

**DEPARTMENT OF ADMINISTRATIVE SERVICES**  
**DIVISION OF PROFESSIONAL REGULATION**  
**1700 Board of Medical Practice**  
**Statutory Authority: 24 Delaware Code, Section 1730(a)(12) (24 Del.C. §1730(a)(12))**  
**24 DE Admin. Code 1700**

**FINAL**

**ORDER**

After due notice in the *Register of Regulations* and publication of notice in two Delaware Newspapers, a public hearing was held on Tuesday, January 4, 2005 at a scheduled meeting of the Board of Medical Practice to receive and consider public comment concerning proposed Regulation No. 29. This Regulation sets forth crimes which the Board of Medical Practice believes are substantially related to the practice of medicine, the practice as a licensed respiratory care practitioner and a physician's assistant. The proposed regulation was published in the *Register of Regulations* in Volume 8, Issue 6, Wednesday, December 1, 2004.

**Background**

The 142<sup>nd</sup> General Assembly of the State of Delaware passed Senate Bill No. 229 which, among other things, directed various Boards, Agencies and Commissions including the Board of Medical Practice to adopt a regulation specifically identifying and setting forth crimes which were deemed to be substantially related to the practice of medicine, the work of a physician's assistant or the practice of respiratory care. (See Section 29, Senate Bill No. 229, **Del. Code Ann.**, §1730(e)( June 30, 2004)) The Governor signed this legislation into law.

In this legislation, the term "substantially related to" means that the nature of the criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the provision of the particular professional services.

**Summary of the Evidence**

The Board received written comments from Ms. Daniese McMullin-Powell, Chairperson of the State Council for Persons with Disabilities ("SCPD"). In her written comments, Ms. McMullin-Powell observes that the Board of Medical Practice has not adopted a restrained approach to defining crimes substantially related to the practice of medicine. Ms. McMullin-Powell also observes that many of the listed crimes are misdemeanors which would not have been disqualifying under the statute prior to the repeal of the "any felony" statute. Finally, Ms. McMullin-Powell asserts that the SCPD believes that the Board's 7 page list of crimes is inconsistent with the legislative intent of S.B. No. 229.

In proposing the Regulation, the Board carefully considered a compilation of crimes extracted from the **Delaware Code** and included federal criminal offenses (Title 18, U.S.C.A.) to include Federal Health Care offenses as being substantially related to the fitness of an individual to provide health care services in the State of Delaware as a physician, Physician's Assistant or a licensed Respiratory Care Practitioner. Also included are any crimes under other laws which are substantially similar to those crimes identified in the proposed regulation.

It is the view of the Board that the conviction of such crimes should form the basis for a proposal to deny certification to an applicant as a matter of public information and protection. It is unfortunate that the Board has been required to specify in advance a list of crimes which are deemed to be "substantially related to the practice of..." It is unfortunate because such determinations are more appropriately made after a review of the circumstances surrounding the crime and the particular facts leading to the conviction. However, the Board has the statutory ability to waive any such criminal convictions as well as other disqualifications for licensure as a physician. The addition of waiver provisions for Physician's Assistants and Respiratory Care Practitioners has been legislatively proposed. The presence of a waiver provision vesting appropriate discretion in the Board allows the Board to take into consideration things such as the circumstances surrounding the commission of the crime, how much time has elapsed since the conviction, the extent to which restitution has been made, the age of the individual at the time of the conviction and any other circumstances bearing on the ability of the individual to practice in the health care field competently and

with safety to the public. It is a fact that there are physicians practicing in Delaware who are convicted felons and the Board has expressly waived such felony convictions and granted licensure when it was determined to be appropriate to do so and proposed to continue to make such waivers where the circumstances indicate that it is appropriate to do so and the public is protected.

### Decision and Effective Date

The Board by this order adopts the proposed Regulation No. 29 to be effective on April 11, 2005. (Ten (10) days after the publication of this Order in the *Register of Regulations*).

### Text and Citation

The text of the Regulation No. 29 remains as published in the *Register of Regulation*, Volume No. 8, Issue No. 6, Wednesday, December 1, 2004, (a copy of which is attached hereto) with the exception of the erroneously published definition of "Jurisdiction" in Section 29.1 which is corrected to read: " 'Substantially similar crimes in another State or Jurisdiction' includes all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, but not limited to, Federal Health Care Offenses".

**IT IS SO ORDERED** this 1st day of March, 2005.

Anthony M. Policastro, M.D.  
Oluseyi N. Senu-Oke, M.D.  
Mr. John W. Banks  
Mr. Vance Daniels  
Francis Marro, M.D.  
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Galicano Inguito, M.D.  
Karl McIntosh, M.D. Board Vice President  
Garrett Colmorgen, M.D. Board President

### 1700 Board of Medical Practice

#### **29.0 Crimes Substantially Related to the Practice of Medicine and the Practice of Licensed Respiratory Care and Practice as a Licensed Physician's Assistant**

The Board finds that for purposes of licensing, renewal, reinstatement and discipline, the conviction of any of the following crimes, or of the attempt to commit or a conspiracy to commit or conceal the following crimes or substantially similar crimes in another state or jurisdiction, is deemed to be substantially related to the practice of Medicine, Respiratory Care and Physician's Assistants in the State of Delaware without regard to the place of conviction:

29.1 For the purposes of this section the following definitions shall apply:

**"Conviction"** means a verdict of guilty by whether entered by a judge or jury, or a plea of guilty or a plea of nolo contendere or other similar plea such as a "Robinson" or "Alford" plea unless the individual has been discharged under §4218 of Title 11 of the Delaware Code (probation before judgment) or under §1024 of Title 10 (domestic violence diversion program) or by §4764 of Title 16 (first offenders controlled substances diversion program).

**"Jurisdiction"** [Substantially similar crimes in another State or Jurisdiction] including all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, but not limited to, Federal Health Care offenses.

29.2 Any crime which involves the use of physical force or violence toward or upon the person of another and shall include by way of example and not of limitation the following crimes set forth in Title 11 of the **Delaware Code Annotated:**

Assaults and Related Offenses

29.2.1 §601. Offensive touching;  
29.2.2 §602. Menacing;  
29.2.3 §603. Reckless endangering in the second degree;  
29.2.4 §604. Reckless endangering in the first degree;  
29.2.5 §605. Abuse of a pregnant female in the second degree;  
29.2.6 §606. Abuse of a pregnant female in the first degree;  
29.2.7 §611. Assault in the third degree;  
29.2.8 §612. Assault in the second degree;  
29.2.9 §613. Assault in the first degree;  
29.2.10 §614. Assault on a sports official.  
29.2.11 §615. Assault by abuse or neglect;  
29.2.12 §621. Terroristic threatening;  
29.2.13 §625. Unlawfully administering drugs;  
29.2.14 §626. Unlawfully administering controlled substance or counterfeit substance or narcotic drugs;  
29.2.15 §627. Prohibited acts as to substances releasing vapors or fumes;  
29.2.16 §628. Vehicular assault in the second degree;  
29.2.17 §629. Vehicular assault in the first degree;  
29.2.18 §630. Vehicular homicide in the second degree;  
29.2.19 §630A. Vehicular homicide in the first degree;  
29.2.20 §631. Criminally negligent homicide;  
29.2.21 §632. Manslaughter;  
29.2.22 §633. Murder by abuse or neglect in the second degree;  
29.2.23 §634. Murder by abuse or neglect in the first degree;  
29.2.24 §635. Murder in the second degree;  
29.2.25 §636. Murder in the first degree;  
29.2.26 §645. Promoting suicide.

#### Abortion and Related Offenses

29.2.27 §651. Abortion;  
29.2.28 §653. Issuing abortifacient articles.

#### Sexual Offenses

29.2.29 §763. Sexual harassment;  
29.2.30 §764. Indecent exposure in the second degree;  
29.2.31 §765. Indecent exposure in the first degree;  
29.2.32 §766. Incest;  
29.2.33 §767. Unlawful sexual contact in the third degree;  
29.2.34 §768. Unlawful sexual contact in the second degree;  
29.2.35 §769. Unlawful sexual contact in the first degree;  
29.2.36 §770. Rape in the fourth degree;  
29.2.37 §771. Rape in the third degree;  
29.2.38 §772. Rape in the second degree;  
29.2.39 §773. Rape in the first degree;  
29.2.40 §776. Sexual extortion;  
29.2.41 §777. Bestiality;  
29.2.42 §778. Continuous sexual abuse of a child;  
29.2.43 §780. Female genital mutilation.

#### Kidnapping and Related Offenses

29.2.44 §781. Unlawful imprisonment in the second degree;  
29.2.45 §782. Unlawful imprisonment in the first degree;  
29.2.46 §783. Kidnapping in the second degree;  
29.2.47 §783A. Kidnapping in the first degree;  
29.2.48 §785. Interference with custody;

#### Coercion

29.2.49 §791. Acts constituting coercion;

29.3 Any crime which involves dishonesty or false, fraudulent or aberrant behavior and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code Annotated**;

#### Arson and Related Offenses

29.3.1 §801. Arson in the third degree;

- 29.3.2 §802. Arson in the second degree;
- 29.3.3 §803. Arson in the first degree;
- 29.3.4 §804. Reckless burning or exploding;
- 29.3.5 §805. Cross or religious symbol burning;

#### Criminal Trespass and Burglary

- 29.3.6 §820. Trespassing with intent to peer or peep into a window or door of another;
- 29.3.7 §821. Criminal trespass in the third degree;
- 29.3.8 §822. Criminal trespass in the second degree;
- 29.3.9 §823. Criminal trespass in the first degree;
- 29.3.10 §824. Burglary in the third degree;
- 29.3.11 §825. Burglary in the second degree;
- 29.3.12 §826. Burglary in the first degree;
- 29.3.13 §828. Possession of burglar's tools or instruments facilitating theft;

#### Robbery

- 29.3.14 §831. Robbery in the second degree;
- 29.3.15 §832. Robbery in the first degree.
- 29.3.16 §835. Carjacking in the second degree;
- 29.3.17 §836. Carjacking in the first degree;

#### Theft and Related Offenses

- 29.3.18 §840. Shoplifting; class G felony;
- 29.3.19 §840A. Use of illegitimate retail sales receipt or Universal Product Code Label.
- 29.3.20 §841. Theft;
- 29.3.21 §842. Theft; lost or mislaid property; mistaken delivery.
- 29.3.22 §843. Theft; false pretense.
- 29.3.23 §844. Theft; false promise.
- 29.3.24 §845. Theft of services.
- 29.3.25 §846. Extortion;
- 29.3.26 §848. Misapplication of property;
- 29.3.27 §849. Theft of rented property;
- 29.3.28 §850. Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices.

- 29.3.29 §851. Receiving stolen property;
- 29.3.30 §853. Unauthorized use of a vehicle;
- 29.3.31 §854. Identity theft;
- 29.3.32 §859. Larceny of livestock;
- 29.3.33 §860. Possession of shoplifter's tools or instruments facilitating theft;

#### Forgery and Related Offenses

- 29.3.34 §861. Forgery; class F felony;
- 29.3.35 §862. Possession of forgery devices;

#### Offenses Involving Falsification of Records

- 29.3.36 §871. Falsifying business records;
- 29.3.37 §872. Falsifying business records;
- 29.3.38 §873. Tampering with public records in the second degree;
- 29.3.39 §876. Tampering with public records in the first degree;
- 29.3.40 §877. Offering a false instrument for filing;
- 29.3.41 §878. Issuing a false certificate;

#### Bribery Not Involving Public Servants

- 29.3.42 §881. Bribery;
- 29.3.43 §882. Bribe receiving;

#### Frauds on Creditors

- 29.3.44 §891. Defrauding secured creditors;
- 29.3.45 §892. Fraud in insolvency;
- 29.3.46 §893. Interference with levied-upon property;

#### Other Frauds and Cheats

29.3.47 §900. Issuing a bad check;  
29.3.48 §903. Unlawful use of credit card;  
29.3.49 §903A. Reencoder and scanning devices;  
29.3.50 §906. Deceptive business practices;  
29.3.51 §907. Criminal impersonation;  
29.3.52 §907A. Criminal impersonation, accident related;  
29.3.53 §907B. Criminal impersonation of a police officer;  
29.3.54 §908. Unlawfully concealing a will;  
29.3.55 §909. Securing execution of documents by deception;  
29.3.56 §910. Debt adjusting;  
29.3.57 §911. Fraudulent conveyance of public lands;  
29.3.58 §912. Fraudulent receipt of public lands;  
29.3.59 §913. Insurance fraud;  
29.3.60 §913A. Health care fraud;  
29.3.61 §914. Use of consumer identification information;  
29.3.62 §915. Use of credit card information;  
29.3.63 §915A. Credit and debit card transaction receipts;  
29.3.64 §916. Home improvement fraud;  
29.3.65 §917. New home construction fraud;

Offenses Relating to Recorded Devices

29.3.66 §920. Transfer of recorded sounds;  
29.3.67 §921. Sale of transferred recorded sounds;  
29.3.68 §922. Improper labeling;

Computer Related Offenses

29.3.69 §932. Unauthorized access.  
29.3.70 §933. Theft of computer services.  
29.3.71 §934. Interruption of computer services.  
29.3.72 §935. Misuse of computer system information.  
29.3.73 §936. Destruction of computer equipment.  
29.3.74 §937. Unrequested or unauthorized electronic mail or use of network or software to cause same.  
29.3.75 §938. Failure to promptly cease electronic communication upon request.

Offenses Relating to Marriage

29.3.76 §1001. Bigamy;  
29.3.77 §1003. Bigamous marriage contracted outside the State.

29.4 Any crime which involves misuse or abuse of children or animals and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code Annotated**:

Child Welfare; Sexual Offenses, Animal Offenses

29.4.1 §1100. Dealing in children;  
29.4.2 §1101. Abandonment of child;  
29.4.3 §1102. Endangering the welfare of a child;  
29.4.4 §1105. Endangering the welfare of an incompetent person;  
29.4.5 §1106. Unlawfully dealing with a child;  
29.4.6 §1107. Endangering children;  
29.4.7 §1108. Sexual exploitation of a child;  
29.4.8 §1109. Unlawfully dealing in child pornography;  
29.4.9 §1111. Possession of child pornography;  
29.4.10 §1112. Sexual offenders; prohibitions from school zones.  
29.4.11 §1112A. Sexual solicitation of a child;  
29.4.12 §1113. Criminal non-support and aggravated criminal non-support.  
29.4.13 §1114. Body-piercing; tattooing or branding;  
29.4.14 §1114A. Tongue-splitting;  
29.4.15 §1116. Sale or distribution of tobacco products to minors;  
29.4.16 §1117. Notice;  
29.4.17 §1119. Distribution of cigarettes through vending machines;  
29.4.18 §1120. Distribution of tobacco products;  
29.4.19 §1124. Purchase or receipt of tobacco products by minor;  
29.4.20 §1325. Cruelty to animals;

29.4.21 §1325A. The unlawful trade in dog or cat by-products;

29.4.22 §1326. Animals; fighting and baiting prohibited;

29.4.23 §1327. Maintaining a dangerous animal;

29.5 Any crime which involves offenses against the public order the commission of which may tend to bring discredit upon the profession and which are thus substantially related to one's fitness to practice such profession and shall include by way of example and not of limitation the following crimes listed in Title 11 of the Delaware Code Annotated:

Bribery and Improper Influence

29.5.1 §1201. Bribery;

29.5.2 §1203. Receiving a bribe;

29.5.3 §1205. Giving unlawful gratuities;

29.5.4 §1206. Receiving unlawful gratuities;

29.5.5 §1207. Improper influence;

29.5.6 §1211. Official misconduct;

29.5.7 §1212. Profiteering.

Perjury and related offenses

29.5.8 §1221. Perjury in the third degree;

29.5.9 §1222. Perjury in the second degree;

29.5.10 §1223. Perjury in the first degree;

29.5.11 §1233. Making a false written statement;

29.5.12 §1239. Wearing a disguise during the commission of a felony;

29.5.13 §1240. Terroristic threatening of public officials or public servants;

29.5.14 §1241. Refusing to aid a police officer;

29.5.15 §1243. Obstructing fire-fighting operations;

29.5.16 §1244. Hindering prosecution;

29.5.17 §1245. Falsely reporting an incident;

29.5.18 §1246. Compounding a crime;

29.5.19 §1248. Obstructing the control and suppression of rabies;

29.5.20 §1249. Abetting the violation of driver's license restrictions;

29.5.21 §1250. Offenses against law-enforcement animals;

29.5.22 §1251. Escape in the third degree;

29.5.23 §1252. Escape in the second degree;

29.5.24 §1253. Escape after conviction;

29.5.25 §1254. Assault in a detention facility;

29.5.26 §1257A. Use of an animal to avoid capture;

29.5.27 §1259. Sexual relations in detention facility;

29.5.28 §1260. Misuse of prisoner mail.

Offenses Relating to Judicial and Similar Proceedings

29.5.29 §1261. Bribing a witness;

29.5.30 §1262. Bribe receiving by a witness;

29.5.31 §1263. Tampering with a witness;

29.5.32 §1263A. Interfering with child witness.

29.5.33 §1264. Bribing a juror;

29.5.34 §1265. Bribe receiving by a juror;

29.5.35 §1266. Tampering with a juror;

29.5.36 §1267. Misconduct by a juror;

29.5.37 §1269. Tampering with physical evidence; 29.5.38§1271. Criminal contempt;

29.5.39 §1271A. Criminal contempt of a domestic violence protective order;

29.5.40 §1273. Unlawful grand jury disclosure.

29.6 Any crime which involves offenses against a public health order and decency which may tend to bring discredit upon the profession, specifically including the below listed crimes from Title 11 of the **Delaware Code Annotated** which evidence a lack of appropriate concern for the safety and well being of another person or persons in general or sufficiently flawed judgment to call into question the individuals ability to make health care decisions or advise upon health care related matters for other individuals.

Disorderly Conduct and Related Offenses

- 29.6.1 §1301. Disorderly conduct;
- 29.6.2 §1302. Riot;
- 29.6.3 §1304. Hate crimes;
- 29.6.4 §1311. Harassment;
- 29.6.5 §1312. Aggravated harassment;
- 29.6.6 §1312A. Stalking;
- 29.6.7 §1313. Malicious interference with emergency communications;
- 29.6.8 §1315. Public intoxication;
- 29.6.9 §1316. Registration of out-of-state liquor agents;
- 29.6.10 §1320. Loitering on property of a state-supported school, college or university;
- 29.6.11 §1321. Loitering
- 29.6.12 §1322. Criminal nuisance;
- 29.6.13 §1323. Obstructing public passages;
- 29.6.14 §1324. Obstructing ingress to or egress from public buildings;
- 29.6.15 §1331. Desecration;
- 29.6.16 §1332. Abusing a corpse;
- 29.6.17 §1333. Trading in human remains and associated funerary objects.
- 29.6.18 §1335. Violation of privacy;
- 29.6.19 §1338. Bombs, incendiary devices, Molotov cocktails and explosive devices;
- 29.6.20 §1339. Adulteration;
- 29.6.21 §1340. Desecration of burial place.

Offenses Involving Public Indecency

- 29.6.22 §1341. Lewdness;
- 29.6.23 §1342. Prostitution;
- 29.6.24 §1343. Patronizing a prostitute prohibited.
- 29.6.25 §1351. Promoting prostitution in the third degree;
- 29.6.26 §1352. Promoting prostitution in the second degree;
- 29.6.27 §1353. Promoting prostitution in the first degree;
- 29.6.28 §1355. Permitting prostitution;

Obscenity

- 29.6.29 §1361. Obscenity; acts constituting;
- 29.6.30 §1365. Obscene literature harmful to minors;
- 29.6.31 §1366. Outdoor motion picture theatres;

Offenses Involving Gambling

- 29.6.32 §1403. Advancing gambling in the first degree;
- 29.6.33 §1404. Providing premises for gambling;
- 29.6.34 §1405. Possessing a gambling device; class A misdemeanor.
- 29.6.35 §1406. Being concerned in interest in keeping any gambling device;
- 29.6.36 §1407. Engaging in a crap game;
- 29.6.37 §1411. Unlawfully disseminating gambling information.

29.7 Any crime which involves the illegal possession or the misuse or abuse of narcotics, or other addictive substances and those non-addictive substances with a substantial capacity to impair reason or judgment and shall include by way of example and not of limitation the following crimes listed in Chapter 47 of Title 16 of the Delaware Code Annotated:

- 29.7.1 §4751. Prohibited acts A;
- 29.7.2 §4752. Prohibited acts B;
- 29.7.3 §4752A. Unlawful delivery of noncontrolled substance.
- 29.7.4 §4753. Prohibited acts C.
- 29.7.5 §4753A. Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, L.S.D., or designer drugs.
- 29.7.6 §4754. Prohibited acts D;
- 29.7.7 §4754A. Possession and delivery of noncontrolled prescription drug.
- 29.7.8 §4755. Prohibited acts E;
- 29.7.9 §4756. Prohibited acts;
- 29.7.10 §4757. Hypodermic syringe or needle; delivering or possessing; disposal; exceptions;
- 29.7.11 §4758. Keeping drugs in original containers.

29.7.12 §4761. Distribution to persons under 21 years of age;

29.7.13 §4761A. Purchase of drugs from minors;

29.7.14 §4767. Distribution, delivery, or possession of controlled substance within 1,000 feet of school property;

29.7.15 §4768. Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship.

29.8 Any crime which involves the misuse or illegal possession or sale of a deadly weapon or dangerous instrument and shall include by way of example and not of limitation the following crimes listed in Title 11 of the Delaware Code Annotated:

Offenses Involving Deadly Weapons and Dangerous Instruments

29.8.1 §1442. Carrying a concealed deadly weapon;

29.8.2 §1443. Carrying a concealed dangerous instrument;

29.7.3 §1444. Possessing a destructive weapon;

29.8.4 §1445. Unlawfully dealing with a dangerous weapon;

29.8.5 §1446. Unlawfully dealing with a switchblade knife;

29.8.6 §1447. Possession of a deadly weapon during commission of a felony;

29.8.7 §1447A. Possession of a firearm during commission of a felony;

29.8.8 §1448. Possession and purchase of deadly weapons by persons prohibited;

29.8.9 §1448A. Criminal history record checks for sales or firearms;

29.8.10 §1449. Wearing body armor during commission of felony;

29.8.11 §1450. Receiving a stolen firearm;

29.8.12 §1451. Theft of a firearm;

29.8.13 §1452. Unlawfully dealing with knuckles-combination knife;

29.8.14 §1453. Unlawfully dealing with martial arts throwing star;

29.8.15 §1454. Giving a firearm to person prohibited;

29.8.16 §1455. Engaging in a firearms transaction on behalf of another;

29.8.17 §1456. Unlawfully permitting a minor access to a firearm;

29.8.18 §1457. Possession of a weapon in a Safe School and Recreation Zone;

29.8.19 §1458. Removing a firearm from the possession of a law enforcement officer;

29.8.20 §1459. Possession of a weapon with a removed, obliterated or altered serial number;

29.8.21 §1471. Prohibited acts.

Offenses Involving Drug Paraphernalia

29.8.22 §4774. Penalties.

Offenses Involving Organized Crime and Racketeering

29.8.23 §1504. Criminal Penalties for Organized Crime & Racketeering

Offenses Involving Intimidation of Victims or Witnesses

29.8.24 §3532. Acts of Intimidation: Class E felony

29.8.25 §3533. Aggravated act of intimidation, Class D felony

Other Crimes

29.8.26 Title 3 §1041. Willfully or maliciously starting fires; Carelessly Starting Fires;

29.8.27 §1043. Setting fire to woodland; Unseasonable Marsh Burning.

29.8.28 Title 4 §901. Offenses carrying penalty of imprisonment for 3 to 6 months;

29.8.29 §902. Offenses carrying penalty of fine of \$500 to \$1,000 or imprisonment of 3 to 6 months on failure to pay fine;

29.8.30 §903. Offenses carrying penalty of fine of not more than \$100 imprisonment for 1 month on failure to pay fine;

29.8.31 §904. Offenses concerning certain persons;

29.8.32 §905. Unlicensed manufacture of alcoholic liquor; Possession of still, apparatus, mash, etc., by unlicensed person;

29.8.33 §906. Transportation or shipment;

29.8.34 §907. Interference with officer or inspector;

29.8.35 §908. Failure of licensee to file report;

29.8.36 §909. Violation of rules respecting liquor taxes.

29.8.37 Title 7 §1717. Unauthorized acts against a service guide or seeing eye dog.



29.8.38 Title 11 §2403. Manufacture, possession or sale of intercepting device;  
29.8.39 §2410. Breaking and entering, etc. to place or remove equipment;  
29.8.40 §2412. Obstruction, impediment or prevention of interception;  
29.8.41 §2422. Divulging contents of communications;  
29.8.42 §3532. Act of intimidation;  
29.8.43 §3533. Aggravated act of intimidation;  
29.8.44 §3534. Attempt to intimidate;  
29.8.45 §8523. Penalties [for violation of reporting provision re: SBI];  
29.8.46 §8562. Penalties [for failure of child-care provider to obtain information required under §8561 or for those providing false information]  
29.8.47 §8572. Penalties [for providing false information when seeking employment in a public school]  
29.8.48 §9016. Filing false claim [under Victims' Compensation Fund].  
29.8.49 Title 12 §210. Alteration, theft or destruction of Will.  
29.8.50 Title 16 §1136. Abuse or neglect of a patient or resident of a nursing facility.  
29.8.51 Title 21 §2118A. Unlawful possession or manufacture of proof of insurance;  
29.8.52 §2133. Penalties; jurisdiction of justices of the peace.  
29.8.53 §2315. False statements;  
29.8.54 §2316. Altering or forging certificate of title, manufacturer's certificate of origin, registration sticker or vehicle I identification plate;  
29.8.55 §2620. False statements; incorrect or incomplete information;  
29.8.56 §2703. License to operate a motorcycle, motorbike, etc.;  
29.8.57 §2710. Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age;  
29.8.58 §2722. Restricted licenses based on driver's physical limitations;  
29.8.59 §2751. Unlawful application for or use of license or identification card;  
29.8.60 §2752. False statements;  
29.8.61 §2756. Driving vehicle while license is suspended or revoked; penalty;  
29.8.62 §2760. Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards.  
29.8.63 Title 23 §2302. Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs;  
29.8.64 §2305. Penalties; jurisdiction.  
29.8.65 Title 24 §903. Sale to persons under 21 or intoxicated persons.  
29.8.66 Title 29 §3107. Motor vehicle safety-responsibility; False statements;  
29.8.67 §4175A. Reckless driving;  
29.8.68 §4177. Driving a vehicle while under the influence or with a prohibited alcohol content; evidence; arrests; and penalties.  
29.8.69 §4177M. Operating a commercial motor vehicle with a prohibited blood alcohol concentration or while impaired by drugs;  
29.8.70 §4183 Parking areas for vehicles being used by persons with disabilities;  
29.8.71 §4198J. Bicycling on highways under influence of drugs or alcohol;  
29.8.72 §4198O. Operation of electric personal assistive mobility devices (EPAMD);  
29.8.73 §4201. Duty of driver involved in accident resulting in property damage or injury;  
29.8.74 §4202. Duty of driver involved in accident resulting in injury or death to any person;  
29.8.75 §4203. Duty to report accidents; evidence;  
29.8.76 §4204. Report of damaged vehicles; cars involved in fatal accidents;  
29.8.77 §4604. Possession of motor vehicle master keys, manipulative keys, key-cutting devices, lock picks or lock picking devices and hot wires;  
29.8.78 §6420. Odometers penalties;  
29.8.79 §6702. Driving vehicle without consent of owner;  
29.8.80 §6704. Receiving or transferring stolen vehicle;  
29.8.81 §6705. Removed, falsified or unauthorized identification number on vehicle, bicycle or engine; removed or affixed license/registration plate with intent to misrepresent identity;  
29.8.82 §6707. Penalty;  
29.8.83 §6709. Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers;  
29.8.84 §6710. Unlawful possession of assigned titles, assigned registration cards, vehicle identification

plates and warranty stickers.

29.8.85 Title 30 §571. Attempt to evade or defeat tax;

29.8.86 §572. Failure to collect or pay over tax;

29.8.87 §573. Failure to file return, supply information or pay tax;

29.8.88 §574. Fraud and false statements;

29.8.89 §576. Misdemeanors.

29.8.90 Title 31 §1007. Fraudulent acts penalties;

29.8.91 §3913. Welfare violations [knowing or reckless abuse of an infirm adult]

29.9 Any crime which is a violation of Title 24, Chapter 17 (Delaware Medical Practices Act) as it may be amended from time to time or of any other statute which requires the reporting of a medical situation or condition to state, federal or local authorities or a crime which constitutes a violation of the Medical Practice Act of the state in which the conviction occurred or in which the physician is licensed. 29.10The Board reserves the jurisdiction and authority to modify this regulation as and if it becomes necessary to either add or delete crimes including such additions as may be required on an emergency basis under 29 Del.C. §10119 to address imminent peril to the public health, safety or welfare. The Board also specifically reserves the jurisdiction to review any crime committed by an applicant for licensure as a physician and to determine whether to waive the disqualification under 24 Del.C. §1720(d).

**\*Please Note: As the rest of the sections were not amended they are not being published. A complete set of the rules and regulations for the Board of Medical Practice is available at: <http://www.state.de.us/research/AdminCode/title24/1700 Board of Medical Practice.shtml>**

**8 DE Reg. 1438 (4/1/05)**