

**DEPARTMENT OF ADMINISTRATIVE SERVICES**  
**DIVISION OF PROFESSIONAL REGULATION**  
**3700 Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers**  
**Statutory Authority: 24 Delaware Code, Section 3706(c) (24 Del.C. §3706(c)) 24 DE Admin.**  
**Code 3700**

**FINAL**

**ORDER**

After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on January 12, 2005 at a scheduled meeting of the Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers (hereinafter Board) to receive comments regarding proposed Regulation 11.0. The proposed regulation identifies crimes substantially related to the practice of speech/language pathology, audiology, and/or hearing aid dispensing as mandated by SB 229 enacted by the 142<sup>nd</sup> General Assembly. The proposed regulation was published in the *Register of Regulations*, Vol. 8, Issue 6, December 1, 2004.

**Background**

Title 24 of the **Delaware Code** in §3708 (b)(4) provides that applicants for licensure “shall not have a criminal conviction record, nor pending criminal charge relating to an offense the circumstances of which substantially relate to their licensed practice. Applicants who have criminal convictions records or pending criminal charges shall request appropriate authorities to provide information about the convictions or charge directly to the Board in sufficient specificity to enable the Board to make a determination whether the conviction or charge is substantially related to the applicant’s area of practice.”

Senate Bill 229 amended 24 **Del.C.** §3715(a)(3) to permit the Board to impose discipline on a licensee who has been convicted of a “crime that is substantially related to the practice for which the practitioner is licensed.” “Substantially related” was defined in SB 229 as “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 practice of speech/language pathology, audiology, and/or the dispensing of hearing aids.” The “practice of speech/language pathology,” the “practice of audiology” and “hearing aid dispenser” are terms defined in 24 **Del.C.** §3702(7).

**Summary of the Evidence and Information Submitted**

No written or verbal comment was received.

**Findings of Fact with Respect to the Evidence and Information Submitted**

The Board finds that the proposed changes implement SB 229.

**Decision and Effective Date**

The Board hereby adopts the changes to Regulation 11.0 to be effective 10 days following publication of this Order in the *Register of Regulations*.

**Text and Citation**

The text of the revised rules remains as published in *Register of Regulations*, Vol. 8, Issue 6, December 1, 2004.

**SO ORDERED** this 12th day of January, 2005.

BOARD OF SPEECH/LANGUAGE PATHOLOGY, AUDIOLOGY, AND HEARING AID DISPENSING  
Gary Marencin, President  
Regina Bilton  
Illene Courtright

Elizabeth Daudt  
Frank Divita  
Carol Guilbert  
Michael Michelli  
Cynthia Parker

**11.0 Crimes substantially related to the practice of speech/language pathology, audiology, and hearing aid dispensing.**

11.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of the solicitation to commit any of the following crimes, is deemed to be a crime substantially related to the practice of speech/language pathology, audiology, and hearing aid dispensing in the State of Delaware without regard to the place of conviction:

- 11.1.1 Assault in the second degree. 11 Del.C. §612.
- 11.1.2 Assault in the first degree. 11 Del.C. §613.
- 11.1.3 Assault by abuse or neglect. 11 Del.C. §615.
- 11.1.4 Murder by abuse or neglect in the second degree. 11 Del.C. §633.
- 11.1.5 Murder by abuse or neglect in the first degree. 11 Del.C. §634.
- 11.1.6 Murder in the second degree. 11 Del.C. §635.
- 11.1.7 Murder in the first degree. 11 Del.C. §636.
- 11.1.8 Rape in the fourth degree. 11 Del.C. §770
- 11.1.9 Rape in the third degree. 11 Del.C. §771
- 11.1.10 Rape in the second degree. 11 Del.C. §772
- 11.1.11 Rape in the first degree. 11 Del.C. §773
- 11.1.12 Sexual extortion. 11 Del.C. §776
- 11.1.13 Continuous sexual abuse of a child. 11 Del.C. §778
- 11.1.14 Kidnapping in the second degree. 11 Del.C. §783
- 11.1.15 Kidnapping in the first degree. 11 Del.C. §783A
- 11.1.16 Identity theft. 11 Del.C. §854
- 11.1.17 Insurance fraud. 11 Del.C. §913
- 11.1.18 Health care fraud. 11 Del.C. §913A
- 11.1.19 Dealing in children. 11 Del.C. §1100
- 11.1.20 Endangering the welfare of a child. 11 Del.C. §1102
- 11.1.21 Sexual exploitation of a child. 11 Del.C. §1108
- 11.1.22 Unlawful dealing in child pornography. 11 Del.C. §1109
- 11.1.23 Sexual solicitation of a child. 11 Del.C. §1112A
- 11.1.24 Hate crimes (felony). 11 Del.C. §1304(a)
- 11.1.25 Abuse, neglect, mistreatment or financial exploitation of residents or patients. 16 Del.C. §1136.
- 11.1.26 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, L.S.D., or designer drugs. 16 Del.C. §4753A
- 11.1.27 Abuse, neglect, mistreatment or financial exploitation of an infirm adult. 31 Del.C. §3913

11.2 Crimes substantially related to the practice speech/language pathology, audiology, and hearing aid dispensing shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

**\*Please Note: As the rest of the sections were not amended they are not being published. A complete set of the rules and regulations for the Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers is available at: <http://www.professionallicensing.state.de.us/boards/speechaudio/index.shtml>**