

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

FINAL

ORDER

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

The Division of Professional Regulation ("the Division") published notice in the Register of Regulations and two Delaware newspapers of its intent to adopt regulations governing what information the Division must supply to the State Bureau of Identification regarding the Division's investigations, civil enforcement actions or complaints, and changes in license status when such information is related to alleged criminal conduct. The proposed regulations were developed in cooperation with the Executive Director of the Delaware Criminal Justice Information System. The public was afforded the opportunity to provide written comment on the proposed changes to James L. Collins, Director of the Division ("the Director").

The full text of the proposed regulations was published in the Register of Regulations, Volume 15, Issue 4, on October 1, 2011. The comment period was held open in excess of thirty (30) days after the October 1, 2011 publication date.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

No written comments were received in regard to the proposed rules and regulations as published on October 1, 2011.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The public was given notice and an opportunity to provide the Division with comments in writing on the proposed regulations governing information to be supplied to the State Bureau of Identification. The Division received no public comment.

2. Pursuant to 11 **Del.C.** § 8510A the Division has statutory authority and is mandated to promulgate regulations governing information to be supplied to the State Bureau of Identification regarding the Division's investigations, civil enforcement actions or complaints, and changes in license status when such information is related to alleged criminal conduct.

3. These regulations satisfy the legislative mandate of 11 **Del.C.** § 8510A and were developed in cooperation with the Executive Director of the Delaware Criminal Justice Information System.

DECISION AND EFFECTIVE DATE

The Director hereby adopts the amendments to the regulations to be effective 10 days following publication of this final Order in the Register of Regulations.

TEXT AND CITATION

The text of the regulations remains as published in the Register of Regulations, Vol. 15, Issue 4, October 1, 2011, without any modifications.

SO ORDERED this 13th day of February, 2012.

DIVISION OF PROFESSIONAL REGULATION
James L. Collins, Director

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

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

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

2.0 Definitions

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

- 2.1 "Bureau" shall mean the Delaware State Bureau of Identification
- 2.2 "DELJIS" shall mean the Delaware Criminal Justice Information System.
- 2.3 "Director" shall mean the Director of the Division of Professional Regulation.
- 2.4 "Division" shall mean the Delaware Department of State, Division of Professional Regulation.
- 2.5 "Executive Director" shall mean the Executive Director of the Delaware Criminal Justice Information System.
- 2.6 "LEISS" shall mean the Law Enforcement Investigative Support System.
- 2.7 "Licensee" shall mean persons licensed, certified or registered under Titles 16, 23, 24, 28 and 29.

3.0 Purpose

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

4.0 Reports of Criminal Conduct

- 4.1 Any investigation of a complaint or mandatory report conducted by the Division when there is reasonable cause to believe that criminal conduct has occurred shall be reported to the Executive Director of DELJIS within 30 days of making that determination. The manner of reporting shall be through the LEISS or in any other manner prescribed by the Executive Director.
- 4.2 All civil enforcement actions taken by the Division when it has been determined that criminal conduct has occurred or when testimony presented in the accompanying hearing has established evidence of criminal conduct, shall be reported to the Executive Director of DELJIS within 30 days of determining the existence of criminal conduct on the part of any licensee or other person.
- 4.3 Any change in license status (suspension, probation or revocation) of a licensee as a result of a finding, either by investigation, Board Hearing, hearing before a Hearing Officer, consent agreement or testimony offered at a hearing, which establishes that the licensee has been involved in criminal conduct, shall be reported to the Executive Director of DELJIS within 30 days of determining that such criminal conduct has occurred.

5.0 Required Information

- 5.1 The information that is provided to the Executive Director of DELJIS by the Director shall include the full name, sex, DOB (if available), address and any other identifying information necessary to fully and properly identify the person being reported. The information reported will include sufficient details of the alleged criminal conduct that will allow other Criminal Justice Agencies to understand the alleged criminal conduct perpetrated by the person being reported. Types of criminal conduct that shall be reported include, but are not limited to, the following:
 - 5.1.1 Medicaid Fraud
 - 5.1.2 Insurance Fraud of any type
 - 5.1.3 Sexual Misconduct including boundary violations
 - 5.1.4 Tax Fraud
 - 5.1.5 Drug offenses including over prescribing and diversion
 - 5.1.6 Fraudulent activity in the trades (plumbing, HVAC and electrical)

6.0 Authorized DELJIS Access

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