

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1400 Board of Electrical Examiners
Statutory Authority: 24 Delaware Code, Section 1406(a)(1) (24Del.C. §1406(a)(1))
24 DE Admin. Code 1400

FINAL

ORDER

The Board of Electrical Examiners ("Board") was established to protect the general public, specifically those persons who are the direct recipients of services regulated by 24 Del.C., Chapter 14, from unsafe practices and occupational practices which tend to reduce competition or fix the price of services rendered. The Board was further established to maintain minimum standards of practitioner competency and delivery of services to the public. The Board is authorized by 24 Del.C. §1406(a)(1) to promulgate regulations to effectuate those objectives.

Pursuant to 24 Del.C. §1406(a)(1), the Board proposed changes to its Regulations 6.0, 7.0, and 8.0 relating to electricians' liability insurance. Specifically, the changes to 6.0 License and Insurance, 7.0 Expiration and Renewal, and 8.0 Continuing Education would allow licensees to attest to maintenance of their required liability insurance during the renewal process. The Board also proposed to change 15.0 Inspection Agencies to end the Division of Professional Regulation's practice of mailing quarterly lists of licensed electricians to all licensed inspection agencies.

Pursuant to 29 Del.C. §10115, notice of the public hearing and a copy of the proposed regulatory changes was published in the *Delaware Register of Regulations*, Volume 10, Issue 4 on October 1, 2006. However, notice was not published in two (2) Delaware newspapers of general circulation, as required by 29 Del.C. §10115, so the public hearing could not be conducted on November 1, 2006 as originally scheduled. The public hearing was, therefore, rescheduled for January 3, 2007. Notice of the rescheduled public hearing was published in the *Delaware Register of Regulations*, Volume 10, Issue 6 on December 1, 2006 and in two (2) Delaware newspapers of general circulation at least 20 days prior to the rescheduled hearing.

Pursuant to such notice, the Board conducted a public hearing on January 3, 2007.

Summary of the Evidence and Information Submitted

No written or verbal comments were received.

Findings of Fact

The Board finds allowing licensees to attest to maintenance of their required liability insurance during the renewal process is necessary to make online renewal a viable option for licensees.

The Board finds that the practice of mailing quarterly lists of licensed electricians to all licensed inspection agencies is an unnecessary practice consuming scarce Division resources. The elimination of that practice will free up those resources, improving the Board's ability to carry out its statutory objectives.

Decision and Order

The Board hereby adopts the proposed amendments to the regulations to be effective 10 days following final publication of this order in the *Register of Regulations*.

Text and Citation

The text of the final regulations is attached hereto as Exhibit A and is formatted to show the amendments. A non-marked up version of the regulations as amended is attached hereto as Exhibit B.

IT IS SO ORDERED this 3rd day of January 2007 by the Board of Electrical Examiners of the State of

Delaware.

BOARD OF ELECTRICAL EXAMINERS

Jacob Good, President	C. Leroy James
Richard Strouse, Vice President	James Anderson
Donald Collins, Secretary	Robert Sharp
Ronald Marks	

1400 Board of Electrical Examiners

1.0 License Required

1.1 No person shall perform electrical services or represent themselves as qualified to perform electrical services without first having been duly licensed unless specifically excepted by statute. 24 **Del.C.** §§1407, 1419

1.2 To perform "electrical services" or "electrical work" means to plan, estimate, layout, perform, or supervise the installation, erection, or repair of any electrical conductor, molding, duct, raceway, conduit, machinery, apparatus, device, or fixture for the purpose of lighting, heating, or power in or on any structure or for elevators, swimming pools, hot tubs, electric signs, air conditioning, heating, refrigeration, oil burners, and overhead and underground primary distribution systems.

1.3 A license is not required for servicing equipment in the fields of heating, air conditioning, refrigeration or appliances.

1.4 A licensee under this chapter shall perform all electrical services or electrical work in accordance with the standards established in the National Electric Code (NEC) as adopted by the Delaware Fire Commission and in any applicable local building code. The version of the NEC applicable to a particular project is determined by the Delaware Fire Commission.

1.5 Every individual who receives a license shall prominently display the words "Licensed Electrician" and the license number on the exterior of all vehicles used for work in not less than three inch letters and numbers. This section is satisfied by any abbreviation readily understood to mean "Licensed Electrician" such as "Lic. Elec." along with the license number.

7 DE Reg. 1167 (3/1/04)

9 DE Reg. 260 (8/1/05)

2.0 Applications

2.1 Applications may be obtained in person during regular business hours or by mail from the Division of Professional Regulation, Cannon Building, Ste. 203, 861 Silver Lake Boulevard, Dover, DE 19904-2467. Applications must be made in the name of the individual, not a company. The Board shall approve the application form to insure that it contains all of the information necessary to satisfy the statutory requirements for licensure.

2.2 Applications which are incomplete shall be retained for one year to allow an applicant the opportunity to supplement the application. After one year, incomplete applications are destroyed. Thereafter, an applicant must resubmit a current application with the appropriate fee.

2.3 Applications approved for testing will be valid for two years. If the test isn't taken, the application is destroyed. Thereafter, an applicant must resubmit a current application with the appropriate fee.

3.0 Qualifications

3.1 Persons demonstrating the education and experience qualifications set forth in 24 **Del.C.** §1408 may be licensed as a master electrician, limited electrician, master electrician special, or limited electrician special.

3.2 An applicant shall submit proof of qualifications verified by his or her affidavit on a form approved by the Board. Proof of experience requires an employer's affidavit describing the nature of the experience. If an applicant cannot obtain the required affidavit from the supervising licensed electrician, tax W-2 forms showing full-time employment may be substituted at the discretion of the Board. The required experience and training must be completed prior to taking the licensure test.

3.3 Applicants relying on military training and experience shall submit official documentation from the supervising officials showing type and approximate hours of work experience. Other official military documentation that reliably verifies military training and experience may be accepted when supervisory officials are not available or cannot be located.

3.4 The requirement of two years of technical training under 24 **Del.C.** §1408 (a)(1)(c) can be met by successful completion of two years of technical training related to electrical technology in a vocational/technical high school or by completion of 48 credit hours in technical training related to electrical technology at an accredited post-secondary school.

3.5 The experience necessary under 24 **Del.C.** §1408 to qualify for a particular license must relate to the activity authorized by such a license as defined in 24 **Del.C.** §1402(10) - (13).

4 DE Reg. 1788 (5/1/01)

6 DE Reg. 1495 (5/1/01)

4.0 Examinations

4.1 As a condition of licensure, applicants shall obtain a grade of 75% on the Division-approved test. Only the National Electrical Code Book can be used during the test as a reference. Applicants should submit a completed application with all necessary credentials for Board approval at least 45 days before the test is given. As long as the credentials have been approved, a license may issue from the Division of Professional Regulation upon proof of obtaining a passing score on the test, proof of insurance, and payment of the fee as provided herein. A member of the State Board of Electrical Examiners may attend the examination. All scores will be presented to the Board at the first meeting after the examination results are available. The roster of persons qualified for licensure will appear in the minutes.

4.2 Applicants who fail two consecutive times with a grade of less than 50% each time must wait one year before retesting.

4 DE Reg. 1788 (5/1/01)

5.0 Fees

5.1 Fee information can be obtained from the Division of Professional Regulation, Cannon Building Ste. 203, 861 Silver Lake Boulevard, Dover, DE 19904 -2467.

6.0 License and Insurance

6.1 The license will be issued by the Division of Professional Regulation to a qualified applicant upon receipt of the required fee and proof of insurance.

6.2 Each licensee shall maintain general liability insurance of at least \$300,000.00. Proof of said insurance shall be submitted at the time of license issuance and attested to in the course of and each renewal.

6.3 The insurance requirement is satisfied for a licensee who is performing work as an employee as long as the employer is insured for the risk on the work performed as required under these regulations. A licensee who also works independently from his or her employer must maintain separate insurance for that risk as provided under these regulations.

4 DE Reg. 1788 (5/1/01)

7.0 Expiration and Renewal

7.1 The biennial licenses granted by the Board shall automatically terminate on June 30th of each even numbered year or on such other date as is specified by the Division of Professional Regulation. ~~It is the responsibility of the licensee to file a renewal application with the Board. The failure of the Board to notify a licensee of his/her expiration date does not in any way relieve the licensee of the requirements of filing a renewal application with the Board. Beginning in 2006, license renewal may be accomplished online at www.dpr.delaware.gov.~~

7.2 ~~As a condition of Renewal, each applicant must show proof of continuing education as required in the Rules and Regulations. Extra continuing education hours do not carry over to the next licensing period. Renewal applications will be audited by the Board for compliance with the continuing education requirements. It is the responsibility of the licensee to file a renewal application with the Board. The failure of the Board to notify a licensee of his expiration date does not in any way relieve that responsibility. Renewal may be accomplished online at www.dpr.delaware.gov.~~

7.2.1 Renewal applications will be randomly audited by the Board to ensure their accuracy. Licensees selected for random audit will be notified of that selection within sixty (60) days after the renewal deadline. Licensees must then submit verification of their receipt of the notification of audit within ten (10) days.

7.2.2 As a condition of renewal, each applicant must attest to completion of continuing education (CE) as required by Regulation 8.0 and to maintenance of the liability insurance required by Regulation 6.0. Attestation may be completed electronically if renewal is accomplished online. Alternatively, paper renewal documents containing the CE and insurance attestations may be submitted. Licensees selected for random audit will be required to supplement their attestations with documentation of CE attendance and maintenance of insurance coverage.

7.3 A license is expired when a licensee has failed to either complete the requirements for renewal or obtain permission for inactive status. A licensee may activate an expired license within one year of the date the renewal application was due by meeting all requirements and paying an additional fee set by the Division of Professional Regulation.

7.4 A licensee with a valid license may request in writing to be placed on inactive status. An inactive status can be effective for up to two years and renewed biennially by application to the Division upon proof of 10 hours of continuing education. Said license may be reactivated by the Board upon written request, proof of insurance, and payment of a prorated fee to be computed by the Division of Professional Regulation.

7.5 A licensee is not authorized to work as a licensed electrician in this State during the period of inactive status.

7.6 An individual whose license has expired for more than one year must reapply as a new applicant. Any prior training and experience can be used to satisfy the requirements under 24 Del.C. §1408(a). However, the applicant must take the examination required by §1408(5) and achieve a passing score unless he or she previously passed an approved licensure test that covered the National Electric Code that is the standard in Delaware at the time of the new application.

4 DE Reg. 1788 (5/1/01)

9 DE Reg. 260 (8/1/05)

8.0 Continuing Education

8.1 Continuing education (CE) is required of all licensees and shall be completed by June 30 of any year in which a license is to be renewed. Extra continuing education hours do not carry over to the next licensing period. Licensees will only get CE credit for their first attendance of CE courses during each licensing period. Licensees may retake a CE course in the same licensing period but will not receive additional CE credit.

~~8.1.1 Proof of continuing education is satisfied with an attestation by the licensee that he or she has satisfied the requirements of Rule 8.0.~~

~~8.1.2 Attestation may be completed electronically if the renewal is accomplished online. In the alternative, paper renewal documents that contain the attestation of completion can be submitted.~~

~~8.1.3 Licensees selected for random audit will be required to supplement the attestation with attendance verification pursuant to Rule 8.5.~~

8.2 Courses must be approved by the Board in order to qualify as CE. Approved courses appear on the website of the Division of Professional Regulation at www.dpr.delaware.gov. Licensees may also contact the Administrative Assistant of the Board at the Division of Professional Regulation to determine whether particular courses have been approved.

8.2.1 Courses shall be designed to maintain and enhance the knowledge and skills of licensees related to providing electrical services.

8.2.2 Sponsors or licensees can obtain Board approval of courses at any time by completing a form approved by the Board and including a course outline with the number of classroom hours and the curriculum vitae or resume of the instructor.

8.2.3 Sponsors or licensees seeking pre-approval should submit the request as provided in 8.1.2 at least 60 days before the CE course is being offered.

8.2.4 Approval of CE automatically expires on September 1, 2002 and every three years thereafter on each September 1. A sponsor or licensee must reapply for approval as provided in 8.2.2.

8.3 Licensees shall complete 10 hours of approved CE during each renewal period with the following exceptions - a person licensed less than one year does not need to complete CE at the first renewal; a person licensed one year but less than two years must submit 5 CE hours at the first renewal. Beginning with the

licensee's second renewal, 5 of the 10 CE hours required for renewal must be related to the National Electrical Code.

8.4 The Board may consider a waiver of CE requirements or acceptance of partial fulfillment based on the Board's review of a written request with supporting documentation of hardship.

~~8.5 Random audits will be performed by the Board to ensure compliance with the CE requirements. Licensees selected for the random audit shall submit attendance verification.~~

~~8.5.1 The Board will notify licensees within sixty (60) days after June 30 that they have been selected for audit.~~

~~8.5.2 Licensees selected for random audit shall be required to submit verification within ten (10) days of receipt of notification of selection for audit.~~

4 DE Reg. 1788 (5/1/01)

9 DE Reg. 1252 (2/1/06)

9.0 Loss Of License Holder

9.1 A procedure permitting temporary practice after loss of a licensee to avoid business interruption is provided in 24 Del.C. §1418 and is necessary only where there is no currently employed licensee to assume the duties of the former license holder.

9.2 The notification must include documentation of the business relationship with the former license holder.

10.0 Exceptions.

10.1 No license is required for performing electrical work by the following persons or entities:

10.1.1 persons working under the supervision of a Delaware licensed master or limited electrician;

10.1.2 persons under the supervision of a licensed electrician who is the owner or full-time employee of a company performing electrical work;

10.1.3 a professional engineer in a manufacturing or industrial plant having six years experience in electrical planning and design who is registered with the Board as the person responsible for the plant repairs, maintenance, and electrical additions;

10.1.4 the Department of Transportation, or a contractor, for work performed by or under the supervision of the Department for the installation erection, construction, reconstruction and/or maintenance of drawbridges and traffic control devices

10.1.5 persons working beyond the main breaker or fuse of 200 amps or less in a structure used exclusively for agriculture;

10.1.6 persons performing the work of any light or power company, electric or steam railway company, telegraph or telephone company when the work is part of the plant or service used in rendering authorized service to the public such as power delivery by an electric company. This exception ends at the point of service, termination box, or demarcation point;

10.1.7 a homeowner who has obtained a homeowner's permit provided by law.

11.0 Reciprocity

11.1 An applicant for licensure by reciprocity shall complete an application approved by the Board and cause a certificate of good standing to be sent to the Board from the licensing agencies of all jurisdictions where the applicant is or has been licensed. Upon request an applicant for licensure under this provision must submit to the Board a copy of reciprocal state's current licensure requirements.

11.2 If the reciprocal state's requirements are not substantially similar to those of this State, as determined by the Board, the applicant shall submit proof of practice for at least five years after licensure. Proof of practice requires an employer's affidavit describing the nature of the applicant's experience. If an applicant cannot obtain an affidavit from the employer, tax W-2 forms showing full-time employment may be substituted at the discretion of the Board. A self-employed applicant may submit tax form Schedule C as proof of practice.

6 DE Reg. 1495 (5/1/03)

12.0 Required Inspection.

12.1 Every licensee shall file an application for an inspection by a licensed inspection agency no later than five working days after the commencement of electrical work. The inspection agency shall perform an inspection no later than five working days after the inspection has been requested.

12.2 An application for an inspection shall be filed with the inspection agency on a form, signed by the licensee, or person authorized under Rules 12.7, 12.8, or 12.9, containing at least the following information:

12.2.1 Full names of the licensee and any job foreman

12.2.2 License number, type (T-1, T-2, or Specialty) and expiration date

12.2.3 Date inspection requested

12.2.3 Location of work to be inspected

12.2.4 Permit numbers, if applicable

12.2.5 Applicant's name and contact information, if other than the licensee

12.2.6 A detailed description of the work to be inspected including any devices or equipment

12.2.7 Signature of the licensee

12.3 A licensee who signs an application for inspection form is deemed to have authorized and shall be responsible for the work described in the form.

12.4 An inspection agency shall not conduct an inspection of work performed until it has received a request made in compliance with Rule 12.2.

12.5 An inspection agency is responsible to ensure that the standards for its inspection are those established in the National Electric Code as adopted by the Delaware Fire Commission and in any applicable local building code. The version of the Code applicable to a particular project is determined by the Delaware Fire Commission.

12.6 An inspection report shall be recorded legibly on a form containing at least the following information:

12.6.1 Full name of the licensee

12.6.2 License number, type (T-1, T-2, or Specialty) and expiration date

12.6.3 Location of work to be inspected

12.6.4 Permit numbers

12.6.5 Inspector's full name

12.6.6 A detailed description of the work inspected

12.6.7 Deficiencies noted, any applicable NEC section, and inspection dates

12.6.8 Signature of inspector

12.6.9 Date inspection completed.

12.7 Any professional engineer excepted from licensure shall at least annually file with the Board a certificate of inspection by a licensed inspection agency and a letter stating that all repairs, maintenance, and additions to a manufacturing or industrial plant meet the Standards of the National Electrical Code. The annual inspection should include a representative sampling of the work performed by the authority of the responsible professional engineer.

12.8 Any person performing electrical work on agricultural structures excepted from licensure shall nevertheless obtain a certificate of inspection from a licensed inspection agency for new installations.

12.9 Any person authorized to perform work by a homeowner's permit shall obtain a final inspection as provided in Rule 12.0 by an inspection agency licensed by the Board.

7 DE Reg. 1167 (3/1/04)

13.0 Organization of the Board

13.1 Election of Officers

Annually during the July meeting, the Board shall elect officers to serve for a one year term from September 1- August 31.

13.2 Duties of the Officers

13.2.1 President - The president shall preside at all meetings, designate subordinates when provided by law, sign correspondence on behalf of the Board, and perform other functions inherent in the position. In conducting meetings or hearings, the President may limit or exclude evidence as provided under the Administrative Procedures Act unless overruled by a majority of the Board.

13.2.2 Vice President - The Vice President assumes the duties and powers of the President when the President is unavailable.

13.2.3 Secretary - The Secretary assumes the duties and powers of the President when neither the President nor the Vice President is available.

13.2.4 Complaint officer - The complaint officer shall be a member who works with the investigator of the Division of Professional Regulation when complaints are investigated pursuant to 29 Del.C. §8807. The complaint officer shall report to the Board when complaints are closed and recuse himself or herself from participating in disciplinary hearings involving matters that have been reviewed in his or her capacity as complaint officer.

13.2.5 Education officer - The education officer may review courses submitted for continuing education approval and makes recommendations to the Board.

13.3 Meeting Minutes

The minutes of each meeting are taken by the Administrative Assistant from the Division of Professional Regulation and approved by the Board.

4 DE Reg. 1788 (5/1/01)

14.0 Homeowners Permits

14.1 The Division of Professional Regulation is authorized to issue homeowners' permits pursuant to an application process approved by the Board. Only owner-occupants who perform the work themselves qualify for homeowners' permits.

14.2 Homeowners' permits are required for new construction, renovation, and any work that requires a building permit. Generally, homeowners' permits are not required for replacement in kind.

14.3 A homeowner shall not be permitted to install his or her own internal wiring, electrical work or equipment associated with a hot tub or a swimming pool.

14.4 A homeowner's permit issued for a mobile home on a leased lot authorizes feeder installation for the mobile home itself and it does not include the installation or repair of service equipment.

14.5 A homeowner's permit is not authorized until a dwelling is on the site or under construction.

14.6 For the purposes of this section, evidence of homeownership can be a:

14.6.1 deed to the property;

14.6.2 a long term lease, e.g. 99 years, if the site of the dwelling is part of a community where title to the land is not conveyed by deed to the homeowner.

14.6.3 the title to a mobile home;

14.6.4 a written contract of sale, signed by the parties, for a mobile home that includes the names of the buyer, seller, contract price, date of sale, and identification number of the mobile home.

14.7 If a homeowner's permit is approved for a dwelling on a lot, other structures on the same lot, such as a non-commercial garage, are also covered unless otherwise prohibited under this section.

4 DE Reg. 1788 (5/1/01)

9 DE Reg. 260 (8/1/05)

15.0 Inspection agencies

15.1 Inspection agencies shall be licensed in accord with the provisions of 24 Del.C. §1421 in order to operate in Delaware. An application on a form approved by the Board must be filed at the Division of Professional Regulation. Licenses must be renewed annually on June 30 by completing the renewal form and paying the fee determined by the Division.

15.2 No inspection agency will be approved until it produces proof of general liability insurance in the amount of at least \$1,000,000.00 and errors and omissions insurance in the amount of at least \$1,000,000.00.

15.3 Inspection agencies must submit, to the Division of Professional Regulation, the names of its employees who are inspectors and proof of compliance with the statutory requirements for inspectors. Inspectors must have seven years of experience in residential, commercial, or industrial wiring. Proof of experience shall be submitted by affidavit of the named employer, a tax form w-2, or tax Schedule C. The experience requirement for an inspector employed by an approved inspection agency on July 20, 1999 is satisfied with seven years of inspection experience. Each inspector shall also submit a passing score for the Electrical one and two family dwelling and the Electrical General examinations within 18 months of employment and the Electrical Plan Review examination within 24 months of employment. For inspectors employed by the inspection agency on July 20, 1999, the time for taking said examinations shall run from the date these regulations become effective and not the date first employed.

15.4 An employee of an inspection agency shall confirm that the person who has filed for an inspection is a licensee under this chapter, a homeowner having a permit, or a person who has performed work allowed under an exception to licensure. ~~The Division of Professional Regulation will provide quarterly lists of licensees to each inspection agency licensed in this State.~~ Licensure verification is available online, free of charge at www.dpr.delaware.gov.

15.5 If a violation found in an inspection is not corrected within 15 days as provided in 24 **Del.C.** §1421(g), the inspection agency shall notify the Board in writing and include a copy of the notice of violation. The Division of Professional Regulation will send, on behalf of the Board, the notice of violation to the other inspection agencies and to any local building inspector having jurisdiction over the structure.

15.6 An inspection agency shall notify the Board in writing within 10 days when an employee leaves the agency or when a new employee is hired by the agency. This notification shall include the full name and address of the inspector. The date a new employee is hired by an inspection agency marks the beginning of the period in which the inspection examinations in Rule 15.3 must be successfully completed.

4 DE Reg. 1788 (5/1/01)

6 DE Reg. 1495 (5/1/03)

7 DE Reg. 1167 (3/1/04)

16.0 Voluntary Treatment Option For Chemically Dependent Or Impaired Professionals.

A voluntary treatment option is available for chemically dependent or impaired professionals as provided in 29 **Del.C.** §8807(n) who are reported to the Board or Division using the following procedures:

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

16.2 The president of the Board or that president's designate or designates shall, within seven (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.

16.3 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 thirty (30) days following notification to the professional by the participating Board president or that president's designate(s).

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

16.5 Failure to cooperate fully with the Board president or that president's designate or designates or the Director of the Division of Professional Regulation or his/ her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option and the Board president or that president's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in 29 **Del.C.** §8807(h).

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

16.6.1 Entry of the regulated professional into a treatment program approved by the 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.

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

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

16.6.4 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 paragraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the 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.

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

16.7 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.

16.8 The Board's president, his/her designate or designates or the Direction 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.

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

16.10 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 Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.

16.11 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 non-disciplinary matter.

16.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected.

17.0 Crimes substantially related to work of an Electrician.

17.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or the solicitation to commit any of the following crimes, is deemed to be a crime substantially related to the work of an electrician in the State of Delaware without regard to the place of conviction:

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

17.1.2 Assault in the second degree. 11 Del.C. §612

17.1.3 Assault in the first degree. 11 Del.C. §613

17.1.4 Manslaughter. 11 Del.C. §632

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

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

17.1.7 Murder in the second degree. 11 Del.C. §635

17.1.8 Murder in the first degree. 11 Del.C. §636

17.1.9 Unlawful sexual contact in the second degree. 11 Del.C. §768

17.1.10 Unlawful sexual contact in the first degree. 11 Del.C. §769

17.1.11 Rape in the fourth degree. 11 Del.C. §770

- 17.1.12 Rape in the third degree. 11 **Del.C.** §771
- 17.1.13 Rape in the second degree. 11 **Del.C.** §772
- 17.1.14 Rape in the first degree. 11 **Del.C.** §773
- 17.1.15 Sexual extortion. 11 **Del.C.** §776
- 17.1.16 Continuous sexual abuse of a child. 11 **Del.C.** §778
- 17.1.17 Dangerous crimes against a child. 11 **Del.C.** §779
- 17.1.18 Kidnapping in the second degree. 11 **Del.C.** §783
- 17.1.19 Kidnapping in the first degree. 11 **Del.C.** §783A
- 17.1.20 Arson in the second degree. 11 **Del.C.** §802
- 17.1.21 Arson in the first degree. 11 **Del.C.** §803
- 17.1.22 Criminal mischief. 11 **Del.C.** §811
- 17.1.23 Burglary in the third degree. 11 **Del.C.** §824
- 17.1.24 Burglary in the second degree. 11 **Del.C.** §825
- 17.1.25 Burglary in the first degree. 11 **Del.C.** §826
- 17.1.26 Robbery in the second degree. 11 **Del.C.** §831
- 17.1.27 Robbery in the first degree. 11 **Del.C.** §832
- 17.1.28 Theft of services. 11 **Del.C.** §845
- 17.1.29 Extortion. 11 **Del.C.** §846
- 17.1.30 Identity theft. 11 **Del.C.** §854
- 17.1.31 Forgery. 11 **Del.C.** §861
- 17.1.32 Unlawful use of credit card. 11 **Del.C.** §903
- 17.1.33 Criminal impersonation of a police officer. 11 **Del.C.** §907B
- 17.1.34 Insurance fraud. 11 **Del.C.** §913
- 17.1.34 Home improvement fraud. 11 **Del.C.** §916
- 17.1.36 New home construction fraud. 11 **Del.C.** §917
- 17.1.37 Dealing in children. 11 **Del.C.** §1100
- 17.1.38 Sexual exploitation of a child. 11 **Del.C.** §1108
- 17.1.39 Unlawful dealing in child pornography. 11 **Del.C.** §1109
- 17.1.40 Sexual solicitation of a child. 11 **Del.C.** §1112A
- 17.1.41 Perjury in the second degree. 11 **Del.C.** §1222
- 17.1.42 Perjury in the first degree. 11 **Del.C.** §1223
- 17.1.43 Aggravated harassment. 11 **Del.C.** §1312
- 17.1.44 Adulteration. 11 **Del.C.** §1339
- 17.1.45 Possession of a firearm during a felony. 11 **Del.C.** §1447
- 17.1.46 Theft of a firearm. 11 **Del.C.** §1451
- 17.1.47 Organized crime and racketeering. 11 **Del.C.** §1503
- 17.1.48 Breaking and entering, etc. to place or remove equipment. 11 **Del.C.** §2410

17.2 Crimes substantially related to the work of an electrician 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.

8 DE Reg. 998 (1/1/05)

10 DE Reg. 1329 (02/01/07) (Final)