

CHAPTER 35  
FORMERLY  
HOUSE BILL NO. 45  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING.  
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1910(5)c., Title 24 of the Delaware Code by deleting the language “; and” and substituting in lieu thereof a period “.”.

Section 2. Amend §1910(5), Title 24 of the Delaware Code by adding a new paragraph as follows:

“d. The applicant has not been convicted of a felony sexual offense; and”.

Section 3. Amend §1914(5)c., Title 24 of the Delaware Code by deleting the language “; and” and substituting in lieu thereof a period “.”.

Section 4. Amend §1914(5), Title 24 of the Delaware Code by adding a new paragraph as follows:

“d. The applicant has not been convicted of a felony sexual offense; and”.

Section 5. Amend § 1922(a), Title 24 of the Delaware Code by adding after the word “herein” and before the colon “:” the following language “, except that the license of any licensee who is convicted of a felony sexual offense shall be permanently revoked”.

Section 6. Amend § 1922(a)(9), Title 24 of the Delaware Code by deleting the period “.” at the end of the sentence and substituting in lieu thereof the following: “; or

(10) Has failed to report child abuse or neglect as required by § 903, Title 16, or any successor thereto;

or

(11) Has failed to report to the Division of Professional Regulation as required by § 1930 of this Chapter.”.

Section 7. Amend Title 24 of the Delaware Code by adding a new § 1930 as follows:

“§ 1930. Duty to report conduct that constitutes grounds for discipline or inability to practice.

(a) Every person to whom a license to practice has been issued under this Chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that any other practitioner licensed under this chapter or any other healthcare provider has engaged in or is engaging in conduct that would constitute grounds for disciplinary action under this chapter or the other healthcare provider’s licensing statute.

(b) Every person to whom a license to practice has been issued under this Chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that any other practitioner licensed under this chapter or any other healthcare provider may be unable to practice with reasonable skill and safety to the public by reason of mental illness or mental incompetence; physical illness, including deterioration through the aging process or loss of motor skill; or excessive abuse of drugs, including alcohol.

(c) Every person to whom a license to practice has been issued under this Chapter has a duty to report to the Division of Professional Regulation any information that the reporting person reasonably believes indicates that a person certified and registered to practice medicine in this State is or may be guilty of unprofessional conduct or may be unable to practice medicine with reasonable skill or safety to patients by reason of mental illness or mental incompetence; physical illness, including deterioration through the aging process or loss of motor skill; or excessive use or abuse of drugs, including alcohol.

(d) All reports required under paragraphs (a), (b) and (c) must be filed within 30 days of becoming aware of such information. A person reporting or testifying in any proceeding as a result of making a report pursuant to this section is immune from claim, suit, liability, damages, or any other recourse, civil or criminal, so long as the person acted in good faith and without gross or wanton negligence; good faith being presumed until proven otherwise, and gross or wanton negligence required to be shown by the complainant.”.

Approved May 31, 2011