public record. It will contain information describing the date and amount of supervision and any unscheduled supervisory contact, as well as a brief assessment of the psychological assistant's functioning.
6. The Board makes the following change to this regulation (additions are underlined, removals are stricken through):

   9.6 Supervision of the psychological assistant by the Delaware licensed psychologist is to be a regular and formal process. It is required that the licensed psychologist and the psychological assistant have weekly one-on-one, face-to-face supervision with review of each case served by the psychological assistant. The supervising psychologist must be familiar with each patient/ client seen by the psychological assistant and with the ongoing progress of treatment. One hour of supervision for every ten hours, or fraction thereof, of direct clinical work by the psychological assistant is

required as a minimum. For example, if a psychological assistant provides eight (8) hours of direct clinical service, he or she must receive a minimum of one (1) hour of supervision. Likewise, a psychological assistant, who has fifteen (15) hours of direct clinical contact, must receive at least two (2) hours of supervision. This supervision must be documented in writing on patient records. In addition, the supervising psychologist shall submit at the time of ~~relicensure~~ renewal and at the termination of the supervision relationship a supervision report on a form provided by the Board which will become a part of the public record. It will contain information describing the date and amount of supervision and any unscheduled supervisory contact, as well as a brief assessment of the psychological assistant's functioning.

7. The effective date of this Order will be ten (10) days from the publication of this Order in the *Register of Regulations* on October 1, 2015.

SO ORDERED this 14th day of September, 2015.

BY THE DELAWARE BOARD OF EXAMINERS OF PSYCHOLOGISTS

Dr. Joseph Zingaro, President
Dr. Rachel A. Brandenburg, Vice President
Ronise Ball, Public Member
Dr. Richard Brokaw
Heather Contant, Public Member
Rachel Dunning
Victor Kennedy, Public Member, Secretary
Dr. Meghan Lines (absent)
Dr. Kristen Robust

3500 Board of Examiners of Psychologists

1.0 General Rules and Regulations

The Board of Examiners of Psychologists has been established under the 24 **Del.C.** Ch. 35, and current amendments to that Law. Within the framework of the Law, the Board has the responsibility for interpreting and implementing the legal provisions and requirements of the Law through the establishment of operating Rules and Regulations. The Board and the public may propose changes in the Rules and Regulations in accordance with the Administrative Procedures Act, 29 **Del.C.** Ch. 101.

2.0 Official Board Office

The official office of the Board of Examiners shall be in Dover in the Division of Professional Regulation and all correspondence must be addressed to this office in written form (including, electronic form such as email) before official action can be taken. In addition, the Division of Professional Regulation will provide an Administrative Specialist who will take notes at Board meetings, keep the records for the Board, and serve as a liaison between the Board and members of the public who have questions for the Board. The Division of Professional Regulation will also set fees to defray the cost of regulation.

18 DE Reg. 323 (10/01/14)

3.0 Meetings of the Board

The Board will hold such meetings during the year as it may deem necessary to review licensure applications and psychological assistant applications, evaluate continuing education, hold disciplinary hearings, or conduct other Board business. Either the President, or the majority of the Board may call a Board meeting. The Division of Professional Regulation, Board members, and the public shall be notified of the meeting agenda, time and location in accordance with the Freedom of Information Act.

4.0 Officers of the Board

The Board elects its own officers at the first meeting of each calendar year. The President of the Board sets the agendas of the meetings, chairs meetings, and represents the Board at state regulatory meetings, the American Association of State and Provincial Psychology Boards, and other organizations that may interface with the Board unless someone else is designated to attend in place of the President. The Vice President or Secretary acts for the President in the President's absence. The Secretary of the Board, in conjunction with the Administrative Assistant from the Division of Professional Regulation, is responsible for taking care of Board correspondence.

5.0 Procedures for Licensure

5.1 Application - Initial Licensure

5.1.1 An applicant who is applying for licensure as a psychologist shall submit evidence showing that he/she meets the requirements of 24 **Del.C.** §3508. An application for licensure, shall include:

5.1.1.1 Academic credentials documented by official transcripts showing completion of an educational program meeting the requirements of 24 **Del.C.** §3508(a)(1).

5.1.1.2 Supervised experience documented by having each supervisor complete a Supervisory Reference Form.

5.1.1.3 Evidence that the applicant passed the written "Examination for Professional Practice in Psychology", developed by the Association of State and Provincial Psychology Boards (ASPPB), by achieving the passing score recommended by the ASPPB for that particular examination (computer or paper) administration. Candidates who are not licensed in any other state must have passed the written examination within five (5) years of application for licensure in Delaware. Applicants who have not taken the examination must submit all other required documents to the Board for review prior to sitting for the examination. Only those applicants the Board determines are otherwise eligible for Delaware licensure shall be approved to sit for the examination, subject to the administration policies and procedures of the ASPPB. After sitting for the examination, applicants must supplement their application materials by submitting evidence of their passing score as recommended by the ASPPB.

5.1.1.4 Verification that the applicant has no past or pending disciplinary proceedings. [24 **Del.C.** §3508(a)(4)]

5.1.1.5 The application shall not be considered complete until all materials are received by the Board for review at an officially scheduled meeting. The applicant will have twelve (12) months from the date of initial submission of the application and fee to complete the application process.

5.2 Application - By Reciprocity

5.2.1 An applicant who is applying for licensure as a psychologist by reciprocity shall submit evidence that he/she meets the requirements of 24 **Del.C.** §3511. An application for licensure, by reciprocity shall include the following information, or alternatively, the information required by Rule 5.2.2:

5.2.1.1 Evidence that the applicant is licensed or certified in another state and that the applicant has practiced continuously, as a doctoral-level psychologist, in good standing in that jurisdiction for two (2) years.

5.2.1.2 Information identifying all jurisdictions in which the applicant has been or is currently licensed, certified or registered.

5.2.1.3 Evidence that the applicant passed the written Examination for Professional Practice of Psychology (EPPP). The Board shall accept the passing score recommended by the ASPPB for that particular examination (computer or paper) administration. For examinations taken prior to 1992, the Board shall accept either the ASPPB recommended passing score or the minimum passing score accepted by the Delaware Board in the year the examination was taken, whichever was lower.

5.2.1.4 Evidence that the candidate has received a doctoral degree from an American Psychological Association (APA) accredited program or a doctoral degree based on a program of studies which is psychological in content and specifically designed to train and prepare psychologists, meeting the criteria set forth in Regulation 6.1.1.

5.2.2 An applicant currently licensed in another state may satisfy the requirements for licensure by reciprocity by submitting information demonstrating that he or she has met the requirements for and holds a current Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB), or he or she is currently credentialed by the National Register of Health Service Providers in Psychology. Applicants under this section shall complete a brief application on a form approved by the Board.

5.3 Computer Based Testing Procedures

5.3.1 The EPPP is offered by computerized delivery. An applicant for examination shall complete an application for computer based-testing, available from the Board.

5.3.2 Once a candidate has been approved to sit for the EPPP by the Board, the Board shall forward a notice of approval to the examination service, which will then forward instructions to the examination candidate.

5.3.3 It shall be the responsibility of the applicant to schedule his or her EPPP administration with a test delivery site pursuant to the instructions given by the examination service.

5.3.4 The examination service will forward test results directly to the Board. Test results will not be available to the candidate at the testing center, nor will test results be given over the phone.

5.3.5 The Board shall notify the applicant of his or her examination score, and pass/fail status upon receipt of this information from the testing service.

5.3.6 If an applicant has been approved to sit for the EPPP by a jurisdiction other than Delaware, it shall be the responsibility of the applicant to arrange to have the score transferred to the Delaware Board.

5.3.7 An applicant who fails the examination may re-take the exam no sooner than 60 days after the prior examination date. An applicant may take the examination a maximum of four (4) times in any 12 month period. [24 **Del.C.** §§3506(a)(4).]

5.4 Inactive Status: A licensee may be placed on inactive status by the Board for a period of no more than five years. Requests for inactive status shall be made, in writing, to the Board and requests which exceed one year shall be renewed biennially at the time of regular license renewals.

5.4.1 To apply for reactivation of an inactive license, a licensee shall:

5.4.1.1 Submit a letter requesting reactivation;

5.4.1.2 Submit a prorated reactivation fee;

5.4.1.3 Be required to be fingerprinted by the State Bureau of Identification and provide all other necessary information in order to obtain a criminal background check; and

5.4.1.4 Submit proof of completion of the continuing education requirements below;

5.4.1.4.1 Inactive status for one year or less: 20 CE hours, including three hours of continuing education in ethics;

5.4.1.4.2 Inactive status for more than one year: 40 CE hours, including three hours of continuing education in ethics, completed within 24 months prior to reapplication.

3 DE Reg 1067 (2/1/00)
4 DE Reg. 979 (12/1/00)
4 DE Reg. 1794 (5/1/01)
10 DE Reg. 1728 (05/01/07)
17 DE Reg. 89 (07/01/13)
17 DE Reg. 1100 (05/01/14)

6.0 Evaluation of Credentials

6.1 Candidates for licensure as psychologists in the State of Delaware shall:

6.1.1 Have received a doctoral degree based on a program of studies which is psychological in content and specifically designed to train and prepare psychologists. The doctoral degree must be from a college or university, accredited as required by 24 **Del.C.** §3508(a)(1) having a graduate program which states its purpose to be the training and preparation of psychologists Graduates of non-United States (U.S.) degree programs will be required to have their credentials evaluated by a credential evaluation service approved by the National Association of Credential Evaluation Services, to determine equivalency to the accreditation requirements of §3508(a)(1) and equivalency of psychological content and training. The Board will consider programs to be psychological in content by the criteria established by the joint designation project of the Association of State and Provincial Psychology Boards and the Council for the National Register of Health Service Providers in Psychology, as follows:

6.1.1.1 Programs that are accredited by the American Psychological Association <u>and Psychological Clinical Science Accreditation System</u> are recognized as meeting the definition of a professional psychology program. The criteria for accreditation serves as a model for professional psychology training.

6.1.1.2 Or, all of the following criteria, (1) through (9):

6.1.1.2.1 Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

6.1.1.2.2 The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

6.1.1.2.3 The psychology program must stand as a recognizable, coherent organizational entity within the institution.

6.1.1.2.4 There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

6.1.1.2.5 The program must be an integrated, organized sequence of study.

6.1.1.2.6 There must be an identifiable psychology faculty and a psychologist responsible for the program.

6.1.1.2.7 The program must include a body of students who are matriculated in that program for a degree.

6.1.1.2.8 The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

6.1.1.2.9 The program specifies education and training objectives in terms of competencies expected of its graduates. Those competencies must be consistent with:

6.1.1.2.9.1 The program's philosophy and training models.

6.1.1.2.9.2 The substantive area(s) of professional psychology for which the program prepares students at the entry level of practice.

6.1.1.2.9.3 An understanding of professional issues, including ethical, legal, and quality assurance principles.

6.1.1.2.10 In achieving its objectives, the program has implemented a clear and coherent curriculum plan that provides the means whereby all students can acquire and demonstrate substantial understanding of and competence in the following areas:

6.1.1.2.10.1 The breadth of scientific psychology, its history of thought and development, its research methods, and its applications. To achieve this end, the students shall be exposed to the current body of knowledge in at least the following areas: biological aspects of behavior; cognitive and affective aspects of behavior; social aspects of behavior; history and systems of psychology; psychological measurement; research methodology; and techniques of data analysis:

6.1.1.2.10.2 The scientific, methodological, and theoretical foundations of practice in the substantive area(s) of professional psychology in which the program has its training emphasis. To achieve this end, the students shall be exposed to the current body of knowledge in at least the following areas: individual differences in behavior; human development; dysfunctional behavior or psychopathology; and professional standards and ethics:

6.1.1.2.10.3 Diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies (including training in empirically supported procedures). To achieve this end, students shall be exposed to the current body of knowledge in at least the following areas: theories and methods of assessment and diagnosis; effective intervention; consultation and supervision; and evaluating the efficacy of interventions; and

6.1.1.2.10.4 Issues of cultural and individual diversity that are relevant to all of the above.

6.2 Have had, after receiving the doctoral degree, at least 1 year of supervised experience in psychological work satisfactory to the Board; and

6.3 Have achieved the passing score on the written standardized Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards (ASPPB) or its successor; or

6.4 The Board will qualify for licensing without examination any person who applies for licensure and who is a Diplomate of the American Board of Professional Psychology. All such applicants must meet all other requirements for licensure.

2 DE Reg. 776 (11/1/98)
4 DE Reg. 980 (12/1/00)
9 DE Reg. 1107 (01/01/06)
15 DE Reg. 371 (09/01/11)

7.0 Supervised Experience

The types of supervision pertinent to licensure as a psychologist or registration as a psychological assistant are comprised of three types of supervisory experiences:

7.1 Predoctoral internship supervision ~~as~~ is required by doctoral programs in psychology. The predoctoral internship consists of a minimum of 1,500 hours of actual work experience completed in not less than 48 weeks, nor more than 104 weeks. At least 50% of the predoctoral supervised experience must be in clinical services such as treatment, consultation, assessment, and report writing, with at least 25% of that time devoted to face-to-face direct patient/client contact. No more than 25% of time shall be allocated for research.

7.2 Supervised postdoctoral experience is required for initial licensure. Postdoctoral experience must consist of 1,500 hours of actual work experience. This experience must be completed in not less than one calendar year and not more than three calendar years, save for those covered under 24 **Del.C.** §3519(e). For those individuals the accrual of 1,500 hours of supervised postdoctoral experience must take place within six calendar years from the time of hire. At least 25% of the 1500 hours of experience shall be devoted to direct service in the area of the applicant's academic training. "Direct service" consists of any activity defined as the

practice of psychology or the supervision of graduate students engaging in activities defined as the practice of psychology. There must be one hour of face-to-face supervision for every one to 10 hours of clinical work. The Board will consider requests to substitute group supervision for some portion of the one-to-one, face-to-face supervision requirement. A supervising psychologist must petition the Board and show good cause for this substitution. If the supervising psychologist's request is granted, no more than five (5) postdoctoral applicants may meet with the supervising psychologist at one time and there must be two (2) hours of group supervision in place of every one (1) hour of individual supervision. All postdoctoral applicants must have at least one (1) hour of individual supervision per week. The Board reserves the right to withdraw their permission for the substitution at any time. Not more than 25% of this supervision can be done by other licensed mental health professionals besides psychologists.

The purpose of the postdoctoral supervision is to train psychologists to practice at an independent level. This experience should be an organized educational and training program with explicit goals and a clear plan to meet those goals. There should be regular written evaluations based on this program.

7.3 Supervision of psychological assistants is required at the frequency of one hour of face-to-face supervision for every 1-10 hours of clinical work by the psychological assistants, as required by Section 9 of the Rules and Regulations. An individual registered as a psychological assistant may or may not be receiving supervision in pursuit of independent licensure as a psychologist.

7.4 A psychologist providing either postdoctoral supervision or supervision of psychological assistants must have been in practice for two years post licensure in this or any other jurisdiction without having been subject to any disciplinary actions. He/she must provide 24-hour availability to both the supervisee and the supervisee's clients, or ensure that adequate alternative coverage is provided in the supervisor's absence. The supervising psychologist shall have sufficient knowledge of all clients including face-to-face contact when necessary and must be employed or under contract in the setting where the clinical service takes place and the supervision must occur within that setting.

2 DE Reg. 776 (11/1/98)
6 DE Reg. 1338 (4/1/03)
12 DE Reg. 1108 (02/01/09)
17 DE Reg. 89 (07/01/13)

8.0 Failure to Pass Examination

Applicants may take the Examination for the Professional Practice in Psychology as many times as they choose. Intervals between testing will be determined by the testing agency and the ASPPB.

9.0 Psychological Assistants

9.1 A psychological assistant is an individual who meets the requirements of 24 **Del.C.** §3509(2a-2e). This individual may be registered as a psychological assistant in order to receive supervision to be eligible for later licensure to practice independently as a psychologist and/or for any other reason as recognized by law.

9.2 Psychological assistants are supervised, directed, and evaluated by a Delaware licensed psychologist who assumes professional and legal responsibility for the services provided.

9.2.1 Any Delaware licensed psychologist who has had a least two (2) years of experience following the granting of licensure in this or in any other state may supervise a maximum of seven (7) psychological assistants.

9.2.2 It is the responsibility of the supervising psychologist in conjunction with the psychological assistant to diagnose and form treatment plans for patients seen by the psychological assistant and to file such plan in the patient/client's chart.

9.2.3 The patient/client must be informed that services are being delivered by a psychological assistant and that the licensed psychologist is responsible for the treatment.

9.2.4 The patient/client shall sign a statement of informed consent attesting that he/she understands that the services are being delivered by a psychological assistant and that the licensed psychologist is ultimately responsible for his/her treatment. This document shall include the supervising psychologist's name and the telephone number where he/she can be reached. One copy shall be filed with the patient/client's record and another given to the patient.

9.3 The Delaware licensed psychologist is identified as the legally and ethically responsible party in all advertising, public announcements, and billings. In addition, billings and advertisements will clearly indicate that the service is being provided by a psychological assistant. All treatment and evaluation reports prepared by the psychological assistant must be signed by the psychologist and the psychological assistant.

9.4 The Delaware licensed psychologist who accepts the responsibility of using a psychological assistant shall develop and maintain a current, written job description delineating the range and type of duties, educational

practicum and clinical experience to be assigned to the psychological assistant, limits of independent action, emergency procedures for contacting the supervising psychologist, and the amount and type of supervision to be provided. This job description must be signed by the psychologist and the psychological assistant and will be filed in the Division of Professional Regulation, along with an official copy of the psychological assistant's college transcript, and proof of a 450-hour clinical practicum supervised by a licensed psychologist or by a faculty member in a nationally accredited doctoral level clinical training program in the State of Delaware who is actively pursuing licensure. The psychological assistant will also provide a statement under oath as outlined in 24 **Del.C.** §3509(b1 - b3).

9.5 The Board will then review credentials, job description and supervisory arrangements, and if the arrangements are acceptable, will inform the psychologist in writing that the psychological assistant can begin work. No psychological assistant shall begin work until the Board has approved the application. Registration for psychological assistants expires biennially and continued performance of the duties of a psychological assistant requires proof of twenty (20) hours of continuing education and payment of the renewal fee.

9.6 Supervision of the psychological assistant by the Delaware licensed psychologist is to be a regular and formal process. It is required that the licensed psychologist and the psychological assistant have weekly one-on-one, face-to-face supervision with review of each case served by the psychological assistant. The supervising psychologist must be familiar with each patient/ client seen by the psychological assistant and with the ongoing progress of treatment. One hour of supervision for every ten hours, or fraction thereof, of direct clinical work by the psychological assistant is required as a minimum. For example, if a psychological assistant provides eight (8) hours of direct clinical service, he or she must receive a minimum of one (1) hour of supervision. Likewise, a psychological assistant, who has fifteen (15) hours of direct clinical contact, must receive at least two (2) hours of supervision. This supervision must be documented in writing on patient records. In addition, the supervising psychologist shall submit at the time of ~~relicensure~~ renewal and at the termination of the supervision relationship a supervision report on a form provided by the Board which will become a part of the public record. It will contain information describing the date and amount of supervision and any unscheduled supervisory contact, as well as a brief assessment of the psychological assistant's functioning.

9.6.1 The Board will consider requests to substitute group supervision for some portion of the one-to-one, face-to-face supervision requirement. A supervising psychologist must petition the Board and show good cause for this substitution. If the supervising psychologist's request is granted, no more than five (5) psychological assistants may meet with the supervising psychologist at one time and there must be two (2) hours of group supervision in place of every one (1) hour of individual supervision. All psychological assistants must have at least one (1) hour of individual supervision per week. The Board reserves the right to withdraw their permission for the substitution at any time.

9.7 Psychological Assistants are to work in the office of the licensed psychologist so as to have regular and continued supervision. When the licensed psychologist is not in the office, he or she must provide clear contingency plans for consultation for the psychological assistant. It is assumed that the psychologist will be available to the psychological assistant under most circumstances; therefore, arrangements in which the supervising psychologist is employed full time elsewhere will not be approved, unless it can be demonstrated that there will be adequate supervision and contingency coverage of the psychological assistant. Supervising psychologists must describe in their application for the psychological assistant how much supervision they will provide and how that supervision will be provided.

9.8 Psychological assistants who work for agencies must be supervised by a psychologist employed by or under contract to the agency. Supervision must occur on site, and the agency must have clearly spelled out plans for providing consultation and backup when the supervising psychologist is not on site. A psychological assistant, who provides services that are under the direction of different psychologists, must be registered as a psychological assistant by all of the psychologists who are directly supervising the clinical work.

9.9 When there is a complaint of incompetent, improper, or unethical behavior on the part of the psychological assistant, in addition to the disciplinary action against the psychological assistant, disciplinary action may be taken against the supervising psychologist for failing to provide adequate supervision of the psychological assistant. The Board reserves the right to suspend or revoke the Delaware licensed psychologist's privilege of hiring a psychological assistant when just cause has been established through a formal hearing. Violation of this regulation may constitute cause for suspending or revoking the future privilege of hiring a psychological assistant.

9.10 Patients/clients are always the responsibility of the supervising psychologist. Termination or transfer plans must be worked out with the approval of the supervising psychologist. A psychological assistant will be considered to be working for the supervising psychologist until the Board of Examiners is notified in writing of the change in arrangements. The letter terminating a psychological assistant arrangement must also specify when the supervising psychologist is terminating the arrangement because of concerns about the ethical or professional behavior of the psychological assistant.

2 DE Reg. 776 (11/1/98)
18 DE Reg. 323 (10/01/14)

10.0 Continuing Education

10.1 Hours required.

10.1.1 The biennial licensing period begins August 1 of each odd-numbered year and ends July 31 of the next odd-numbered year.

10.1.2 Psychologists must obtain 40 hours of continuing education during each biennial licensing period in order to be eligible for renewal of license. A minimum of ten hours of continuing education credit must be obtained via face to face or live webinar. Effective as of the license renewal period beginning August 1, 2009, all psychologists must complete three hours of continuing education in ethics.

10.1.3 Psychological assistants must obtain 20 hours of continuing education during each biennial licensing period for re-registration. Effective as of the license renewal period beginning August 1, 2009, all psychological assistants must complete three hours of continuing education in ethics.

10.1.4 A "**continuing education hour**" is defined as one sixty-minute period, unless otherwise specified.

10.2 Proration of CE Requirement for New Licensees

10.2.1 The CE requirement for a licensee's initial licensing period shall be prorated as follows:

10.2.1.1 If an applicant is granted a psychologist license during the first six months of a license period, i.e., between July 31 of an odd-numbered year and January 31 of the next year, the new licensee must complete 30 CEs. An applicant granted a psychological assistant license in the same time period must complete 15 CEs in the initial licensing period.

10.2.1.2 If an applicant is granted a psychologist license during the second six months of a license period, i.e., between February 1 of an even-numbered year and July 31 of that same year, the new licensee must complete 20 CEs. An applicant granted a psychological assistant license in the same time period must complete 10 CEs in the initial licensing period.

10.2.1.3 If an applicant is granted a psychologist license during the third six months of a license period, i.e., between the dates of August 1 of an even-numbered year and January 31 of the next year, the licensee must complete 10 CEs. An applicant granted a psychological assistant license in the same time period must complete 5 CEs in the initial licensing period.

10.2.1.4 Any applicant granted a license during the last six months of a license period, i.e., between the dates of February 1 of an odd-numbered year and July 31 of that same year, need not complete any CEs during that period.

10.3 Hardship. An applicant for license renewal or registered psychological assistant may be granted an extension of time in which to complete continuing education hours upon a showing of hardship. Hardship may include, but is not limited to, disability, illness, extended absence from the jurisdiction and exceptional family responsibilities. Requests for hardship consideration must be submitted to the Board in writing prior to the end of the licensing period, along with payment of the appropriate renewal fee. No extension shall be granted for more than 120 days after the end of the licensing period. A license shall be renewed upon approval of the hardship extension by the Board, but the license shall be subject o revocation if the licensee does not complete the requisite continuing education pursuant to the terms of the extension.

10.4 It is the responsibility of the psychologist or psychological assistant to maintain documentation of his/her continuing education for one year after the licensing period expires. Documentation of continuing education will consist of the information specified in 13.4.3.

10.5 The subject of the continuing education must contribute directly to the professional competency of a person licensed to practice as a psychologist or registered as a psychological assistant. The activity must have significant intellectual or practical content and deal with psychological techniques, issues or ethical standards relevant to the practice of psychology.

10.6 Activities from APA-approved continuing education sponsors will be automatically accepted. The following may be eligible:

10.6.1 Other programs which are not APA-approved sponsors but where the material is relevant to professional practice and provides the equivalent of APA-defined credit. An applicant must provide a brochure or other documentation that supports the following criteria: relevance, stated objectives, faculty and educational objectives. To document attendance and completion, a certificate of attendance is required. In these circumstances, hours will be accrued on the basis of clock hours involved in the training.

10.6.2 Graduate courses relevant to professional practice taken for educational credit offered by a regionally accredited academic institution of higher education. Each credit hour of a course is equivalent to 5 CE hours.

10.6.3 Teaching an undergraduate or graduate level course in applied psychology at an accredited institution. Teaching a 3 hour semester or quarter course is considered the equivalent of 5 CE credits. No more than 5 CE credits may be completed in this manner for any renewal period and can be submitted only for the first time that a course is presented. Appropriate documentation of teaching must include the listing of the course in the school catalog and a letter from the academic institution stating that the course was taught.

10.6.4 Teaching of a workshop or conduction of a seminar on a topic of pertinence to the practice of psychology. No more than 5 CE credits may be completed in this manner for any renewal period and can be submitted only for the first time that a course is presented. However, credit can be earned only once for teaching a particular seminar or workshop and not be eligible for re-submission at any time. Appropriate documentation is considered to be the brochure and demonstration of the workshop being held by the sponsoring entity.

10.6.5 Authorship, editing or reviewing of a publication. Credit may be earned only in the year of the publication and is limited to the following:

10.6.5.1 Author of a book (maximum of 30 CE hours per renewal period)

10.6.5.2 Author of a book chapter or journal article (maximum of 15 CE hours per renewal period)

10.6.5.3 Editor of a book (maximum of 25 CE hours per renewal period)

10.6.5.4 Editor of or reviewer for a scientific or professional journal recognized by the Board (maximum 25 CE hours per renewal period)

10.6.5.5 Proof of the above (10.6.5.1 - 10.6.5.4) must include the submission of the work or documentation of authorship by copy of title pages.

10.6.6 Preparing and presenting a scientific or professional paper or poster at a meeting of a professional or scientific organization. Up to 2 hours may be claimed for a poster presentation. Up to 3 hours of credit may be claimed for each hour of paper presentation, with a maximum of 8 CE hours per paper. Listing within the program and certificate letters of attendance at the meeting is appropriate documentation for both a paper or poster presentation.

10.7 The Board reserves the right to reject any CE credit, if it is outside the scope of the practice of psychology.

10.8 The following will not be considered for credit: service to organizations; attending business meetings of professional organizations; business management or office administration courses; group supervision; or case conferences.

2 DE Reg. 776 (11/1/98)
4 DE Reg. 983 (12/1/00)
10 DE Reg. 1728 (05/01/07)
13 DE Reg. 124 (07/01/09)
17 DE Reg. 89 (07/01/13)
18 DE Reg. 323 (10/01/14)

11.0 Record Retention

Licensees must adhere to the most recent version of the American Psychological Association's Record Keeping Guidelines. The most recent version can usually be found in the APA's website www.apa.org. The record retention schedules in the Record Keeping Guidelines may be superseded by the requirements under state law or of other authorities or entities, such as the licensee's insurance carrier. The longest required retention period for any class of records should be followed. It is the licensee's responsibility to determine the proper schedule to follow.

11 DE Reg. 1669 (06/01/08)

12.0 Complaint Procedures

12.1 Complaints against psychologists and psychological assistants will be investigated as provided by 29 **Del.C.** §8807 and all hearings shall be conducted in accordance with the Administrative Procedures Act, 29 **Del.C.** Ch. 101.

12.2 Complaints must be filed, in writing, with the Division of Professional Regulation.

13.0 License Renewal

13.1 Renewal notices will be mailed to the current address on file in the Board's records in a timely fashion to all psychologists and psychological assistants who are currently licensed or registered. It shall be the responsibility of each psychologist and psychological assistant to advise the Board, in writing, of a change of name or address.

13.2 Continuing education requirements must be fulfilled as detailed in Section 10.0 of the Rules and Regulations. The Board may, in its discretion, grant a license renewal under the terms of a continuing education hardship extension pursuant to rule 10.3.

13.3 If a psychologist or a psychological assistant fails to renew or obtain a hardship exception by July 31, he or she may renew at any time until August 31 of that same year, upon payment of a late fee. In accord with Section 3507(b), whenever a license to practice or registration has expired, it is unlawful for the licensee/registration to practice while the license or registration is expired.

13.4 Proof of continuing education is satisfied with an attestation by the licensee that he or she has satisfied the requirements of Rule 10.0.

13.4.1 Attestation is completed electronically.

13.4.2 Licensees selected for random audit will be required to supplement the attestation with attendance verification pursuant to Rule 7.4.

13.5 Random post-renewal audits will be performed by the Board to ensure compliance with the CE requirements.

13.5.1 The Board will notify licensees within sixty (60) days after the end of a license renewal period (July 31 of odd-numbered years) that they have been selected for audit.

13.5.2 Licensees selected for random audit shall be required to submit verification within ten days of the date on the notification of selection for audit.

13.5.3 Verification shall include such information necessary for the Board to assess whether the course or other activity meets the CE requirements in Section 10.0, which may include, but is not limited to, the following information:

13.5.3.1 Appropriate documentation as outlined in Rule 10.6; and/or

13.5.3.2 Proof of attendance. While course brochures may be used to verify continuing education hours, they are not considered to be acceptable proof for use of verification of course attendance;

13.5.3.3 Date and location of CE course;

13.5.3.4 Instructor of CE course;

13.5.3.5 Sponsor of CE course;

13.5.3.6 Title of CE course; and

13.5.3.7 Number of hours of CE course.

13.5.4 The Board shall review all documentation submitted by licensees pursuant to the CE audit. If the Board determines that the licensee has met the CE requirements, his or her license shall remain in effect. If the Board determines that the licensee has not met the CE requirements, the licensee shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying the noncompliance with the CE requirements. Unjustified noncompliance with the CE requirements set forth in these rules and regulations may result in the licensee being subject to one or more of the disciplinary sanctions set forth in 24 **Del.C.** §3516.

13.5.4.1 Make-Up of Disallowed Hours - In the event that the board disallows certain continuing education credits, the licensee shall have three months after the date of the Board's disallowance notice in order to complete the remaining required credits. These "make-up" credits may not be used toward the subsequent renewal period.

4 DE Reg. 984 (12/1/00)
10 DE Reg. 1728 (05/01/07)
13 DE Reg. 124 (07/01/09)
18 DE Reg. 323 (10/01/14)

14.0 Procedures for Licensure Applicable to Full Time Faculty Members in a Nationally Accredited Doctoral Level Clinical Training Program in the State of Delaware

14.1 University faculty employed full time in a nationally accredited doctoral level clinical training program in the State of Delaware, as specified in 24 **Del.C.** §3519(e), who are not licensed, are subject to the following rules and regulations:

14.1.1 Notification. Such individuals must notify the Board of Examiners of Psychologists no later than 30 days after the commencement of employment, indicating employer, position and date employment began. At that time they will receive a copy of the statute and Rules and Regulations which detail the exemption under which they operate.

14.1.2 Professional Activities. These individuals may participate in activities defined by statute as the practice of psychology (including the supervision of matriculated graduate students) only within the context of a

clinical training program. They may conduct any research and teaching activities related to the activities of such a program.

14.1.3 Education. Such individuals must have completed the doctoral degree at the time employment commences consistent with 24 **Del.C.** §3508(a).

14.1.4 Active Pursuit of Licensure. Such individuals are required to be in active pursuit of licensure for a period not to exceed six (6) years. The six year time frame for the completion of licensure requirements commences with the initial date of employment. The six-year time frame for individuals employed as of June 12, 1995 commenced on that date.

14.1.5 Supervision. The supervised experience required for licensure of such individuals is described in Section 7.0 of the Rules and Regulations.

2 DE Reg. 776 (11/1/98)

15.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

15.1 If the report is received by the chairperson of the regulatory Board, that chairperson 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 chairperson of the regulatory Board, or that chairperson's designate or designates.

15.2 The chairperson of the regulatory Board or that chairperson'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.

15.3 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 screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designate(s).

15.4 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 chairperson or that chairperson'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 chairperson of the participating Board or that chairperson'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 chairperson of the participating Board.

15.5 Failure to cooperate fully with the participating Board chairperson or that chairperson'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 chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 15.8 of this section.

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

15.6.1 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.

15.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson'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 chairperson of the participating Board or that chairperson'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.

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

15.6.4 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.

15.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson 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.

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

15.7 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.

15.8 The participating Board's chairperson, 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.

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

15.10 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.

15.11 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.

15.12 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.

16.0 Hearings - Requests for Postponement

Requests for postponements of any matter scheduled before the Board shall be submitted to the Board's office in writing no less than three (3) business days before the date scheduled for the hearing. Absent a showing of exceptional circumstances, there shall be a maximum of one postponement allowed to each party to any hearing.

5 DE Reg. 612 (9/1/01)

17.0 Crimes substantially related to the practice of psychology:

17.1 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 psychology in the State of Delaware without regard to the place of conviction:

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

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

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

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

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

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

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

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

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

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

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

17.1.12 Terroristic threatening. 11 **Del.C.** §621(a) and (b).
17.1.13 Unlawfully administering drugs. 11 **Del.C.** §625.
17.1.14 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 **Del.C.** §626.
17.1.15 Prohibited acts as to substances releasing vapors or fumes. 11 **Del.C.** §627.
17.1.16 Vehicular assault in the first degree. 11 **Del.C.** §629.
17.1.17 Vehicular homicide in the second degree. 11 **Del.C.** §630.
17.1.18 Vehicular homicide in the first degree. 11 **Del.C.** §630A.
17.1.19 Criminally negligent homicide. 11 **Del.C.** §631.
17.1.20 Manslaughter. 11 **Del.C.** §632.
17.1.21 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633
17.1.22 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634.
17.1.23 Murder in the second degree. 11 **Del.C.** §635.
17.1.24 Murder in the first degree. 11 **Del.C.** §636.
17.1.25 Promoting suicide. 11 **Del.C.** §645.
17.1.26 Abortion. 11 **Del.C.** §651.
17.1.27 Self abortion. 11 **Del.C.** §652.
17.1.28 Issuing abortional articles. 11 **Del.C.** §653.
17.1.29 Sexual harassment. 11 **Del.C.** §763.
17.1.30Indecent exposure in the second degree. 11 **Del.C.** §764.
17.1.31 Indecent exposure in the first degree. 11 **Del.C.** §765.
17.1.32 Incest. 11 **Del.C.** §766.
17.1.33 Unlawful sexual contact in the third degree. 11 **Del.C.** §767.
17.1.34 Unlawful sexual contact in the second degree. 11 **Del.C.** §768.
17.1.35 Unlawful sexual contact in the first degree. 11 **Del.C.** §769.
17.1.36 Rape in the fourth degree. 11 **Del.C.** §770.
17.1.37 Rape in the third degree. 11 **Del.C.** §771.
17.1.38 Rape in the second degree. 11 **Del.C.** §772.
17.1.39 Rape in the first degree. 11 **Del.C.** §773.
17.1.40 Sexual extortion. 11 **Del.C.** §776.
17.1.41 Bestiality. 11 **Del.C.** §777.
17.1.42 Continuous sexual abuse of a child. 11 **Del.C.** §778.
17.1.43 Dangerous crime against a child. 11 **Del.C.** §779.
17.1.44 Female genital mutilation. 11 **Del.C.** §780.
17.1.45 Unlawful imprisonment in the second degree. 11 **Del.C.** §781.
17.1.46 Unlawful imprisonment in the first degree. 11 **Del.C.** §782.
17.1.47 Kidnapping in the second degree. 11 **Del.C.** §783.
17.1.48 Kidnapping in the first degree. 11 **Del.C.** §783A.
17.1.49 Interference with custody. 11 **Del.C.** §785.
17.1.50 Acts constituting coercion. 11 **Del.C.** §791.
17.1.51 Arson in the third degree. 11 **Del.C.** §801.
17.1.52 Arson in the second degree. 11 **Del.C.** §802.
17.1.53 Arson in the first degree. 11 **Del.C.** §803.
17.1.54 Cross or religious symbol burning. 11 **Del.C.** §805.
17.1.55 Criminal mischief. 11 **Del.C.** §811.
17.1.56 Trespassing with intent to peer or peep into a window of another. 11 **Del.C.** §820.
17.1.57 Burglary in the third degree. 11 **Del.C.** §824.
17.1.58 Burglary in the second degree. 11 **Del.C.** §825.
17.1.59 Burglary in the first degree. 11 **Del.C.** §826.
17.1.60 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828.
17.1.61 Robbery in the second degree. 11 **Del.C.** §831.
17.1.62 Robbery in the first degree. 11 **Del.C.** §832.

17.1.63 Carjacking in the second degree. 11 **Del.C.** §835.
17.1.64 Carjacking in the first degree. 11 **Del.C.** §836.
17.1.65 Shoplifting; felony. 11 **Del.C.** §840.
17.1.66 Use of illegitimate retail sales receipt or Universal Product Code Label; felony. 11 **Del.C.** §840A.
17.1.67 Theft. 11 **Del.C.** §841.
17.1.68 Theft; false pretense. 11 **Del.C.** §843.
17.1.69 Theft; false promise. 11 **Del.C.** §844.
17.1.70 Theft of services. 11 **Del.C.** §845.
17.1.71 Extortion. 11 **Del.C.** §846.
17.1.72 Misapplication of property. 11 **Del.C.** §848.
17.1.73 Theft of rented property. 11 **Del.C.** §849.
17.1.74 Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices. 11 **Del.C.** §850.
17.1.75 Receiving stolen property. 11 **Del.C.** §851
17.1.76 Identity theft. 11 **Del.C.** §854.
17.1.77 Larceny of livestock. 11 **Del.C.** §859.
17.1.78 Possession of shoplifters tools or instruments facilitating theft. 11 **Del.C.** §860.
17.1.79 Forgery. 11 **Del.C.** §861.
17.1.80 Possession of forgery devices. 11 **Del.C.** §862.
17.1.81 Falsifying business records. 11 **Del.C.** §871.
17.1.82 Tampering with public records in the second degree 11 **Del.C.** §873.
17.1.83 Tampering with public records in the first degree. 11 **Del.C.** §876.
17.1.84 Offering a false instrument for filing. 11 **Del.C.** §877.
17.1.85 Issuing a false certificate. 11 **Del.C.** §878.
17.1.86 Bribery. 11 **Del.C.** §881.
17.1.87 Bribe receiving. 11 **Del.C.** §882.
17.1.88 Defrauding secured creditors. 11 **Del.C.** §891.
17.1.89 Fraud in insolvency. 11 **Del.C.** §892.
17.1.90 Interference with levied-upon property. 11 **Del.C.** §893.
17.1.91 Issuing a bad check. 11 **Del.C.** §900.
17.1.92Unlawful use of credit card. 11 **Del.C.** §903.
17.1.93 Reencoder and scanning devices. 11 **Del.C.** §903A.
17.1.94 Deceptive business practices. 11 **Del.C.** §906.
17.1.95 Criminal impersonation. 11 **Del.C.** §907.
17.1.96 Criminal impersonation, accident related. 11 **Del.C.** §907A.
17.1.97 Criminal impersonation of a police officer. 11 **Del.C.** §907B.
17.1.98 Unlawfully concealing a will. 11 **Del.C.** §908.
17.1.99 Securing execution of documents by deception. 11 **Del.C.** §909.
17.1.100Debt adjusting. 11 **Del.C.** §910.
17.1.101Fraudulent conveyance of public lands. 11 **Del.C.** §911.
17.1.102Fraudulent receipt of public lands. 11 **Del.C.** §912.
17.1.103Insurance fraud. 11 **Del.C.** §913.
17.1.104Health care fraud. 11 **Del.C.** §913A.
17.1.105Home improvement fraud. 11 **Del.C.** §916.
17.1.106New home construction fraud. 11 **Del.C.** §917.
17.1.107Transfer of recorded sounds. 11 **Del.C.** §920.
17.1.108Sale of transferred recorded sounds. 11 **Del.C.** §921.
17.1.109Improper labeling. 11 **Del.C.** §922.
17.1.110Unauthorized access. 11 **Del.C.** §932.
17.1.111Theft of computer services. 11 **Del.C.** §933.
17.1.112Interruption of computer services. 11 **Del.C.** §934.

17.1.113Misuse of computer system information. 11 **Del.C.** §935.
17.1.114Destruction of computer equipment. 11 **Del.C.** §936.
17.1.115Unrequested or unauthorized electronic mail or use of network or software to cause same. 11 **Del.C.** §937.
17.1.116Failure to promptly cease electronic communication upon request. 11 **Del.C.** §938.
17.1.117Bigamy. 11 **Del.C.** §1001.
17.1.118Bigamous marriage contracted outside of the State. 11 **Del.C.** §1002.
17.1.119Dealing in children. 11 **Del.C.** §1100.
17.1.120Abandonment of child. 11 **Del.C.** §1101.
17.1.121Endangering the welfare of a child. 11 **Del.C.** §1102.
17.1.122Endangering the welfare of an incompetent person. 11 **Del.C.** §1105.
17.1.123Unlawfully dealing with a child. 11 **Del.C.** §1106.
17.1.124Sexual exploitation of a child. 11 **Del.C.** §1108.
17.1.125Unlawfully dealing in child pornography. 11 **Del.C.** §1109.
17.1.126Possession of child pornography. 11 **Del.C.** §1111.
17.1.127Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112.
17.1.128Sexual solicitation of a child. 11 **Del.C.** §1112A.
17.1.129Criminal non-support and aggravated criminal non-support. 11 **Del.C.** §1113.
17.1.130Body-piercing, tattooing or branding. 11 **Del.C.** §1114.
17.1.131Tongue-splitting. 11 **Del.C.** §1114A.
17.1.132Distribution of tobacco products. 11 **Del.C.** §1120.
17.1.133Bribery. 11 **Del.C.** §1201
17.1.134Receiving a bribe; felony. 11 **Del.C.** §1203.
17.1.135Giving unlawful gratuities. 11 **Del.C.** §1205.
17.1.136Receiving unlawful gratuities. 11 **Del.C.** §1206.
17.1.137Improper influence. 11 **Del.C.** §1207.
17.1.138Official misconduct. 11 **Del.C.** §1211.
17.1.139Profiteering. 11 **Del.C.** §1212.
17.1.140Perjury in the third degree. 11 **Del.C.** §1221.
17.1.141Perjury in the second degree. 11 **Del.C.** §1222.
17.1.142Perjury in the first degree. 11 **Del.C.** §1223.
17.1.143Making a false written statement. 11 **Del.C.** §1233.
17.1.144Wearing a disguise during the commission of a felony. 11 **Del.C.** §1239.
17.1.145Terroristic threatening of public officials or public servants. 11 **Del.C.** §1240.
17.1.146Obstructing fire-fighting operations. 11 **Del.C.** §1243.
17.1.147Hindering prosecution; felony. 11 **Del.C.** §1244.
17.1.148Falsely reporting an incident. 11 **Del.C.** §1245.
17.1.149Obstructing the control and suppression of rabies; felony. 11 **Del.C.** §1248.
17.1.150Abetting the violation of driver's license restrictions. 11 **Del.C.** §1249.
17.1.151Offenses against law-enforcement animals. 11 **Del.C.** §1250.
17.1.152Escape in the second degree. 11 **Del.C.** §1252.
17.1.153Escape after conviction. 11 **Del.C.** §1253.
17.1.154Assault in a detention facility. 11 **Del.C.** §1254.
17.1.155Promoting prison contraband; felony. 11 **Del.C.** §1256.
17.1.156Use of an animal to avoid capture. 11 **Del.C.** §1257A.
17.1.157Sexual relations in a detention facility. 11 **Del.C.** §1259.
17.1.158Misuse of prisoner mail; felony. 11 **Del.C.** §1260.
17.1.159Bribing a witness. 11 **Del.C.** §1261.
17.1.160Bribe receiving by a witness. 11 **Del.C.** §1262.
17.1.161Tampering with a witness. 11 **Del.C.** §1263.
17.1.162Interfering with child witness. 11 **Del.C.** §1263A.

17.1.163Bribing a juror. 11 **Del.C.** §1264.
17.1.164Bribe receiving by a juror. 11 **Del.C.** §1265.
17.1.165Tampering with a juror. 11 **Del.C.** §1266.
17.1.166Misconduct by a juror. 11 **Del.C.** §1267.
17.1.167Tampering with physical evidence. 11 **Del.C.** §1269.
17.1.168Criminal contempt of a domestic violence protective order. 11 **Del.C.** §1271A.
17.1.169Unlawful grand jury disclosure. 11 **Del.C.** §1273.
17.1.170Riot. 11 **Del.C.** §1302.
17.1.171Hate crimes. 11 **Del.C.** §1304.
17.1.172Aggravated harassment. 11 **Del.C.** §1312.
17.1.173Stalking. 11 **Del.C.** §1312A.
17.1.174Malicious interference with emergency communications. 11 **Del.C.** §1313.
17.1.175Criminal nuisance. 11 **Del.C.** §1322.
17.1.176Cruelty to animals. 11 **Del.C.** §1325.
17.1.177Unlawful trade in dog or cat by-products. 11 **Del.C.** §1325A.
17.1.178Animals; fighting and baiting prohibited; felony. 11 **Del.C.** §1326.
17.1.179Maintaining a dangerous animal; felony. 11 **Del.C.** §1327.
17.1.180Abusing a corpse. 11 **Del.C.** §1332.
17.1.181Trading in human remains and associated funerary objects. 11 **Del.C.** §1333.
17.1.182Violation of privacy. 11 **Del.C.** §1335.
17.1.183Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 **Del.C.** §1338.
17.1.184Adulteration. 11 **Del.C.** §1339.
17.1.185Prostitution. 11 **Del.C.** §1342.
17.1.186Patronizing a prostitute prohibited. 11 **Del.C.** §1343.
17.1.187Promoting prostitution in the third degree. 11 **Del.C.** §1351.
17.1.188 Promoting prostitution in the second degree. 11 **Del.C.** §1352.
17.1.189Promoting prostitution in the first degree. 11 **Del.C.** §1353.
17.1.190Permitting prostitution. 11 **Del.C.** §1355.
17.1.191Obscenity. 11 **Del.C.** §1361.
17.1.192Advancing gambling in the second degree. 11 **Del.C.** §1401.
17.1.193Foreign lotteries. 11 **Del.C.** §1402.
17.1.194Advancing gambling in the first degree. 11 **Del.C.** §1403.
17.1.195Carrying a concealed deadly weapon. 11 **Del.C.** §1442.
17.1.196Carrying a concealed dangerous instrument. 11 **Del.C.** §1443**.**
17.1.197Possessing a destructive weapon. 11 **Del.C.** §1444.
17.1.198Unlawfully dealing with a dangerous weapon. 11 **Del.C.** §1445.
17.1.199Possession of a deadly weapon during commission of a felony. 11 **Del.C.** §1447.
17.1.200Possession of a firearm during commission of a felony. 11 **Del.C.** §1447A.
17.1.201Possession and purchase of deadly weapons by persons prohibited. 11 **Del.C.** §1448.
17.1.202Criminal history record checks for sales of firearms. 11 **Del.C.** §448A.
17.1.203Wearing body armor during commission of felony. 11 **Del.C.** §1449.
17.1.204Receiving a stolen firearm. 11 **Del.C.** §1450.
17.1.205Theft of a firearm. 11 **Del.C.** §1451.
17.1.206Unlawfully dealing with knuckles-combination knife. 11 **Del.C.** §1452.
17.1.207Unlawfully dealing with martial arts throwing star. 11 **Del.C.** §1453.
17.1.208Giving a firearm to person prohibited. 11 **Del.C.** §1454.
17.1.209Engaging in a firearms transaction on behalf of another. 11 **Del.C.** §1455.
17.1.210Possession of a weapon in a Safe School and Recreation Zone. 11 **Del.C.** §1457.
17.1.211Removing a firearm from the possession of a law enforcement officer. 11 **Del.C.** §1458.
17.1.212Possession of a weapon with a removed, obliterated or altered serial number. 11 **Del.C.** §1459.
17.1.213Prohibited acts. Cheating devices(a)-(e). 11 **Del.C.** §1471.

17.1.214Organized Crime and Racketeering. 11 **Del.C.** §1504.

17.1.215Victim or Witness Intimidation 11 **Del.C.** §§3532 & 3533.

17.1.216Abuse, neglect, mistreatment or financial exploitation of residents or patients. 16 **Del.C.** §1136(a), (b) and (c).

17.1.217Prohibited acts A under the Uniform Controlled Substances Act. 16 **Del.C.** §4751(a), (b) and (c).

17.1.218Prohibited acts B under the Uniform Controlled Substances Act. 16 **Del.C.** §4752(a) and (b).

17.1.219Unlawful delivery of noncontrolled substance. 16 **Del.C.** §4752A.

17.1.220Trafficking 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).

17.1.221Prohibited acts D under the Uniform Controlled Substances Act. 16 **Del.C.** §4754.

17.1.222Possession and delivery of noncontrolled prescription drug; felony. 16 **Del.C.** §4754A(d)**.**

17.1.223Prohibited acts E under the Uniform Controlled Substances Act. 16 **Del.C.** §4755(a)(1) and (2).

17.1.224Prohibited acts under the Uniform Controlled Substances Act. 16 **Del.C.** §4756(a)(1)-(5) and (b).

17.1.225Hypodermic syringe or needle; delivering or possessing; disposal; felony. 16 **Del.C.** §4757.

17.1.226Distribution to persons under 21 years of age. 16 **Del.C.** §4761.

17.1.227Purchase of drugs from minors. 16 **Del.C.** §4761A.

17.1.228Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 **Del.C.** §4767.

17.1.229Distribution, 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

17.1.230Drug paraphernalia. 16 **Del.C.** §4771 (a) and (b).

17.1.231Possession, manufacture and sale, delivery to a minor and advertising of drug paraphernalia; felony. 16 **Del.C.** §§4771 and 4774.

17.1.232Operation 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).

17.1.233Attempt to evade or defeat tax. 30 **Del.C.** §571.

17.1.234Failure to collect or pay over tax. 30 **Del.C.** §572.

17.1.235Fraud and false statements. 30 **Del.C.** §574.

17.1.236Obtaining benefit under false representation. 31 **Del.C.** §1003.

17.1.237Reports, statements and documents. **31 Del.C.** §1004.

17.1.238Kickback schemes and solicitations. 31 **Del.C.** §1005.

17.1.239Conversion of payment. 31 **Del.C.** §1006.

17.1.240Unlawful possession or manufacture of proof of insurance. 21 **Del.C.** §2118A.

17.1.241Temporary registration violations related to providing false information. 21 **Del.C.** §2133(a) (1)-(3).

17.1.242False statements. 21 **Del.C.** §2315.

17.1.243Altering 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.

17.1.244Transfer to automotive recycler. 21 **Del.C.** §2505.

17.1.245Endorsement and delivery of certificate of title upon transfer. 21 **Del.C.** §2510.

17.1.246False statements; incorrect or incomplete information. 21 **Del.C.** §2620.

17.1.247License to operate a motorcycle, motorbike, etc. 21 **Del.C.** §2703.

17.1.248Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age. 21 **Del.C.** §2710.

17.1.249Unlawful application for or use of license or identification card. 21 **Del.C.** §2751.

17.1.250False statements. 21 **Del.C.** §2752.

17.1.251Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards. 21 **Del.C.** §2760(a) and (b).

17.1.252Driving after judgment prohibited. 21 **Del.C.** §2810.

17.1.253False statements. 21 **Del.C.** §3107.

17.1.254Driving a vehicle while under the influence or with a prohibited alcohol content; third and fourth offenses. 21 **Del.C.** §4177 (3) and (4).

17.1.255Operating a commercial motor vehicle with a prohibited blood alcohol concentration or while impaired by drugs 21 **Del.C.** §4177M.

17.1.256Duty of driver involved in accident resulting in property damage or injury. 21 **Del.C.** §4201.

17.1.257Duty of driver involved in accident resulting in injury or death to any person. 21 **Del.C.** §4202.

17.1.258Report of damaged vehicles; cars involved in fatal accidents. 21 **Del.C.** §4204.

17.1.259Introduction, sale, distribution or advertisement to public of motor vehicle master keys. 21 **Del.C.** §4601.

17.1.260Possession of motor vehicle master keys, manipulative keys, key-cutting devices, lock picks or lock picking devices and hot wires. 21 **Del.C.** §4604(a).

17.1.261Odometer violations. 21 **Del.C.** §6420.

17.1.262Receiving or transferring stolen vehicle. 21 **Del.C.** §6704.

17.1.263Removed, 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).

17.1.264Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card. 21 **Del.C.** §6708(a) and (b).

17.1.265Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers. 21 **Del.C.** §6709(a).

17.1.266Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers. 21 **Del.C. §**6710(a).

17.1.267Violations related to the requirements if licensing or maintenance of vehicle records for automotive recyclers. 21 **Del.C. §**7512.

17.1.268Offenses [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.

17.1.269Fraud or distribution or attempted distribution of adulterated article. 3 **Del.C.** §8715.

17.1.270Fraudulent Written Statements. 3 **Del.C.** §10049.

17.1.271Fraudulent Certificate of Registration or Eligibility Documents 3 **Del.C.** §10050.

17.1.272Prohibited trade practices against infirm or elderly. 6 **Del.C.** §2581.

17.1.273Prohibition of intimidation [under the Fair Housing Act]; felony. 6 **Del.C.** §4619.

17.1.274Auto Repair Fraud victimizing the infirm or elderly. 6 **Del.C.** §4909A.

17.1.275Violations of the Securities Act. 6 **Del.C.** §7322.

17.1.276Environmental Control Permits; felony. 7 **Del.C.** §6003.

17.1.277Unauthorized Acts against a Service Guide or Seeing Eye Dog. 7 **Del.C.** §1717.

17.1.278Interception of Communications Generally; Divulging Contents of Communications. 11 **Del.C.** §2402

17.1.279Manufacture, Possession or Sale of Intercepting Device. 11 **Del.C.** §2403.

17.1.280Breaking and Entering, Etc. to Place or Remove Equipment 11 **Del.C.** §2410.

17.1.281Obstruction, Impediment or Prevention of Interception. 11 **Del.C.** §2412

17.1.282Obtaining, Altering or Preventing Authorized Access. 11 **Del.C.** §2421

17.1.283Divulging Contents of Communications. 11 **Del.C.** §2422

17.1.284Installation and Use Generally [of pen trace and trap and trace devices]. 11 **Del.C.** §243.

17.1.285Attempt to Intimidate. 11 **Del.C.** §3534

17.1.286Disclosure of Expunged Records. 11 **Del.C.** §4374.

17.1.287Violation of reporting provisions re: SBI.; felony. 11 **Del.C.** §8523.

17.1.288Failure of child-care provider to obtain information required under §8561 or for those providing false information. 11 **Del.C.** §8562

17.1.289Providing false information when seeking employment in a public school. 11 **Del.C.** §8572

17.1.290Filing False Claim [under Victims' Compensation Fund]. 11 D**el.C.** §9016

17.1.291Failure of Physician to file report of abuse of neglect pursuant to 16 **Del.C.** §903.

17.1.292Coercion 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).

17.1.293Violations 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

17.1.294Operation of a Vessel or Boat while under the Influence of Intoxicating Liquor and/or Drugs. 23 **Del.C.** §2302 (3) and (4)

17.1.295Sale to Persons under 21 or Intoxicated Persons. 24 **Del.C.** §903

17.1.296Abuse, neglect, exploitation or mistreatment of infirm adult. 31 **Del.C.** §3913(a), (b) and (c).

17.2 Crimes substantially related to the practice of psychology 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.

18.0 Telepsychology

18.1 "Telepsychology" means the practice of psychology by distance communication technology such as but not necessarily limited to telephone, email, Internet-based communications, and videoconferencing.

18.2 In order to practice telepsychology one must hold a current, valid license issued by the Board.

18.3 Licensees understand that this rule does not provide licensees with authority to practice telepsychology in service to clients domiciled in any jurisdiction other than Delaware, and licensees bear responsibility for complying with laws, rules, and/or policies for the practice of telepsychology set forth by other jurisdictional boards of psychology.

18.4 Licensees practicing telepsychology shall comply with all of these rules of professional conduct and with requirements incurred in state and federal statutes relevant to the practice of psychology.

18.5 Licensees establish and maintain current competence in the professional practice of telepsychology through continuing education, consultation, or other procedures, in conformance with prevailing standards of scientific and professional knowledge. Licensees establish and maintain competence in the appropriate use of the information technologies utilized in the practice of telepsychology.

18.6 Licensees recognize that telepsychology is not appropriate for all psychological problems and clients, and decisions regarding the appropriate use of telepsychology are made on a case-by-case basis. Licensees practicing telepsychology are aware of additional risks incurred when practicing psychology through the use of distance communication technologies and take special care to conduct their professional practice in a manner that protects the welfare of the client and ensures that the client's welfare is paramount. Licensees practicing telepsychology shall:

18.6.1 Conduct a risk-benefit analysis and document findings specific to:

18.6.1.1 Whether the client's presenting problems and apparent condition are consistent with the use of telepsychology to the client's benefit; and

18.6.1.2 Whether the client has sufficient knowledge and skills in the use of the technology involved in rendering the service or can use a personal aid or assistive device to benefit from the service.

18.6.2 Not provide telepsychology services to any person or persons when the outcome of the analysis required in paragraphs 18.6.1.1 and 18.6.1.2 of this rule is inconsistent with the delivery of telepsychology services, whether related to clinical or technological issues.

18.6.3 Upon initial and subsequent contacts with the client, make reasonable efforts to verify the identity of the client;

18.6.4 Obtain alternative means of contacting the client;

18.6.5 Provide to the client alternative means of contacting the licensee;

18.6.6 Establish a written agreement relative to the client's access to face-to-face emergency services in the client's geographical area, in instances such as, but not necessarily limited to, the client experiencing a suicidal or homicidal crisis;

18.6.7 Licensees, whenever feasible, use secure communications with clients, such as encrypted text messages via email or secure websites and obtain and document consent for the use of non-secure communications.

18.6.8 Prior to providing telepsychology services, obtain the written informed consent of the client, in language that is likely to be understood and consistent with accepted professional and legal requirements, relative to:

18.6.8.1 The limitations and innovative nature of using distance technology in the provision of psychological services;

18.6.8.2 Potential risks to confidentiality of information due to the use of distance technology;

18.6.8.3 Potential risks of sudden and unpredictable disruption of telepsychology services and how an alternative means of re-establishing electronic or other connection will be used under such circumstances;

18.6.8.4 When and how the licensee will respond to routine electronic messages;

18.6.8.5 Under what circumstances the licensee and service recipient will use alternative means of communications under emergency circumstances;

18.6.8.6 Who else may have access to communications between the client and the licensee;

18.6.8.7 Specific methods for ensuring that a client's electronic communications are directed only to the licensee or supervisee;

18.6.8.8 How the licensee stores electronic communications exchanged with the client;

18.6.9 Ensure that confidential communications stored electronically cannot be recovered and/or accessed by unauthorized persons when the licensee disposes of electronic equipment and data;

18.6.10 If in the context of a face-to-face professional relationship the following are exempt from this rule:

18.6.10.1 Electronic communication used specific to appointment scheduling, billing, and/or the establishment of benefits and eligibility for services; and,

18.6.10.2 Telephone or other electronic communications made for the purpose of ensuring client welfare in accord with reasonable professional judgment.

9 DE Reg. 452 (09/01/05)
17 DE Reg. 89 (07/01/13)

APPENDIX A

"Professional psychology" refers to psychology as a profession. The term is not intended in the more restrictive sense of applied or practice areas of psychology since the intent is for a generic designation system.

6.1.1.2.1 refers to an institution with regional accreditation in the United States, an institution with provincial authorization in Canada, or in other countries, or an institution that is accredited by a body which was deemed by the ASPPB/National Register Joint Designation Committee to be performing a function equivalent to U.S. regional accrediting bodies.

In reference to "instruction in scientific and professional ethics and standards" rule 6.1.1.2.9, it is understood that a course of three or more graduate semester hours (five or more graduate quarter hours) or its equivalent is highly desirable; substantial instruction in these issues is required.

It is understood that rule 6.1.1.2.9 includes the requirement of a minimum of one year's residency at the educational institution granting the doctoral degree.

19 DE Reg. 319 (10/01/15) (Final)