



SPONSOR: Rep. Minor-Brown & Sen. Pinkney
Reps. Baumbach, Dorsey Walker, Griffith, Lambert,
Lynn, Morrison, Osinski; Sens. Sokola, Townsend

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 404

AN ACT TO AMEND TITLES 24 AND 29 OF THE DELAWARE CODE RELATING TO PROFESSIONAL LICENSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. This Act shall be known and may be cited as “The Delaware Fair Chance Licensing Act.”

2 Section 2. Amend § 8735, Title 29 of the Delaware Code by making deletions as shown by strike through and
3 insertions as shown by underline as follows:

4 § 8735. Division of Professional Regulation.

5 (x) (1) Because professional licensing requirements can be a substantial barrier to those with a criminal history
6 who are attempting to enter and advance in the workforce and a potential limitation on a robust workforce, it is the policy of
7 this State that criminal history records should disqualify applicants for professional licensure under chapters of Title 24
8 administered by the Division of Professional Regulation only in the limited circumstances set forth in this subsection. The
9 provisions of this subsection (x) apply to all license procedures in Title 24 except those set forth in Chapters 9, 12, 13, 23,
10 28, 54, and 55.

11 (2) Conviction of a crime may be grounds for the denial of a license only if the underlying offense is one
12 identified by the licensing board as being substantially related to the practice of the occupation or profession.

13 (3) A licensing board shall grant a waiver to an applicant with a criminal conviction, unless granting a waiver
14 would create an unreasonable risk to public safety. In making the waiver determination, a licensing board shall make
15 an individualized assessment of the applicant, considering all of the following:

16 a. The nature and seriousness of the offense.

17 b. The amount of time that has passed since the conviction.

18 c. The age of the applicant at the time the offense was committed.

19 d. Evidence relevant to the circumstances of the offense, including any aggravating or mitigating
20 circumstances or social conditions surrounding the commission of the crime.

21 e. The relationship between public safety, the offense, and the specific tasks and duties for which
22 licensure is required.

23 f. Evidence of rehabilitation or treatment undertaken by the applicant since the conviction.

24 (4) The following criminal history records and dispositions may not be considered by a licensing board or the
25 Division of Professional Regulation and may not be grounds for the initial denial of a license unless an exception is
26 specifically set forth in Title 24 for certain licenses:

27 a. A criminal charge, indictment, or arrest that is no longer pending and did not lead to a criminal
28 conviction.

29 b. A criminal conviction that has been pardoned, sealed, or expunged.

30 c. A juvenile adjudication of delinquency.

31 d. A criminal conviction where more than 10 years have passed since the date of conviction if there have
32 been no other criminal convictions in the intervening time.

33 (5) An individual convicted of an offense that has been identified by a licensing board as being substantially
34 related to the practice of an occupation or profession may at any time prior to applying for a license, petition the
35 Division of Professional Regulation, in a form prescribed by the Division, for an official determination as to whether
36 the individual's criminal conviction will prevent the individual from receiving a license. The petition must list each of
37 the specific offenses for which the individual was convicted and may include evidence relevant to each of the factors
38 described in paragraph (x)(3) of this section, including personal references or testimonials.

39 (6) Before the Division or a licensing board makes a final determination that a criminal conviction will
40 prevent an individual from receiving a license, or denies a license application, the board must provide the individual
41 with written notice containing all of the following:

42 a. An identification of the conviction that is substantially related to the practice of the occupation or
43 profession.

44 b. A statement of the reason the individual's conviction was determined to pose an unreasonable risk to
45 public safety.

46 c. Instructions for the applicant or individual seeking a determination to submit evidence in rebuttal that
47 the board will consider before issuing a final determination.

48 (7) For purposes of this subsection "licensing board" includes a Commission, Council, or any other entity
49 with authority over the licensing procedures in Title 24 that are not specifically excluded under paragraph (x)(1) of
50 this section.

51 Section 3. Amend Chapter 1, Title 24 of the Delaware Code by making deletions as shown by strike through and
52 insertions as shown by underline as follows:

53 § 107. Requirements and qualifications for a permit to practice as a certified public accountant.

54 (b) The applicant has not been convicted of a crime that is substantially related to the practice of accountancy;
55 however, if after consideration of the factors set forth under §8735(x)(3) of Title 29, through a hearing or review of
56 documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote
57 of a majority of the quorum, may waive this subsection, if it finds all of the following: documentation, the Board
58 determines that granting a waiver would not create an unreasonable risk to public safety, the Board, by an affirmative vote
59 of a majority of the quorum, shall waive this subsection.

60 (1) ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the~~
61 ~~time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any~~
62 ~~part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution~~
63 ~~and community service.~~

64 (2) ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not~~
65 ~~be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in~~
66 ~~substantial compliance with all court orders pertaining to fines, restitution and community service.~~

67 (3) ~~The applicant is capable of practicing accountancy in a competent and professional manner.~~

68 (4) ~~The granting of the waiver will not endanger the public health, safety or welfare;~~

69 § 110. Requirements for permits to practice public accountancy.

70 (c) An applicant for initial issuance of a permit under this section shall ~~show that the applicant:~~ must show all of
71 the following:

72 (1) ~~Has~~ The applicant has not been convicted of a crime that is substantially related to the practice of
73 accountancy; if however, after consideration of the factors set forth under §8735(x)(3) of Title 29 through a hearing or
74 review of documentation, the Board determines that the granting of a waiver would not create an unreasonable risk to
75 public safety, the Board shall, by an affirmative vote of a majority of the quorum, waive this waive this paragraph
76 (c)(1); accountancy; however, after a hearing or review of documentation demonstrating that the applicant meets the
77 specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph
78 (e)(1) of this section, if it finds all of the following:

79 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
80 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
81 ~~serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
82 ~~fines, restitution and community service.~~

83 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
84 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
85 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

86 ~~c. The applicant is capable of practicing accountancy in a competent and professional manner.~~

87 ~~d. The granting of the waiver will not endanger the public health, safety or welfare;~~

88 Section 4. Amend Chapter 2, Title 24 of the Delaware Code by making deletions as shown by strike through and
89 insertions as shown by underline as follows:

90 § 206. Qualifications of applicant; report to Attorney General; judicial review.

91 (c) An applicant ~~shall~~may not have been convicted of a crime that is substantially related to the practice of
92 ~~landscape architecture; if however, after considering the factors set forth in § 8735(x)(3) of Title 29 through a hearing or~~
93 ~~review of documentation the Board determines that granting a waiver would not create an unreasonable risk to public~~
94 ~~safety, the Board, by an affirmative vote of a majority of the quorum, shall waive this subsection (c).~~ architecture; however,
95 ~~after a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the~~
96 ~~Board, by an affirmative vote of a majority of the quorum, may waive this subsection, if it finds all of the following:~~

97 (1) ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the~~
98 ~~time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or serving any~~
99 ~~part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution~~
100 ~~and community service.~~

101 (2) ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not~~
102 ~~be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence and must be in~~
103 ~~substantial compliance with all court orders pertaining to fines, restitution and community service.~~

104 (3) ~~The applicant is capable of practicing landscape architecture in a competent and professional manner.~~

105 (4) ~~The granting of the waiver will not endanger the public health, safety, or welfare.~~

106 Section 5. Amend Chapter 3, Title 24 of the Delaware Code by making deletions as shown by strike through and
107 insertions as shown by underline as follows:

108 § 307. Application procedures.

109 (c) The Board may refuse or reject an applicant if, after a hearing, the Board finds that the applicant has:

110 (1) ~~Been convicted of committing a crime that is substantially related to the practice of architecture; however,~~
111 ~~after a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver,~~
112 ~~the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph (c)(1), if it finds all of the~~

113 ~~following: architecture; if however, after considering the factors set forth in § 8735(x)(3) of Title 29 through a hearing~~
114 ~~or review of documentation the Board determines that granting a waiver would not create an unreasonable risk to~~
115 ~~public safety, the Board shall, by an affirmative vote of a majority of the quorum, waive this paragraph (c)(1);~~

116 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
117 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
118 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
119 ~~finest, restitution and community service.~~

120 ~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
121 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
122 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

123 ~~c. The applicant is capable of practicing architecture in a competent and professional manner.~~

124 ~~d. The granting of the waiver will not endanger the public health, safety or welfare;~~

125 Section 6. Amend Chapter 5, Title 24 of the Delaware Code by making deletions as shown by strike through and
126 insertions as shown by underline as follows:

127 § 508. Qualifications of applicant; report to Attorney General; judicial review.

128 (a) An applicant who is applying for licensure as a podiatrist under this chapter shall submit evidence, verified by
129 oath and satisfactory to the Board, that such person:

130 (6) ~~Shall~~Does not have a criminal conviction record, nor pending criminal charge relating to an offense, the
131 ~~circumstances of which offense that is substantially relate related~~ to the practice of podiatry. Applicants who have
132 criminal conviction records or pending criminal charges shall request appropriate authorities to provide information
133 about the record or charge directly to the Board in sufficient specificity to enable the Board to make a determination
134 ~~whether the record or charge is substantially related to the practice of podiatry. Board. After a hearing or review of~~
135 ~~documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative~~
136 ~~vote of a majority of the quorum, may waive this paragraph (a)(6), if it finds all of the following: If after considering~~
137 ~~the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation the Board determines~~
138 ~~that granting a waiver would not create an unreasonable risk to public safety, the Board, by an affirmative vote of a~~
139 ~~majority of the quorum, shall waive this paragraph (a)(6). A waiver may not be granted for a conviction of a felony~~
140 ~~sexual offense.~~

141 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
142 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~

143 serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to
144 fines, restitution and community service.

145 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
146 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
147 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

148 e. ~~The applicant is capable of practicing podiatry in a competent and professional manner.~~

149 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

150 (8) Notwithstanding the time limitation in § 8735(x)(4) of Title 29, Has has not been convicted of a felony
151 sexual offense.

152 (9) Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain
153 the following:

154 c. An applicant may not be licensed to practice podiatric medicine until the applicant's criminal history
155 reports have been produced. An applicant whose record shows a prior criminal conviction that is substantially
156 related to the practice of podiatry may not be licensed by the Board unless a waiver is granted pursuant to
157 paragraph (a)(6) of this section.

158 Section 7. Amend Chapter 7, Title 24 of the Delaware Code by making deletions as shown by strike through and
159 insertions as shown by underline as follows:

160 § 701. Chiropractic defined; limitation of chiropractic license.

161 (a) As used in this chapter:

162 (4) "Substantially related" means the nature of criminal conduct, for which the person was convicted, has a
163 direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the
164 practice of chiropractic.

165 § 707. Qualifications of applicant; report to Attorney General; judicial review.

166 (a) An applicant who is applying for licensure as a doctor of chiropractic under this chapter shall submit evidence,
167 verified by oath and satisfactory to the Board, that such person:

168 (5) ~~Shall Does~~ not have a criminal conviction record, nor pending criminal charge relating to an offense that is
169 offense, the circumstances of which substantially related to the practice of chiropractic. If however, after considering
170 the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation the Board determines
171 that granting a waiver would not create an unreasonable risk to public safety, the Board, by an affirmative vote of a
172 majority of the quorum, shall waive this paragraph (a)(5). Applicants who have criminal conviction records or pending

173 criminal charges shall require appropriate authorities to provide information about the record or charge directly to the
174 ~~Board; Board in sufficient specificity to enable the Board to make a determination whether the record or charge is~~
175 ~~substantially related to the practice of chiropractic. "Substantially related" means the nature of criminal conduct, for~~
176 ~~which the person was convicted, has a direct bearing on the fitness or ability to perform 1 or more of the duties or~~
177 ~~responsibilities necessarily related to the practice of chiropractic. After a hearing or review of documentation~~
178 ~~demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a~~
179 ~~majority of the quorum, may waive this paragraph (a)(5), if it finds all of the following:~~

180 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
181 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
182 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
183 ~~finances, restitution and community service.~~

184 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
185 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
186 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

187 c. ~~The applicant is capable of practicing chiropractic in a competent and professional manner.~~

188 d. ~~The granting of the waiver will not endanger the public health, safety or welfare;~~

189 (6) ~~Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, Has~~ has not been convicted of a
190 felony sexual offense;

191 (7) Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain
192 the following:

193 c. An applicant may not be licensed to practice chiropractic until the applicant's criminal history reports
194 have been produced. An applicant whose record shows a prior criminal conviction related to the practice of
195 chiropractic may not be licensed by the Board unless a waiver is granted pursuant to paragraph (a)(5) of this
196 section.

197 § 711. Grounds for discipline; procedure; sanctions.

198 (b) Unprofessional conduct is hereby defined as any of the following acts:

199 (2) Conviction of a crime that is substantially related to the practice of ~~chiropractic~~. "~~Substantially related~~"
200 ~~means the nature of criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability~~
201 ~~to perform 1 or more of the duties or responsibilities necessarily related to chiropractic;~~

202 Section 8. Amend Chapter 11, Title 24 of the Delaware Code by making deletions as shown by strike through and
203 insertions as shown by underline as follows:

204 § 1122. Qualifications of applicant; report to Attorney General; judicial review.

205 (c) All applicants shall have complied with the following conditions:

206 (4) ~~Shall~~Does not have a criminal conviction for a crime substantially related to the practice of dentistry or
207 dental hygiene. ~~After a hearing or review of documentation demonstrating that the applicant meets the specified criteria~~
208 ~~for a waiver, If however, after considering the factors set forth under § 8735(x)(3) of Title 29 through a hearing or~~
209 ~~review of documentation, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph~~
210 ~~(e)(4), if it finds all of the following: the Board determines that granting a waiver would not create an unreasonable risk~~
211 ~~to public safety, the Board shall, by an affirmative vote of a majority of the quorum, waive this paragraph (c)(4). No~~
212 ~~waiver may be granted for a conviction of a felony sexual offense. A conviction for a felony sexual offense shall be~~
213 ~~considered, notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29.~~

214 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
215 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
216 ~~servng any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
217 ~~finer, restitution and community service.~~

218 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
219 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
220 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

221 e. ~~The applicant is capable of practicing dentistry or dental hygiene in a competent and professional~~
222 ~~manner.~~

223 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

224 e. ~~The applicant has not been convicted of a felony sexual offense.~~

225 (6) Submit, at the applicant's expense, fingerprints and other necessary information in order to obtain the
226 following:

227 c. An applicant may not be certified to practice dentistry or dental hygiene until the applicant's criminal
228 history reports have been produced. An applicant whose record shows a prior criminal conviction related to the
229 practice of dentistry or dental hygiene may not be certified by the Board unless a waiver is granted pursuant to
230 paragraphs (c)(4)a., b. and c. paragraph (c)(4) of this section; section.

231 Section 9. Amend Chapter 14, Title 24 of the Delaware Code by making deletions as shown by strike through and
232 insertions as shown by underline as follows:

233 § 1408. Qualifications of applicant [For application of this section, see 81 Del. Laws, c. 290, § 5].

234 (a) An applicant, who is applying for licensure as an electrician under this chapter, shall submit evidence, verified
235 by oath and satisfactory to the Board, that such person:

236 (11) Does not have a criminal conviction record, ~~relating to an offense, the circumstances of which~~
237 ~~substantially relate~~ record for an offense substantially related to providing electrical services. Applicants who have
238 criminal conviction records shall request appropriate authorities to provide information about the record directly to the
239 Board ~~in sufficient specificity to enable the Board to make a determination whether the charge is substantially related~~
240 ~~to providing electrical services. Board. In determining whether a crime is substantially related to the professions~~
241 ~~regulated by this chapter, the Board may not consider a conviction where more than 10 years have elapsed since the~~
242 ~~date of the conviction, if there have been no other criminal convictions in the intervening time. After a hearing or~~
243 ~~review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an~~
244 ~~affirmative vote of a majority of the quorum, or, during the time between meetings, the Board President or the~~
245 ~~President's designee, may waive this paragraph (a)(11), if it finds all of the following: If however, after considering the~~
246 ~~factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation the Board determines that~~
247 ~~granting a waiver would not create an unreasonable risk to public safety, the Board, by an affirmative vote of a~~
248 ~~majority of the quorum, or during the time between meetings, the Board President or the President's designee, shall~~
249 ~~waive this paragraph (a)(11). No waiver may be granted for a conviction of a felony sexual offense.~~

250 a. ~~For waiver of a felony conviction, where the crime was committed against a person, more than 3 years~~
251 ~~have elapsed since the date of the conviction and, for all other felonies, more than 2 years have elapsed since the~~
252 ~~date of conviction. At the time of the application the applicant may not be incarcerated, on work release, or on~~
253 ~~probation or parole at Level III supervision or higher and must be in substantial compliance with all court orders~~
254 ~~pertaining to fines, restitution, and community service.~~

255 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
256 ~~not be incarcerated, on work release, or on probation or parole at Level III supervision or higher and must be in~~
257 ~~substantial compliance with all court orders pertaining to fines, restitution, and community service.~~

258 c. ~~The applicant is capable of practicing electrical services in a competent and professional manner.~~

259 d. ~~The granting of the waiver will not endanger the public health, safety, or welfare.~~

260 (13) Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, Has has not been convicted of a
261 felony sexual offense.

262 Section 10. Amend Chapter 16, Title 24 of the Delaware Code by making deletions as shown by strike through and
263 insertions as shown by underline as follows:

264 § 1617. Grounds for refusal to issue a license; suspension; revocation.

265 (a) The Commission shall refuse to issue a license to any applicant, and shall revoke any license for the operation
266 of an adult entertainment establishment or adult-oriented retail establishment, for any of the following reasons:

267 (3) ~~A conviction of the licensee for any of the following offenses, including conspiracy to commit any of the~~
268 ~~following offenses:~~ for any of the following offenses, which are deemed to be substantially related to the operation of
269 adult bookstores and adult entertainment establishments: ~~Lewdness, lewdness,~~ tax evasion, obscenity, prostitution,
270 promoting prostitution, sexual assault, sexual misconduct, indecent exposure, incest, rape or sodomy, in this State or
271 any other state or jurisdiction;

272 (4) A conviction of any director, officer, principal stockholder, manager, procurer, employee or independent
273 contractor of the licensee or of a partner associated with the licensee for any of the following offenses, including
274 conspiracy to commit any of the following ~~offenses:~~ offenses, which are deemed substantially related to the operation
275 of adult bookstores and adult entertainment establishments: ~~Lewdness, lewdness,~~ tax evasion, obscenity, prostitution,
276 promoting prostitution, sexual assault, sexual misconduct, indecent exposure, incest, rape or sodomy, in this State or
277 any other state or jurisdiction, occurring on the licensed premises; or

278 (5) A conviction of any director, officer, principal stockholder, manager, procurer, employee or independent
279 contractor of the licensee, or of a partner associated with the licensee, for any of the following offenses, including
280 conspiracy to commit any of the following ~~offenses:~~ offenses, which are deemed substantially related to the operation
281 of adult bookstores and adult entertainment establishments: ~~Lewdness, lewdness,~~ tax evasion, obscenity, prostitution,
282 promoting prostitution, sexual assault, sexual misconduct, indecent exposure, incest, rape or sodomy, in this State or
283 any other jurisdiction, not occurring on licensed premises, where said director, officer, principal stockholder, manager,
284 procurer, employee or independent contractor, at the time of the conduct constituting the offense, was off the premises
285 at the request or direction or pursuant to the authority of the licensee for the purpose of furthering the business of the
286 licensee.

287 (d) A waiver shall be granted, after application in a form prescribed by the Commission, of paragraphs (a)(3), (4),
288 and (5) of this section if, after consideration of the factors set forth in § 8735(x)(3) of Title 29, the Commission determines
289 that granting a waiver would not create an unreasonable risk to public safety.

290 Section 11. Amend Chapter 17, Title 24 of the Delaware Code by making deletions as shown by strike through and
291 insertions as shown by underline as follows:

292 § 1720. Certification requirements to practice medicine.

293 (b) To receive a certificate to practice medicine in this State, an applicant for a certificate must:

294 (4) Submit to the Board a sworn or affirmed statement that the applicant:

295 a. Has not been convicted of or has not admitted under oath to having committed a crime substantially
296 related to the practice of ~~medicine~~; medicine, provided however, that a waiver may be available pursuant to
297 subsection (e) of this section;

298 b. Has not been professionally penalized for or convicted of drug addiction;

299 (6) Submit, at the applicant's expense, fingerprints and other necessary information in order to obtain the
300 following:

301 c. An applicant may not be certified to practice medicine until the applicant's criminal history reports have
302 been produced. An applicant whose record shows a prior criminal conviction for an offense that is substantially related
303 to the practice of medicine, may not be certified by the Board unless a waiver is granted pursuant to subsection (e) of
304 this section. The State Bureau of Identification may release any subsequent criminal history to the Board.

305 (e) The Board, by the affirmative vote of 9 of its members, may waive any of the requirements of this section if it
306 finds all of the following by clear and convincing evidence:

307 (1) The applicant's education, training, qualifications, and conduct have been sufficient to overcome the
308 deficiency or deficiencies in meeting the requirements of this section;

309 (2) The applicant is capable of practicing medicine in a competent and professional manner;

310 (3) The granting of the waiver will not endanger the public health, safety, or welfare;

311 (4) For waiver of a ~~felony-criminal~~ conviction other than a conviction of a felony sexual offense, ~~more than 5~~
312 ~~years have elapsed since the date of the conviction. At the time of the application the applicant may not be~~
313 ~~incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in~~
314 ~~substantial compliance with all court orders pertaining to fines, restitution and community service, although waiver~~
315 ~~shall~~ offense, the Board shall grant a waiver if it determines, after consideration of the factors set forth in § 8735(x)(3)
316 of Title 29, that granting a waiver would not create an unreasonable risk to public safety. A waiver may not be granted
317 to any person who is convicted of a felony sexual offense; and offense. The time limitation set forth in § 8735(x)(4) of
318 Title 29 does not apply to a felony sexual offense.

319 ~~(5) For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not~~
320 ~~be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in~~
321 ~~substantial compliance with all court orders pertaining to fines, restitution and community service.~~

322 § 1777. Licensure.

323 (a) The requirements for licensure by the Board as a respiratory care practitioner are:

324 (5) The applicant may not have been convicted of or may not have admitted under oath to having committed a
325 crime substantially related to the practice of respiratory care. “Substantially related” means that the nature of the
326 criminal conduct for which the person was convicted or to which the person admitted under oath has a direct bearing
327 on the person’s fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the practice
328 of respiratory care. The Board shall promulgate regulations specifically identifying the crimes which are substantially
329 related to the practice of respiratory care;

330 (6) The applicant may not have a criminal conviction record or a pending criminal charge ~~relating to an~~
331 ~~offense, the circumstances of which substantially relate~~ for a crime that is substantially related to or affect the practice
332 of respiratory care. An applicant who has a criminal conviction record or a pending criminal charge must arrange for
333 information about the record or charge to be provided directly to the Board by the appropriate ~~authorities in sufficient~~
334 ~~specificity to enable the Board to make a determination of whether the record or charge is substantially related to or~~
335 ~~affects the practice of respiratory care.~~ authorities.

336 (b) Waiver of requirements. — The Respiratory Care Advisory Council, by the affirmative vote of 5 of its
337 members and with the approval of the Board within 30 days of the vote, may waive any of the requirements of subsection
338 (a) of this section if ~~its~~ it finds all of the following by clear and convincing evidence:

339 (1) The applicant’s education, training, qualifications, and conduct have been sufficient to overcome the
340 deficiency or deficiencies in meeting the requirements of this section;

341 (2) The applicant is capable of practicing respiratory care in a competent and professional manner;

342 (3) The granting of the waiver will not endanger the public health, safety, or welfare;

343 (4) ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the~~
344 ~~time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any~~
345 ~~part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution~~
346 ~~and community service; and~~ if, after consideration of the factors set forth in § 8735(x)(3) of Title 29, the Board
347 determines that granting a waiver would not create an unreasonable risk to public safety, the Board shall grant a waiver
348 of paragraphs (a)(5) and (6) of this section.

349 ~~(5) For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not~~
350 ~~be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in~~
351 ~~substantial compliance with all court orders pertaining to fines, restitution and community service. [Repealed.]~~

352 § 1798. Licensure.

353 (a) All applicants must meet the following requirements for licensure by the Board as an acupuncture and eastern
354 medicine practitioner:

355 (6) The applicant may not have been convicted of or may not have admitted under oath to having committed a
356 crime substantially related to the practice of acupuncture. “Substantially related” means that the nature of the criminal
357 conduct for which the person was convicted or to which the person admitted under oath has a direct bearing on the
358 person’s fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the practice of
359 acupuncture. The Board shall promulgate regulations specifically identifying the crimes which are substantially related
360 to the practice of acupuncture;

361 (b) All applicants must meet the following requirements for licensure by the Board as an acupuncture practitioner:

362 (6) The applicant may not have been convicted of or may not have admitted under oath to having committed a
363 crime substantially related to the practice of acupuncture. “Substantially related” means that the nature of the criminal
364 conduct for which the person was convicted or to which the person admitted under oath has a direct bearing on the
365 person’s fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the practice of
366 acupuncture. The Board shall promulgate regulations specifically identifying the crimes which are substantially related
367 to the practice of acupuncture;

368 (c) Waiver of requirements. — The Acupuncture Advisory Council, by the affirmative vote of 3 of its members
369 and with the approval of the Board within a reasonable period of time from the vote, may waive any of the requirements of
370 subsection (a) of this section if it finds all of the following by clear and convincing evidence:

371 (1) The applicant’s education, training, qualifications and conduct have been sufficient to overcome the
372 deficiency or deficiencies in meeting the requirements of this section;

373 (2) The applicant is capable of practicing acupuncture in a competent and professional manner;

374 (3) The granting of the waiver will not endanger the public health, safety, or welfare;

375 (4) ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the~~
376 ~~time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any~~
377 ~~part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution~~
378 ~~and community service; and if, after consideration of the factors set forth in § 8735(x)(3) of Title 29, the Council~~

379 determines that granting a waiver would not create an unreasonable risk to public safety, the Council shall waive
380 paragraph (a)(6) and (b)(6) of this section.

381 ~~(5) For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not~~
382 ~~be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in~~
383 ~~substantial compliance with all court orders pertaining to fines, restitution and community service. [Repealed.]~~

384 § 1799J. Licensure.

385 (b) The Board may refuse or reject an applicant, if after hearing, the Board finds that:

386 (2) The applicant has been convicted of a crime substantially related to the practice of genetic counseling as
387 determined by the Board of Medical Licensure and Discipline in its rules and regulations.

388 (c) Waiver of requirements. — The Council, by the affirmative vote of 3 of its members and with the approval of
389 the Board within a reasonable period of time from the vote, may waive any of the requirements of subsection (b) of this
390 section if it finds all of the following by clear and convincing evidence:

391 (1) The applicant's education, training, qualifications and conduct have been sufficient to overcome the
392 deficiency or deficiencies in meeting the requirements of this section;

393 (2) The applicant is capable of practicing as a genetic counselor in a competent and professional manner;

394 (3) The granting of the waiver will not endanger the public health, safety, or welfare;

395 (4) ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the~~
396 ~~time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any~~
397 ~~part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution~~
398 ~~and community service; and if, after consideration of the factors set forth in § 8735(x)(3) of Title 29, the Council~~
399 ~~determines that granting a waiver would not create an unreasonable risk to public safety, the Council shall waive~~
400 ~~paragraph (b)(2) of this section.~~

401 ~~(5) For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not~~
402 ~~be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in~~
403 ~~substantial compliance with all court orders pertaining to fines, restitution and community service. [Repealed.]~~

404 § 1799X. Licensure.

405 (f) The Board may refuse or reject an applicant, if after hearing, the Board finds that:

406 (2) The applicant has been convicted of a crime substantially related to the practice of polysomnography as
407 determined by the Board in its rules and regulations.

408 (g) Waiver of requirements. — The Council, by the affirmative vote of 3 of its members and with the approval of
409 the Board within a reasonable period of time from the vote, ~~may waive the requirements of paragraph (f)(2) of this section~~
410 ~~if it finds all of the following by clear and convincing evidence:~~ shall waive the requirements of paragraph (f)(2) of this
411 section if it finds, after consideration of the factors set forth in § 8735(x)(3) of Title 29, that a waiver would not create an
412 unreasonable risk to public safety.

413 (1) ~~The applicant's education, training, qualifications and conduct have been sufficient to overcome the~~
414 ~~deficiency or deficiencies in meeting the requirements of this section;~~

415 (2) ~~The applicant is capable of practicing as a polysomnographer in a competent and professional manner;~~

416 (3) ~~The granting of the waiver will not endanger the public health, safety, or welfare; and~~

417 (4) ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the~~
418 ~~time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any~~
419 ~~part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution~~
420 ~~and community service;~~

421 (5) ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not~~
422 ~~be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in~~
423 ~~substantial compliance with all court orders pertaining to fines, restitution and community service.~~

424 § 1799II. Licensure.

425 (a) To be eligible for licensure by the Board as a certified professional midwife, an applicant shall:

426 (4) ~~Shall not have been convicted of or may not have admitted under oath to having committed a crime~~
427 ~~substantially related to the practice of midwifery or any felony or violent misdemeanor or crime involving dishonesty;~~
428 ~~midwifery.~~

429 (7) ~~Shall not have been convicted~~ Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29,
430 may not have a conviction of a felony sexual offense; and

431 (b) To be eligible for licensure by the Board as a certified midwife, an applicant shall:

432 (4) ~~Shall not~~ Not have been convicted of or shall not have admitted under oath to having committed a crime
433 substantially related to the practice of midwifery or any felony or violent misdemeanor or crime involving dishonesty;
434 ~~midwifery.~~

435 (7) ~~Shall not have been convicted~~ Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29,
436 may not have a conviction of a felony sexual offense; and

437 (c) The Council may waive the requirements of paragraphs (a)(3), (a)(4), (b)(3), and (b)(4) of this section if its
438 finds all of the following by clear and convincing evidence:

439 (1) The applicant's education, training, qualifications, and conduct have been sufficient to overcome the
440 deficiency or deficiencies in meeting the requirements of this section;

441 (2) The applicant is capable of practicing midwifery in a competent and professional manner;

442 (3) The granting of the waiver will not endanger the public health, safety, or welfare;

443 (4) ~~For waiver of a misdemeanor conviction or violation, and for waiver of a felony for the practice of~~
444 ~~unlicensed midwifery after June 30, 2016, at the time of the application the applicant may not be incarcerated, on work~~
445 ~~release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with~~
446 ~~all court orders pertaining to fines, restitution and community service.~~ if, after consideration of the factors set forth in §
447 8735(x)(3) of Title 29, the Council determines that granting a waiver would not create an unreasonable risk to public
448 safety, the Council shall grant a waiver.

449 (5) ~~For waiver of any other felony conviction, more than 5 years have elapsed since the date of the conviction.~~
450 ~~At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
451 ~~serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
452 ~~fines, restitution and community service; and [Repealed.]~~

453 (f) An applicant for licensure to practice midwifery shall submit a certified criminal background check pursuant to
454 § 1720(b)(6) of this title. An applicant may not be certified until the applicant's criminal history reports have been
455 produced. An applicant whose record shows a ~~disqualifying~~ prior criminal conviction that is substantially related to the
456 practice of midwifery pursuant to paragraphs (a)(4) or (7) of this section or paragraphs (b)(4) or (7) of this section may not
457 be certified by the Board unless a waiver is granted pursuant to subsection (c) of this section. The State Bureau of
458 Identification may release any subsequent criminal history to the Board and Council.

459 Section 12. Amend Chapter 18, Title 24 of the Delaware Code by making deletions as shown by strike through and
460 insertions as shown by underline as follows:

461 § 1808. Qualifications of applicant.

462 (a) An applicant for licensure as a master plumber shall submit evidence, satisfactory to the Board, and verified by
463 oath or affirmation, that the applicant:

464 (5) Does not have any disciplinary proceedings or unresolved complaints pending against the applicant in any
465 jurisdiction where the applicant has previously been or is currently authorized to provide plumbing services; or have a
466 criminal conviction record ~~relating to an incident, the circumstances of which substantially relate~~ for a crime that is

467 substantially related to providing plumbing services. An applicant who has such a criminal conviction record must
468 request appropriate authorities provide information about the record directly to the Board in sufficient specificity to
469 enable the Board to make a determination of whether the record is substantially related to providing plumbing services.
470 In determining whether a crime is substantially related to the professions regulated by this chapter, the Board may not
471 consider a conviction where more than 10 years have elapsed since the date of the conviction, if there have been no
472 other criminal convictions in the intervening time. After a hearing or review of documentation that the applicant meets
473 the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, or during the time
474 between meetings, the Board President or the President's designee, may waive this paragraph (a)(5) herein if it finds all
475 of the following: shall waive this paragraph (a)(5) as it applies to a criminal conviction if it finds after consideration of
476 the factors set forth in § 8735(x)(3) of Title 29 that the granting such a waiver does not create an unreasonable risk to
477 public safety.

478 a. For waiver of a felony conviction, where the crime was committed against a person, more than 3 years
479 have passed since the date of the conviction and for all other felonies, more than 2 years have elapsed since the
480 date of conviction. At the time of the application the applicant may not be incarcerated, on work release, on
481 probation, or on parole at Level III Supervision or higher, or serving any part of a suspended sentence and must be
482 in substantial compliance with all court orders pertaining to fines, restitution and community service.

483 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may
484 not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must
485 be in substantial compliance with all court orders pertaining to fines, restitution and community service.

486 e. The applicant is capable of practicing plumbing services in a competent and professional manner.

487 d. The granting of the waiver will not endanger the public health, safety or welfare.

488 (6) Has not been convicted of Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, does
489 not have a conviction of a felony sexual offense.

490 § 1814. Grounds for discipline or other remediation.

491 (a) An individual licensed under this chapter is subject to disciplinary sanctions set forth in § 1815 of this title or
492 other appropriate remediation, if, after a hearing, the Board finds that the licensee has:

493 (3) Been convicted of an offense, the circumstances of which substantially relate offense that is substantially
494 related to providing plumbing services. A copy of the record of conviction certified by the clerk of the court entering
495 the conviction is conclusive evidence of conviction;

496 § 1821. Qualifications of applicant — Heating, ventilation, air conditioning, and refrigeration.

497 (a) An applicant for licensure as a master HVACR licensee, or master HVACR restricted licensee, must submit
498 evidence, satisfactory to the Board and verified by oath or affirmation, that the applicant:

499 (7) ~~Does not have a criminal conviction record relating to an incident, the circumstances of which~~
500 ~~substantially relate for a crime that is substantially related to providing HVACR or HVACR restricted services. An~~
501 ~~applicant who has such a criminal conviction record must request appropriate authorities provide information about the~~
502 ~~record directly to the Board in sufficient specificity to enable the Board to make a determination of whether the record~~
503 ~~is substantially related to providing HVACR or HVACR services. In determining whether a crime is substantially~~
504 ~~related to the professions regulated by this chapter, the Board may not consider a conviction where more than 10 years~~
505 ~~have elapsed since the date of the conviction, if there have been no other criminal convictions in the intervening time.~~
506 After a hearing or review of documentation that the applicant meets the specified criteria for a waiver, the Board, by an
507 affirmative vote of a majority of the quorum, or during the time between meetings, the Board President or the
508 President's designee, may waive this paragraph (a)(7) herein if it finds all of the following: ~~designee, shall waive this~~
509 paragraph (a)(7) if, after consideration of the factors set forth in § 8735(x)(3) of Title 29, the Board, Board President,
510 or the Board President's designee determines that the granting of a waiver would not create an unreasonable risk to
511 public safety.

512 ~~a. For waiver of a felony conviction, where the crime was committed against a person, more than 3 years~~
513 ~~have passed since the date of the conviction and for all other felonies, more than 2 years have elapsed since the~~
514 ~~date of conviction. At the time of the application the applicant may not be incarcerated, on work release, on~~
515 ~~probation, or on parole at Level III Supervision or higher, or serving any part of a suspended sentence and must be~~
516 ~~in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

517 ~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
518 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
519 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

520 ~~c. The applicant is capable of practicing plumbing services in a competent and professional manner.~~

521 ~~d. The granting of the waiver will not endanger the public health, safety or welfare.~~

522 (8) Has Notwithstanding the time limitation set forth in § 8735(x)(4), has not been convicted of a felony
523 sexual offense.

524 § 1827. Grounds for discipline or other remediation.

525 (a) An individual licensed under this chapter is subject to disciplinary sanctions set forth in § 1828 of this title or
526 other appropriate remediation, if, after a hearing, the Board finds that the licensee has:

527 (3) Been convicted of an ~~offense, the circumstances of which substantially relate~~ offense that is substantially
528 related to providing HVACR or HVACR restricted services. A copy of the record of conviction certified by the clerk of
529 the court entering the conviction is conclusive evidence of conviction;

530 Section 13. Amend Chapter 19, Title 24 of the Delaware Code by making deletions as shown by strike through and
531 insertions as shown by underline as follows:

532 § 1910. Qualifications for registered nurse.

533 An applicant for a license to practice as a registered nurse shall submit to the Board written evidence, verified by
534 oath, that the applicant:

535 (5) Has committed no acts which are grounds for disciplinary action as set forth in § 1922(a) of this title;
536 however, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of
537 documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative
538 vote of a majority of the quorum may waive § 1922(a)(2) of this title if it finds all of the following: the Board
539 determines that granting a waiver would not create an unreasonable risk to public safety, the Board by an affirmative
540 vote of a majority of the quorum, shall waive § 1922(a)(2) of this title. A waiver may not be granted for a conviction of
541 a felony sexual offense;

542 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
543 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or~~
544 ~~servicing any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
545 ~~finances, restitution, and community service.~~

546 ~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
547 ~~not be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence and must~~
548 ~~be in substantial compliance with all court orders pertaining to fines, restitution, and community service.~~

549 ~~c. The applicant is capable of practicing nursing in a competent and professional manner.~~

550 ~~d. The granting of a waiver will not endanger the public health, safety, or welfare.~~

551 ~~e. The applicant has not been convicted of a felony sexual offense;~~

552 § 1914. Qualifications for licensed practical nurse.

553 An applicant for a license to practice as a licensed practical nurse shall submit to the Board written evidence,
554 verified by oath, that such applicant:

555 (5) Has committed no acts which are grounds for disciplinary action as set forth in § 1922(a) of this title;
556 however, ~~after a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a~~

557 waiver, the Board, by an affirmative vote of a majority of the quorum may waive § 1922(a) of this title if it finds all of
558 ~~the following:~~ after a hearing or review of documentation, the Board, by an affirmative vote of a majority of the
559 quorum, shall waive § 1922(a)(2) of this title if, after considering the factors set forth in § 8735(x)(3) of Title 29, that
560 the granting of a waiver would not create an unreasonable risk to public safety. A waiver may not be granted for a
561 conviction of a felony sexual offense and a felony sexual offense shall be considered by the Board notwithstanding the
562 time limitation set forth in § 8735(x)(4) of Title 29.

563 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
564 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or~~
565 ~~servng any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
566 ~~finer, restitution, and community service.~~

567 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
568 ~~not be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence and must~~
569 ~~be in substantial compliance with all court orders pertaining to fines, restitution, and community service.~~

570 c. ~~The applicant is capable of practicing nursing in a competent and professional manner.~~

571 d. ~~The granting of a waiver will not endanger the public health, safety, or welfare.~~

572 e. ~~The applicant has not been convicted of a felony sexual offense;~~

573 Section 14. Amend Chapter 20, Title 24 of the Delaware Code by making deletions as shown by strike through and
574 insertions as shown by underline as follows:

575 § 2008. Qualifications of applicant; report to Attorney General; judicial review.

576 (a) An applicant who is applying for licensure as an occupational therapist or occupational therapy assistant under
577 this chapter shall submit evidence, verified by oath and satisfactory to the Board, that the applicant meets all of the
578 following qualifications:

579 (6) Does not have a criminal conviction record or pending criminal charge relating to an ~~offense, the~~
580 ~~circumstances of which substantially relate~~ offense that is substantially related to the practice of occupational therapy.

581 Applicants who have criminal conviction records or pending criminal charges for an offense that is substantially related
582 to the practice of occupational therapy that is not excluded from consideration under § 8735(x)(4) of Title 29 shall
583 request that the appropriate authorities provide information about the record or charge directly to the ~~Board in~~
584 ~~sufficient specificity to enable the Board to make a determination whether the record or charge is substantially related~~
585 ~~to the practice of occupational therapy.~~ Board. The Board ~~may~~ shall waive this paragraph (a)(6) if, after a hearing or
586 review of documentation ~~demonstrating that the applicant meets the specified criteria for a waiver,~~ documentation and

587 consideration of the factors set forth under § 8735(x)(3) of Title 29, the Board, by an affirmative vote of a quorum, it
588 finds all of the following: that granting a waiver would create an unreasonable risk to public safety.

589 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
590 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or~~
591 ~~-serving any part of a suspended sentence, and must be in substantial compliance with all court orders pertaining to~~
592 ~~fines, restitution, and community service.~~

593 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant must~~
594 ~~not be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence, and~~
595 ~~must be in substantial compliance with all court orders pertaining to fines, restitution, and community service.~~

596 c. ~~The applicant is capable of practicing occupational therapy in a competent and professional manner.~~

597 d. ~~Granting the waiver will not endanger the public health, safety, or welfare.~~

598 (7) ~~Has Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, has not been convicted of a~~
599 ~~felony sexual offense.~~

600 (8) a. Has submitted, at the applicant's expense, fingerprints and other necessary information in order to
601 obtain all of the following:

602 b. An applicant may not be licensed to practice occupational therapy until the applicant's criminal history
603 reports have been produced. The Board may not license an applicant whose record shows a prior criminal
604 conviction for an offense that is substantially related to the practice of occupational therapy unless a waiver is
605 granted under paragraph (a)(6) of this section.

606 Section 15. Amend Chapter 21, Title 24 of the Delaware Code by making deletions as shown by strike through and
607 insertions as shown by underline as follows:

608 § 2107. Qualifications of applicant; report to Attorney General; judicial review.

609 (a) An applicant who is applying for licensure as an optometrist under this chapter shall submit evidence, verified
610 by oath and satisfactory to the Board, that such person:

611 (6) ~~Has Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, has not been convicted of a~~
612 ~~felony sexual offense.~~

613 (7) Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain
614 the following:

615 c. An applicant may not be licensed as an optometrist until the applicant's criminal history reports have
616 been produced. An applicant whose record shows a prior criminal conviction that is substantially related to the

617 practice of optometry may not be licensed by the Board unless a waiver is granted pursuant to § 2113(a)(8) of this
618 title.

619 § 2113. Grounds for refusal, revocation or suspension of licenses.

620 (a) A practitioner licensed under this chapter shall be subject to disciplinary actions set forth in § 2115 of this title
621 if, after a hearing, the Board finds that the optometrist has:

622 (8) Been convicted of a crime that is substantially related to the practice of optometry. “Substantially related”
623 means the nature of the criminal conduct, for which the person was convicted, has a direct bearing on the fitness or
624 ability to perform 1 or more of the duties or responsibilities necessarily related to the practice of optometry. A copy of
625 the record of conviction certified by the clerk of the court entering the conviction shall be conclusive evidence therefor;
626 however, after a hearing or review of ~~documentation demonstrating that the applicant meets the specified criteria for a~~
627 ~~waiver, documentation and consideration of the factors set forth in § 8735(x)(3) of Title 29, the Board, by an~~
628 ~~affirmative vote of a majority of the quorum, may waive this paragraph (a)(8), if it finds all of the following: shall~~
629 waive this paragraph (a)(8) if it finds that granting a waiver would not create an unreasonable risk to public safety;

630 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
631 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
632 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
633 ~~finest, restitution and community service.~~

634 ~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
635 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
636 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

637 ~~e. The applicant is capable of practicing optometry in a competent and professional manner.~~

638 ~~d. The granting of the waiver will not endanger the public health, safety or welfare;~~

639 Section 16. Amend Chapter 25, Title 24 of the Delaware Code by making deletions as shown by strike through and
640 insertions as shown by underline as follows:

641 § 2508. Qualifications of applicant; judicial review; report to Attorney General.

642 (c) The Board shall determine whether an applicant whose conduct or status is described in 1 or more of the
643 following paragraphs of this subsection is qualified to engage in the practice of pharmacy. In making this determination, the
644 Board shall consider whether the applicant’s conduct is or is not related to the practice of pharmacy and whether licensure
645 of the applicant will or will not present a risk to public health, safety, or ~~welfare~~. welfare, and shall conduct its analysis of
646 criminal history records consistent with the provisions of § 8735(x) of Title 29.

647 (3) The applicant has a criminal conviction record or a pending criminal charge related to ~~an incident, the~~
648 ~~circumstances of which substantially relate~~ a crime that is substantially related to the practice of pharmacy. However,
649 after a hearing or review of ~~documentation demonstrating that the applicant meets the specified criteria for a waiver,~~
650 documentation and consideration of the factors set forth in § 8735(x)(3) of Title 29, the Board by an affirmative vote of
651 a majority of the quorum, ~~may shall~~ waive this paragraph (c)(3) of this section, if it finds ~~all of the following: that~~
652 granting a waiver would not create an unreasonable risk to public safety.

653 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
654 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
655 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
656 ~~finest, restitution and community service.~~

657 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
658 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
659 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

660 e. ~~The applicant is capable of practicing pharmacy in a competent and professional manner.~~

661 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

662 Section 17. Amend Chapter 26, Title 24 of the Delaware Code by making deletions as shown by strike through and
663 insertions as shown by underline as follows:

664 § 2606. Qualifications of applicant; foreign-trained applicants; report to Attorney General; judicial review.

665 (a) An applicant who is applying for licensure under this chapter shall submit evidence, verified by oath and
666 satisfactory to the Board, that such person:

667 (6) ~~Shall Does~~ not have a criminal conviction record, nor pending criminal charge relating to an ~~offense, the~~
668 ~~circumstances of which substantially relate~~ offense that is substantially related to the practice of physical therapy or
669 athletic training. Applicants who have criminal conviction records or pending criminal charges for an offense that is
670 substantially related to the practice of physical therapy or athletic training and is not excluded from consideration under
671 § 8735(x)(4) of Title 29 shall require appropriate authorities to provide information about the record or charge directly
672 to the Board in sufficient specificity to enable the Board to make a determination whether the record or charge is
673 substantially related to the practice of physical therapy or athletic training. Board. However, after a hearing or review
674 of documentation and a consideration of the factors set forth in § 8735(x)(3) of Title 29, ~~demonstrating that the~~
675 ~~applicant meets the specified criteria for a waiver,~~ the Board, by an affirmative vote of a majority of the quorum, ~~may~~

676 shall waive this paragraph (a)(6), if it finds all of the following: that a wavier would not create an unreasonable risk to
677 public safety; and

678 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
679 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
680 ~~serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
681 ~~finer, restitution and community service.~~

682 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
683 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
684 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

685 c. ~~The applicant is capable of practicing physical therapy and athletic training in a competent and~~
686 ~~professional manner.~~

687 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

688 (7) ~~Shall Notwithstanding the time limitation set forth in §8735(x)(4) of Title 29, may not have been~~
689 ~~convicted of a felony sexual offense; and~~

690 (8) ~~Submit, at the applicant's expense, fingerprints and other necessary information in order to obtain the~~
691 ~~following:~~

692 c. ~~An applicant may not be certified to physical therapy or athletic training until the applicant's criminal~~
693 ~~history reports have been produced. An applicant whose record shows a prior criminal conviction for a crime that~~
694 ~~is substantially related to the practice of physical therapy or athletic training may not be certified by the Board~~
695 ~~unless a waiver is granted pursuant to paragraph (a)(6) of this section;~~

696 (9) ~~Shall have no disciplinary proceedings or unresolved complaints pending against that person in any~~
697 ~~jurisdiction where the applicant previously has been or currently is licensed to practice physical therapy or athletic~~
698 ~~training; and~~

699 (10) ~~Has not been convicted of a felony sexual offense; and [Repealed.]~~

700 (11) ~~Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain~~
701 ~~the following:~~

702 a. ~~A report of the applicant's entire criminal history record from the State Bureau of Identification or a~~
703 ~~statement from the State Bureau of Identification that the State Central Repository contains no such information~~
704 ~~relating to the person.~~

705 b. ~~A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of~~
706 ~~Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification~~
707 ~~shall be the intermediary for purposes of this section and the Board shall be the screening point for the receipt of~~
708 ~~said federal criminal history records. [Repealed.]~~

709 ~~(f) An applicant may not be licensed until the applicant's criminal history reports have been produced. An~~
710 ~~applicant whose record shows a prior criminal conviction may not be licensed by the Board unless a waiver is granted~~
711 ~~pursuant to paragraph (a)(6) of this section.~~

712 § 2610. Reciprocity.

713 (d) An applicant may not be licensed until the applicant's criminal history reports have been produced. An
714 applicant whose record shows a prior criminal conviction for a crime that is substantially related to the practice of physical
715 therapy or athletic training may not be licensed by the Board unless a waiver is granted pursuant to § 2606(a)(6) of this
716 title.

717 Section 18. Amend Chapter 27, Title 24 of the Delaware Code by making deletions as shown by strike through and
718 insertions as shown by underline as follows:

719 § 2708. Qualifications of applicant; report to Attorney General; judicial review.

720 (a) An applicant who is applying for licensure under this chapter shall submit evidence, verified by oath and
721 satisfactory to the Board, that such person:

722 (6) ~~Shall~~ Does not have a criminal conviction record, nor pending criminal charge ~~relating to an offense the~~
723 ~~circumstances of which substantially relate~~ for an offense that is substantially related to the practice of land surveying.
724 Applicants who have criminal conviction records or pending criminal charges that are not excluded from consideration
725 under § 4735(x)(4) of Title 29 shall request appropriate authorities to provide information about the record or charge
726 directly to the Board ~~in sufficient specificity to enable the Board to make a determination whether the record or charge~~
727 ~~is substantially related to the practice of land surveying.~~ Board. However, after a hearing or review of documentation
728 demonstrating that the applicant meets the specified criteria for a waiver, and consideration of the factors set forth in §
729 8735(x)(3) of Title 29, the Board, by an affirmative vote of a majority of the quorum, may shall waive this paragraph
730 (a)(6) of this section, if it finds ~~all of the following:~~ that granting the waiver will not create an unreasonable risk to
731 public safety.

732 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
733 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~

734 serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to
735 fines, restitution and community service.

736 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may
737 not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must
738 be in substantial compliance with all court orders pertaining to fines, restitution and community service.

739 c. The applicant is capable of practicing professional land surveying in a competent and professional
740 manner.

741 d. The granting of the waiver will not endanger the public health, safety or welfare.

742 Section 19. Amend Chapter 29, Title 24 of the Delaware Code by making deletions as shown by strike through and
743 insertions as shown by underline as follows:

744 § 2907. Qualifications of applicant; application; examination; report to Attorney General; judicial review.

745 (a) All applicants shall meet the following conditions:

746 (4) ~~Shall~~May not have a criminal conviction record, nor pending criminal charge relating to an offense the
747 circumstances of which are that is substantially related to the practice of providing real estate services. ~~In addition,~~
748 ~~shall not have been convicted of fraud.~~ Applicants who have criminal conviction records or pending criminal charges
749 shall request appropriate authorities to provide information about the conviction or charge directly to the ~~Commission~~
750 ~~in sufficient specificity to enable the Commission to make a determination whether the conviction or charge is~~
751 ~~substantially related to the applicant's area of practice.~~ Commission. However, if after consideration of the factors set
752 forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation demonstrating that the applicant
753 meets the specified criteria for a waiver, the Commission, by an affirmative vote of a majority of the quorum, may
754 waive this paragraph (a)(4), if it finds all of the following: documentation the Commission determines that granting a
755 waiver would not create an unreasonable risk to public safety, the Commission, by an affirmative vote of a majority of
756 the quorum, shall waive this paragraph (a)(4).

757 a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At
758 the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or
759 serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to
760 fines, restitution and community service.

761 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may
762 not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must
763 be in substantial compliance with all court orders pertaining to fines, restitution and community service.

764 e. ~~The applicant is capable of providing real estate services in a competent and professional manner.~~

765 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

766 Section 20. Amend Chapter 30, Title 24 of the Delaware Code by making deletions as shown by strike through and
767 insertions as shown by underline as follows:

768 § 3002. Definitions.

769 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them
770 under this section, except where the context clearly indicates a different meaning:

771 (7) “Substantially related” means the nature of the criminal conduct, for which a person was convicted, has a
772 direct bearing on the fitness or ability of the person to perform 1 or more of the duties or responsibilities of a licensed
773 ~~mental health or chemical dependency professional.~~ health, chemical dependency, marriage and family therapy, or art
774 therapy professional.

775 § 3032. Qualifications of applicant.

776 (a) An applicant who is applying for licensure under this subchapter shall complete a Board approved application,
777 submit the application fee, and supply evidence verified by oath and satisfactory to the Board that the applicant:

778 (6) ~~Shall Does not~~ have a criminal conviction nor pending criminal charge relating to an ~~offense, the~~
779 ~~circumstances of which substantially relate to actions as~~ offense that is substantially related to the practice a licensed
780 professional counselor of mental health or associate counselor of mental health of mental health counseling.

781 Applicants who have a criminal conviction or pending criminal charge shall request appropriate authorities to provide
782 information about the conviction or charge directly to the ~~Board in sufficient specificity to enable the Board to make a~~
783 ~~determination whether the conviction or charge is substantially related to actions as a licensed professional counselor~~
784 ~~of mental health or associate counselor of mental health.~~ Board. However, if after consideration of the factors set forth
785 under § 8735(x)(3) of Title 29 through a hearing or review of documentation demonstrating that the applicant meets the
786 specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph

787 (a) (6), if it finds all of the following: the Board determines that the granting of a waiver would not create an
788 unreasonable risk to public safety, the Board, by an affirmative vote of a majority of the quorum, shall waive this
789 paragraph (a)(6). No waiver may be granted for a conviction of a felony sexual offense.

790 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
791 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
792 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
793 ~~finest, restitution and community service.~~

794 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
795 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
796 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

797 c. ~~The applicant is capable of practicing licensed professional counselor of mental health or associate~~
798 ~~counselor of mental health in a competent and professional manner.~~

799 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

800 e. ~~The applicant has not been convicted of a felony sexual offense.~~

801 (8) ~~Has Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, has not been convicted of a~~
802 ~~felony sexual offense.~~

803 (9) Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain
804 the following:

805 a. A report of the applicant's entire criminal history record from the State Bureau of Identification or a
806 statement from the State Bureau of Identification that the State Central Repository contains no such information
807 relating to that person.

808 b. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of
809 Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification
810 shall be the intermediary for purposes of this section and the Board of Mental Health and Chemical Dependency
811 Professionals shall be the screening point for the receipt of said federal criminal history records.

812 An applicant may not be licensed as a licensed professional counselor of mental health until the applicant's criminal
813 history reports have been produced. An applicant whose record shows a prior criminal conviction for an offense that is
814 substantially related to the practice of mental health counseling may not be certified by the Board unless a waiver is
815 granted pursuant to paragraph (a)(6) of this section. The State Bureau of Identification may release any subsequent
816 criminal history to the Board.

817 § 3044. Qualifications of applicant.

818 (a) Applicants for chemical dependency professional license by certification under this chapter shall complete an
819 application form, pay the required fee and provide evidence, verified by oath and satisfactory to the Board, that the
820 applicant meets the following requirements:

821 (6) Does not have a criminal conviction nor pending criminal charge ~~relating to an offense, the circumstances~~
822 ~~of which substantially relate to actions as a licensed~~ for an offense that is substantially related to chemical dependency
823 ~~professional counseling.~~ Applicants who have a criminal conviction or pending criminal charge shall request

824 appropriate authorities to provide information about the conviction or charge directly to the Board in sufficient
825 specificity to enable the Board to make a determination whether the conviction or charge is substantially related to
826 actions as a licensed chemical dependency professional. Board. However, if after consideration of the factors set forth
827 under § 8735(x)(3) of Title 29 through a hearing or review of documentation demonstrating that the applicant meets the
828 specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph
829 (a)(6), if it finds all of the following: the Board determines that granting a waiver would not create an unreasonable risk
830 to public safety, the Board, by an affirmative vote of a majority of the quorum, shall waive this paragraph (a)(6). A
831 waiver may not be granted for a conviction of a felony sexual offense.

832 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
833 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
834 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
835 ~~finances, restitution and community service.~~

836 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
837 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
838 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

839 c. ~~The applicant is capable of practicing licensed chemical dependency services in a competent and~~
840 ~~professional manner.~~

841 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

842 e. ~~The applicant has not been convicted of a felony sexual offense.~~

843 (8) Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, Has has not been convicted of a
844 felony sexual offense.

845 (9) Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain
846 the following:

847 a. A report of the applicant's entire criminal history record from the State Bureau of Identification or a
848 statement from the State Bureau of Identification that the State Central Repository contains no such information
849 relating to that person.

850 b. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of
851 Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification
852 shall be the intermediary for purposes of this section and the Board of Mental Health and Chemical Dependency
853 Professionals shall be the screening point for the receipt of said federal criminal history records.

854 An applicant may not be licensed as a chemical dependency professional until the applicant's criminal history reports
855 have been produced. An applicant whose record shows a prior criminal conviction for an offense that is substantially
856 related to the practice of chemical dependency counseling may not be certified by the Board unless a waiver is granted
857 pursuant to paragraph (a)(6) of this section. The State Bureau of Identification may release any subsequent criminal
858 history to the Board.

859 § 3052. Qualifications of applicant.

860 (a) An applicant who is applying for licensure under this subchapter shall complete a board-approved application,
861 submit the application fee, and supply evidence verified by oath and satisfactory to the Board that the applicant:

862 (6) ~~Does not have a criminal conviction record, or pending criminal charge, relating to an offense the~~
863 ~~circumstances of which are substantially related to actions as a licensed marriage and family therapist. that is~~
864 substantially related to the practice of marriage and family therapy. Applicants who have criminal conviction records
865 or pending criminal charges shall request appropriate authorities to provide information about the conviction or charge
866 directly to the Board in sufficient specificity to enable the Board to make a determination on whether the conviction or
867 charge is substantially related to actions as a licensed marriage and family therapist. Board. However, if after
868 consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation
869 demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a
870 majority of the quorum, may waive this paragraph (a)(6), if it finds all of the following: documentation, the Board
871 determines that the granting of a waiver would not create an unreasonable risk to public safety, the Board shall waive
872 this paragraph (a)(6) of this section. A waiver may not be granted for a conviction of a felony sexual offense.

873 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
874 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
875 ~~servng any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
876 ~~finer, restitution and community service.~~

877 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
878 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
879 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

880 c. ~~The applicant is capable of practicing licensed marriage and family therapy services in a competent and~~
881 ~~professional manner.~~

882 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

883 e. ~~The applicant has not been convicted of a felony sexual offense.~~

884 (9) Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, Has has not been convicted of a
885 felony sexual offense.

886 (10) Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain
887 the following:

888 a. A report of the applicant's entire criminal history record from the State Bureau of Identification or a
889 statement from the State Bureau of Identification that the State Central Repository contains no such information
890 relating to that person.

891 b. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of
892 Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification
893 shall be the intermediary for purposes of this section and the Board of Mental Health and Chemical Dependency
894 Professionals shall be the screening point for the receipt of said federal criminal history records.

895 An applicant may not be licensed as a marriage and family therapist until the applicant's criminal history reports have
896 been produced. An applicant whose record shows a prior criminal conviction that is substantially related to the practice
897 of marriage and family therapy may not be certified by the Board unless a waiver is granted pursuant to paragraph
898 (a)(6) of this section. The State Bureau of Identification may release any subsequent criminal history to the Board.

899 § 3062. Qualifications of licensed professional art therapist.

900 An applicant who is applying for licensure under this subchapter shall complete a Board-approved application,
901 submit the application fee, and supply evidence verified by oath and satisfactory to the Board that the applicant:

902 (6) Does not have a criminal conviction record, or pending criminal charge, relating to an offense ~~the~~
903 ~~circumstances of which are substantially related to actions as a licensed art therapist.~~ that is substantially related to the
904 practice of art therapy. Applicants who have criminal conviction records or pending criminal charges shall request
905 appropriate authorities to provide information about the conviction or charge directly to the Board ~~in sufficient~~
906 ~~specificity to enable the Board to make a determination on whether the conviction or charge is substantially related to~~
907 ~~actions as a licensed art therapist.~~ Board. However, if after consideration of the factors set forth under § 8735(x)(3) of
908 Title 29 through a hearing or review of documentation demonstrating that the applicant meets the specified criteria for
909 a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph (6) if it finds all of
910 the following: the Board determines that granting a waiver would not create an unreasonable risk to public safety, the
911 Board, by an affirmative vote of a majority of the quorum, shall waive this paragraph (6). A waiver may not be granted
912 for a conviction of a felony sex offense.

913 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
914 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or~~
915 ~~servng any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
916 ~~finer, restitution, and community service.~~

917 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
918 ~~not be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence and must~~
919 ~~be in substantial compliance with all court orders pertaining to fines, restitution, and community service.~~

920 c. ~~The applicant is capable of practicing licensed art therapy services in a competent and professional~~
921 ~~manner.~~

922 d. ~~The granting of the waiver will not endanger the public health, safety, or welfare.~~

923 e. ~~The applicant has not been convicted of a felony sexual offense.~~

924 (9) Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, Has ~~has~~ not been convicted of a
925 felony sex offense.

926 (10) a. Has submitted, at the applicant's expense, fingerprints and other necessary information in order to
927 obtain the following:

928 1. A report of the applicant's entire criminal history record from the State Bureau of Identification or
929 a statement from the State Bureau of Identification that the State Central Repository contains no such
930 information relating to that person.

931 2. A report of the applicant's entire federal criminal history record under the Federal Bureau of
932 Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of
933 Identification is the intermediary for purposes of this paragraph and the Board of Mental Health and Chemical
934 Dependency Professionals is the screening point for the receipt of the federal criminal history records.

935 b. An applicant may not be licensed as a professional art therapist or an associate art therapist until the
936 applicant's criminal history reports have been produced. An applicant whose record shows a prior criminal
937 conviction that is substantially related to the practice of art therapy may not be licensed by the Board unless a
938 waiver is granted pursuant to paragraph (6) of this section. The State Bureau of Identification may release any
939 subsequent criminal history to the Board.

940 Section 21. Amend Chapter 31, Title 24 of the Delaware Code by making deletions as shown by strike through and
941 insertions as shown by underline as follows:

942 § 3107. Qualifications of applicants for licensure; judicial review; report to Attorney General.

943 (a) An applicant who is applying for licensure as a funeral director under this chapter shall submit evidence,
944 verified by oath and satisfactory to the Board, that such person:

945 (7) ~~Shall not have a criminal conviction record, nor pending criminal charge relating to an offense, the~~
946 ~~circumstances of which substantially relate~~ offense that is substantially related to the practice of funeral services.
947 Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to
948 provide information about the record or charge directly to the Board in sufficient specificity to enable the Board to
949 make a determination whether the record or charge is substantially related to the practice of funeral services. Board.
950 ~~After a hearing at which is it determined, or a review of documentation demonstrating, that the applicant meets the~~
951 ~~specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph~~
952 ~~(a)(7), if it finds all of the following: If after consideration of the factors set forth under § 8735(x)(3) of Title 29~~
953 through a hearing or review of documentation the Board determines that granting a waiver would not create an
954 unreasonable risk to public safety, the Board, by an affirmative vote of a majority of the quorum, shall waive this
955 paragraph (a)(7).

956 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
957 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or~~
958 ~~-serving any part of a suspended sentence, and must be in substantial compliance with all court orders pertaining to~~
959 ~~finest, restitution, and community service.~~

960 b. ~~For waiver of a misdemeanor conviction or violation, the applicant may not, at the time of the~~
961 ~~application, be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence,~~
962 ~~and must be in substantial compliance with all court orders pertaining to fines, restitution, and community service.~~

963 c. ~~The applicant is capable of practicing funeral services in a competent and professional manner.~~

964 d. ~~The granting of the waiver will not endanger the public health, safety, or welfare.~~

965 Section 22. Amend Chapter 33, Title 24 of the Delaware Code by making deletions as shown by strike through and
966 insertions as shown by underline as follows:

967 § 3313. Qualifications of applicant; report to Attorney General; judicial review.

968 (a) An applicant who is applying for licensure as a veterinarian under this subchapter shall submit evidence,
969 verified by oath and satisfactory to the Board, that such person:

970 (5) ~~Shall not have a criminal conviction record, or pending criminal charge relating to an offense, the~~
971 ~~circumstances of which substantially relate~~ offense that is substantially related to the practice of veterinary medicine.
972 Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to

973 provide information about the record or charge directly to the Board in sufficient specificity to enable the Board to
974 make a determination whether the record or charge is substantially related to the practice of veterinary medicine;
975 ~~however, after Board; however, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a~~
976 hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the
977 Board, by an affirmative vote of a majority of the quorum, may waive this paragraph (a)(5), if it finds all of the
978 following: documentation, the Board determines that granting a waiver would not create an unreasonable risk to public
979 safety, the Board, by an affirmative vote of a majority of the quorum, shall waive this paragraph (a)(5).

980 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
981 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
982 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
983 ~~finances, restitution and community service.~~

984 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
985 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
986 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

987 e. ~~The applicant is capable of practicing veterinary medicine in a competent and professional manner.~~

988 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

989 § 3319. Qualifications of applicant; report to Attorney General; judicial review.

990 (a) An applicant who is applying for licensure as a veterinary technician under this chapter shall submit evidence,
991 verified by oath and satisfactory to the Board, that such person:

992 (4) ~~Shall not have a criminal conviction record, or pending criminal charge relating to an offense, the~~
993 ~~circumstances of which substantially relate~~ offense that is substantially related to practice as a veterinary technician.

994 Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to
995 provide information about the record or charge directly to the Board in sufficient specificity to enable the Board to
996 make a determination whether the record or charge is substantially related to practice as a veterinary technician;

997 ~~however, after Board; however, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a~~
998 hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the

999 Board, by an affirmative vote of a majority of the quorum may waive this paragraph (a)(4) herein, if it finds all of the
1000 following: the Board determines that granting a waiver would not create an unreasonable risk to public safety, the

1001 Board, by an affirmative vote of a majority of the quorum, shall waive this paragraph (a)(4);

1002 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1003 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1004 ~~servng any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1005 ~~finer, restitution and community service.~~

1006 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1007 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1008 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1009 e. ~~The applicant is capable of practicing as a veterinary technician in a competent and professional~~
1010 ~~manner.~~

1011 d. ~~The granting of the waiver will not endanger the public health, safety or welfare;~~

1012 Section 23. Amend Chapter 35, Title 24 of the Delaware Code by making deletions as shown by strike through and
1013 insertions as shown by underline.

1014 § 3508. Qualifications of applicant; report to Attorney General; judicial review.

1015 (a) An applicant who is applying for licensure as a psychologist under this chapter shall submit evidence, verified
1016 by oath and satisfactory to the Board, that such person has:

1017 (5) ~~Not~~ Subject to the provisions of § 8735(x) of Title 29, has not engaged in any of the acts or offenses that
1018 would be grounds for disciplinary action under this chapter; and has no disciplinary proceedings or unresolved
1019 complaints pending against the applicant in any jurisdiction where the applicant has previously been or currently is
1020 licensed or certified as a psychologist.

1021 § 3509. Qualifications of applicants for registration as a psychological assistant; number of psychological
1022 assistants; requirements of supervision.

1023 (a) Any psychologist licensed in this State, who has practiced as a licensed psychologist for 2 years in this State or
1024 in any other jurisdiction, and who applies to the Board for the registration of a psychological assistant shall:

1025 (2) Submit evidence, verified by oath and satisfactory to the Board, that such person:

1026 e. Subject to the provisions of § 8735(x) of Title 29, has ~~Has~~ not engaged in any acts or offenses that
1027 would be grounds for disciplinary action under this chapter; and, has no disciplinary proceedings or unresolved
1028 complaints pending against the applicant in any jurisdiction where the individual has been or currently is licensed,
1029 registered or certified to practice psychology.

1030 § 3514. Grounds for refusal, revocation or suspension of licenses and registrations.

1031 (a) A practitioner licensed or registered under this chapter shall be subject to disciplinary actions set forth in §
1032 3516 of this title, if, after a hearing, the Board finds that the psychologist or psychological assistant:

1033 (2) ~~a. Has been convicted of a crime that is substantially related to the practice of psychology or a crime~~
1034 ~~involving the violation of a patient's trust; psychology; a copy of the record of conviction certified by the clerk of the~~
1035 ~~court entering the conviction shall be conclusive evidence therefor; however, if after consideration of the factors set~~
1036 ~~forth in § 8735(x)(3) of Title 29 through a hearing or review of documentation demonstrating that the applicant meets~~
1037 ~~the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this~~
1038 ~~paragraph (a)(2), if it finds all of the following: the Board determines that granting a waiver to an initial applicant~~
1039 ~~would not create an unreasonable risk to public safety, the Board, by an affirmative vote of a majority of the quorum,~~
1040 ~~shall waive this paragraph (a)(2). A waiver may not be granted for a conviction of a felony sexual offense.~~

1041 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1042 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1043 ~~servicing any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1044 ~~finances, restitution and community service.~~

1045 ~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1046 ~~not be incarcerated, on work release, on probation, on parole or servicing any part of a suspended sentence and must~~
1047 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1048 ~~c. The applicant is capable of practicing psychology in a competent and professional manner.~~

1049 ~~d. The granting of the waiver will not endanger the public health, safety or welfare.~~

1050 ~~e. The applicant has not been convicted of a felony sexual offense.~~

1051 ~~f. b. The applicant has submitted, An applicant must submit, at the applicant's expense, fingerprints and~~
1052 ~~other necessary information in order to obtain the following:~~

1053 1. A report of the applicant's entire criminal history record from the State Bureau of Identification or
1054 a statement from the State Bureau of Identification that the State Central Repository contains no such
1055 information relating to that person.

1056 2. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of
1057 Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of
1058 Identification shall be the intermediary for purposes of this section and the Board shall be the screening point
1059 for the receipt of said federal criminal history records.

1060 An applicant may not be licensed until the applicant's criminal history reports have been produced. An applicant
1061 whose record shows a prior criminal conviction that is substantially related to the practice of psychology may not
1062 be licensed by the Board unless a waiver is granted pursuant to this chapter. The State Bureau of Identification
1063 may release any subsequent criminal history to the Board.

1064 (10) ~~Has~~Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, has been convicted of a
1065 felony sexual offense;

1066 Section 24. Amend Chapter 36, Title 24 of the Delaware Code by making deletions as shown by strike through and
1067 insertions as shown by underline as follows:

1068 § 3608. Qualifications of applicant; report to Attorney General; judicial review.

1069 (a) An applicant who is applying for licensure as a geologist under this chapter shall submit evidence, verified by
1070 oath and satisfactory to the Board, that such person:

1071 (6) ~~Shall not have a criminal conviction record, nor pending criminal charge relating to an offense, the~~
1072 ~~circumstances of which substantially relate~~ offense that is substantially related to the practice of geology. Applicants
1073 who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide
1074 information about the record or charge directly to the Board ~~in sufficient specificity to enable the Board to make a~~
1075 ~~determination whether the record or charge is substantially related to the practice of geology.~~ Board. However, if after
1076 review of the factors set forth in § 8735(x)(3) of Title 29 through a hearing or review of documentation demonstrating
1077 that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the
1078 quorum, may waive this paragraph (a)(6), if it finds all of the following: the Board determines that the granting of a
1079 waiver would not create an unreasonable risk to public safety, the Board, by an affirmative vote of a majority of the
1080 quorum, shall waive this paragraph (a)(6).

1081 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1082 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1083 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1084 ~~finances, restitution and community service.~~

1085 ~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1086 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1087 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1088 ~~c. The applicant is capable of practicing geology in a competent and professional manner.~~

1089 ~~d. The granting of the waiver will not endanger the public health, safety or welfare.~~

1090 Section 25. Amend Chapter 37, Title 24 of the Delaware Code by making deletions as shown by strike through and
1091 insertions as shown by underline as follows:

1092 § 3708. Qualifications of applicant; report to Attorney General; judicial review.

1093 (b) All applicants shall meet the following conditions:

1094 (3) ~~Shall~~Does not have a criminal conviction record, nor pending criminal charge relating to an offense the
1095 ~~circumstances of which substantially relate~~ that is substantially related to their licensed practice. Applicants who have
1096 criminal conviction records or pending criminal charges shall request appropriate authorities to provide information
1097 about the conviction or charge directly to the Board in sufficient specificity to enable the Board to make a
1098 ~~determination whether the conviction or charge is substantially related to the applicant's area of practice.~~ Board.
1099 However, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of
1100 ~~documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative~~
1101 ~~vote of a majority of the quorum, may waive this paragraph (b)(3), if it finds all of the following:~~ the Board determines
1102 that granting a waiver would not create an unreasonable risk to public safety, the Board, by an affirmative vote of a
1103 majority of the quorum, shall waive this paragraph (b)(3). A waiver may not be granted for conviction of a felony
1104 sexual offense.

1105 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1106 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1107 ~~servng any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1108 ~~finer, restitution and community service.~~

1109 ~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1110 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1111 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1112 ~~c. The applicant is capable of practicing speech/language pathology, audiology or the dispensing of~~
1113 ~~hearing aids in a competent and professional manner.~~

1114 ~~d. The granting of the waiver will not endanger the public health, safety or welfare.~~

1115 (4) Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, Shall not have has not been
1116 convicted of a felony sexual offense.

1117 (5) Shall submit, at the applicant's expense, fingerprints and other necessary information in order to obtain the
1118 following:

1119 c. An applicant may not be licensed as a speech/language pathologist, audiologist or hearing aid dispenser
1120 until the applicant's criminal history reports have been produced. An applicant whose record shows a prior
1121 criminal conviction that is substantially related to the applicant's professional practice area, may not be licensed by
1122 the Board unless a waiver is granted pursuant to paragraph (b)(3) of this section.

1123 Section 26. Amend Chapter 38, Title 24 of the Delaware Code by making deletions as shown by strike through and
1124 insertions as shown by underline as follows:

1125 § 3806. Qualifications of applicants.

1126 (c) The Board may refuse or reject an applicant if, after hearing, the Board finds that the applicant meets any of the
1127 following conditions or actions:

1128 (2) Has been convicted of a crime that is substantially related to the provision of dietetic and nutrition therapy.
1129 However, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of
1130 documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative
1131 vote of a majority of the quorum, may waive this paragraph (c)(2), if it finds all of the following: the Board determines
1132 that granting a waiver would not create an unreasonable risk to public safety, the Board , by an affirmative vote of a
1133 majority of the quorum, shall waive this paragraph (c)(2).

1134 ~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1135 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1136 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1137 ~~finest, restitution and community service.~~

1138 ~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1139 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1140 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1141 ~~c. The applicant is capable of performing dietetic and nutrition services in a competent and professional~~
1142 ~~manner.~~

1143 ~~d. The granting of the waiver will not endanger the public health, safety or welfare.~~

1144 Section 27. Amend Chapter 39, Title 24 of the Delaware Code by making deletions as shown by strike through and
1145 insertions as shown by underline as follows:

1146 § 3907. Qualifications of applicants; licensure tiers; report to Attorney General; judicial review.

1147 (a) An applicant who is applying for examination and licensure under this chapter shall submit evidence, verified
1148 by oath and satisfactory to the Board, that the applicant meets all of the following criteria:

1149 (3) ~~Has Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, has not been convicted of a~~
1150 felony sexual offense.

1151 (7) Has not been convicted of a crime that is substantially related to social work or any offense which would
1152 limit the applicant's ability to carry out the applicant's professional duties with due regard for the health and safety of
1153 clients. ~~work. The Board may, by affirmative vote of a quorum of the Board, waive the requirement of this paragraph if~~
1154 ~~it finds, after a hearing or review of documentation, that the applicant seeking waiver meets, when the applicant's~~
1155 ~~application is filed, all of the following criteria: However, if after consideration of the factors set forth under §~~
1156 ~~8735(x)(3) of Title 29 through a hearing or review of documentation the Board determines that granting a waiver~~
1157 ~~would not create an unreasonable risk to public safety, the Board, by affirmative vote of a majority of the quorum, shall~~
1158 ~~waive this paragraph (a)(7). A waiver may not be granted for a conviction of a felony sexual offense.~~

1159 a. ~~For waiver of a misdemeanor conviction or violation, the applicant is not incarcerated, on work release,~~
1160 ~~on probation, on parole, or serving any part of a suspended sentence and is in substantial compliance with all court~~
1161 ~~orders pertaining to fines, restitution, and community service.~~

1162 b. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of conviction; the~~
1163 ~~applicant is not incarcerated, on work release, on probation, on parole, or serving any part of a suspended~~
1164 ~~sentence; and the applicant is in substantial compliance with all court orders pertaining to fines, restitution, and~~
1165 ~~community service.~~

1166 c. ~~The applicant has not been convicted of a felony sexual offense.~~

1167 d. ~~The applicant is capable of practicing social work in a competent and professional manner.~~

1168 e. ~~Granting the waiver will not endanger the public health, safety, or welfare.~~

1169 Section 28. Amend Chapter 40, Title 24 of the Delaware Code by making deletions as shown by strike through and
1170 insertions as shown by underline as follows:

1171 § 4008. Qualifications of applicant; report to Attorney General; judicial review.

1172 (a) An applicant, who is applying for certification or licensure as an appraiser under this chapter, for the relevant
1173 certificate, license or registration, shall submit evidence, verified by oath and satisfactory to the Council, that such person:

1174 (4) ~~Shall Does~~ not have a criminal conviction record, nor pending criminal charge relating to an offense, ~~the~~
1175 ~~circumstances of which substantially relate~~ offense that is substantially related to real estate appraising. Applicants,
1176 who have criminal conviction records or pending criminal charges, shall request appropriate authorities to provide
1177 information about the record or charge directly to the ~~Council in sufficient specificity to enable the Council to make a~~
1178 ~~determination whether the record or charge is substantially related to real estate appraisal.~~ Council. However, if after

1179 consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation
1180 demonstrating that the applicant meets the specified criteria for a waiver, the Council, by an affirmative vote of a
1181 majority of the quorum, may waive this paragraph (a)(4), if it finds all of the following: the Council finds that a waiver
1182 would not create an unreasonable risk to public safety, the Council, by an affirmative vote of a majority of the quorum,
1183 shall waive this paragraph (a)(4).

1184 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1185 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1186 ~~servng any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1187 ~~finer, restitution and community service.~~

1188 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1189 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1190 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1191 c. ~~The applicant is capable of practicing real estate appraisal in a competent and professional manner.~~

1192 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

1193 § 4009. Appraiser trainee; requirements of supervision.

1194 (a) Persons, who are presented to the Council by a supervising appraiser for registration as an appraiser trainee,
1195 shall provide a statement to the Council that the trainee:

1196 (4) ~~Shall not have~~ Has not been convicted of a crime that is substantially related to the practice of real estate
1197 appraisal. However, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or
1198 review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the Council, by an
1199 affirmative vote of a majority of the quorum, may waive this paragraph (a)(4), if it finds all of the following: the
1200 Council determines that granting a waiver would not create an unreasonable risk to public safety, the Council, by an
1201 affirmative vote of a majority of the quorum, shall waive this paragraph (a)(4).

1202 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1203 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1204 ~~servng any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1205 ~~finer, restitution and community service.~~

1206 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1207 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1208 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1209 e. ~~The applicant is capable of practicing real estate appraisal trainee services in a competent and~~
1210 ~~professional manner.~~

1211 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

1212 § 4025. Owner requirements for appraisal management companies.

1213 (b) Each person that owns an appraisal management company in this State shall:

1214 (1) Submit, at the applicant's expense, fingerprints and other necessary information in order to obtain the
1215 following:

1216 c. An applicant may not be registered until the applicant's criminal history reports have been produced.
1217 An applicant whose record shows a prior criminal conviction that is substantially related to the practice of real
1218 estate appraisal may not be registered by the Council unless a waiver is granted pursuant to § 4008(a)(4) of this
1219 title. The State Bureau of Identification may release any subsequent criminal history to the Council.

1220 § 4026. Appraisal management company controlling person.

1221 (b) To serve as a controlling person of an appraisal management company, a person shall:

1222 (2) a. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of
1223 Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification
1224 shall be the intermediary for purposes of this section and the Council on Real Estate Appraisers shall be the screening
1225 point for the receipt of said federal criminal history records.

1226 b. An applicant may not be registered until the applicant's criminal history reports have been produced.
1227 An applicant whose record shows a prior criminal conviction that is substantially related to the practice of real
1228 estate appraisal may not be registered by the Council unless a waiver is granted pursuant to § 4008(a)(4) of this
1229 title. The State Bureau of Identification may release any subsequent criminal history to the Council.

1230 Section 29. Amend Chapter 41, Title 24 of the Delaware Code by making deletions as shown by strike through and
1231 insertions as shown by underline as follows:

1232 § 4108. Qualifications of applicant; report to Attorney General; judicial review.

1233 (a) An applicant, who is applying for licensure as a home inspector under this chapter, for the relevant license,
1234 shall submit evidence, verified by oath and satisfactory to the Board, that such person:

1235 (6) ~~Shall not have~~ Has not been convicted of a crime that is substantially related to the practice of home
1236 inspection; however, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or
1237 review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an
1238 affirmative vote of a majority of the quorum, may waive this paragraph (a)(6), if it finds all of the following: the Board

1239 determines that granting a waiver would not create an unreasonable risk to public safety, the Board shall, by an
1240 affirmative vote of a majority of the quorum, waive this paragraph (a)(6).

1241 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of conviction. At the~~
1242 ~~time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or serving~~
1243 ~~any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines,~~
1244 ~~restitution and community service;~~

1245 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1246 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1247 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service;~~

1248 c. ~~The applicant is capable of practicing home inspection in a competent and professional manner; and~~

1249 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

1250 § 4109. Home inspector trainee; requirements of supervision. Home Inspectors, 4109(a)

1251 (a) Persons, who are presented to the Board by a supervising home inspector for registration as a home inspector
1252 trainee, shall provide a statement to the Board that the trainee:

1253 (4) ~~Shall not have been convicted of a crime that is substantially related to the practice of home inspection;~~
1254 ~~however, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of~~
1255 ~~documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative~~
1256 ~~vote of a majority of the quorum, may waive this paragraph (a)(4), if it finds all of the following: the Board determines~~
1257 ~~that granting a waiver would not create an unreasonable risk to public safety, the Board, by an affirmative vote of a~~
1258 ~~majority of the quorum, shall waive this paragraph (a)(4).~~

1259 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of conviction. At the~~
1260 ~~time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or serving~~
1261 ~~any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines,~~
1262 ~~restitution and community service;~~

1263 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1264 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1265 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service;~~

1266 c. ~~The applicant is capable of practicing home inspection in a competent and professional manner; and~~

1267 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

1268 Section 30. Amend Chapter 44, Title 24 of the Delaware Code by making deletions as shown by strike through and
1269 insertions as shown by underline as follows:

1270 § 4431. Licensure requirements; reciprocal licensure.

1271 (a) To obtain a manufactured home installer license, a person must:

1272 (10) Not have a criminal conviction nor pending criminal charge relating to an ~~offense, the circumstances of~~
1273 ~~which substantially relate to actions as~~ offense that is substantially related to the work of a licensed manufactured home
1274 installer. Applicants who have a criminal conviction or pending criminal charge shall request appropriate authorities to
1275 provide information about the conviction or charge directly to the ~~Board in sufficient specificity to enable the Board to~~
1276 ~~make a determination whether the conviction or charge is substantially related to actions as a licensed chemical~~
1277 ~~dependency professional. Board.~~ Board. However, if after consideration of the factors set forth under § 8735(x)(3) of Title 29
1278 through a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver,
1279 the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph (a)(10), if it finds all of the
1280 following: the Board determines that granting a waiver would not create an unreasonable risk to public safety, the
1281 Board shall, by an affirmative vote of a majority of the quorum, waive this paragraph (a)(10).

1282 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1283 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1284 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1285 ~~fines, restitution and community service.~~

1286 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1287 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1288 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1289 c. ~~The applicant is capable of performing manufactured home installation services in a competent and~~
1290 ~~professional manner.~~

1291 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

1292 Section 31. Amend Chapter 51, Title 24 of the Delaware Code by making deletions as shown by strike through and
1293 insertions as shown by underline as follows:

1294 § 5107. Qualifications of applicant; judicial review; report to Attorney General.

1295 (a) All persons applying for a license to practice under this chapter:

1296 (6) Shall not have been convicted of a crime substantially related to the practice of cosmetology, barbering,
1297 electrology or nail technology, unless the applicant was previously so licensed or was enrolled in a training program to

1298 be so licensed while an offender under the supervision of the Department of Correction prior to July 10, 2001. In
1299 determining whether a crime is substantially related to the professions regulated by this chapter, the Board shall not
1300 consider a conviction where more than 10 years have elapsed since the date of conviction, if there have been no other
1301 criminal convictions in the intervening time. follow the restrictions set forth under § 8735(x)(4) of Title 29. After If
1302 after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation
1303 demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a
1304 majority of the quorum, or, during the time period between Board meetings, the Board President or his or her designee,
1305 may waive this paragraph (a)(6), if it finds all of the following: the Board determines that granting a waiver would not
1306 create an unreasonable risk to public safety, the Board, by an affirmative vote of a majority of the quorum, or during
1307 the time period between Board meetings, the Board President or the President's designee, shall waive this paragraph
1308 (a)(6).

1309 a. ~~For waiver of a felony conviction where the crime was committed against a person, more than 3 years~~
1310 ~~have elapsed since the date of the conviction and for all other felonies, more than 2 years have elapsed since the~~
1311 ~~date of conviction. At the time of the application the applicant may not be incarcerated, on work release, on~~
1312 ~~probation or parole at Level III Supervision or higher, or serving any part of a suspended sentence and must be in~~
1313 ~~substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1314 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1315 ~~not be incarcerated, on work release, on probation or parole at Level III Supervision or higher, or serving any part~~
1316 ~~of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution~~
1317 ~~and community service.~~

1318 c. ~~The applicant is capable of practicing cosmetology, barbering, electrology or nail technology in a~~
1319 ~~competent and professional manner.~~

1320 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

1321 (7) ~~Shall not have a pending criminal charge relating to an offense the circumstances of which substantially~~
1322 ~~relate that is substantially related to the practice of cosmetology, barbering, electrology or nail technology. Applicants~~
1323 ~~who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide~~
1324 ~~information about the record or charge directly to the Board in sufficient specificity to enable the Board to make a~~
1325 ~~determination whether the applicant can carry out that applicant's own professional services with due regard for the~~
1326 ~~health and safety of the recipients of those services and the public. under § 8735(x)(3) of Title 29 whether a waiver is~~
1327 ~~required.~~

1328 § 5127. Qualifications.

1329 (a) No person shall be licensed under this subchapter unless the person has done all of the following:

1330 (6) ~~Shall not have been convicted of a crime substantially related to the practice of aesthetics. In determining~~
1331 ~~whether a crime is substantially related to the practice of aesthetics, the Board shall not consider a conviction where~~
1332 ~~more than 10 years have elapsed since the date of conviction, if there have been no other criminal convictions in the~~
1333 ~~intervening time. observe the limitations set forth in § 8735(x)(4) of Title 29. After~~ If after a consideration of the
1334 factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation demonstrating that the
1335 applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, or,
1336 during the time period between Board meetings, the Board President or his or her designee, ~~may waive this paragraph~~
1337 ~~(a)(6), if it finds all of the following:~~ determines that granting a waiver would not create an unreasonable risk to public
1338 safety, the Board, by an affirmative vote of a majority of the quorum, or during the time period between Board
1339 meetings, the Board President or President's designee, shall waive this paragraph (a)(6).

1340 a. ~~For waiver of a felony conviction where the crime was committed against a person, more than 3 years~~
1341 ~~have elapsed since the date of the conviction and for all other felonies, more than 2 years have elapsed since the~~
1342 ~~date of conviction. At the time of the application the applicant may not be incarcerated, on work release, on~~
1343 ~~probation or parole at Level III Supervision or higher, or serving any part of a suspended sentence and must be in~~
1344 ~~substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1345 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1346 ~~not be incarcerated, on work release, on probation or parole at Level III Supervision or higher, or serving any part~~
1347 ~~of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution~~
1348 ~~and community service.~~

1349 c. ~~The applicant is capable of performing as a licensed aesthetician in a competent and professional~~
1350 ~~manner.~~

1351 d. ~~The granting of the waiver will not endanger the public health, safety or welfare.~~

1352 Section 32. Amend Chapter 52, Title 24 of the Delaware Code by making deletions as shown by strike through and
1353 insertions as shown by underline as follows:

1354 § 5209. Qualifications of applicant; report to Attorney General; judicial review.

1355 (a) An applicant applying for original licensure as a nursing home administrator under this chapter shall submit
1356 evidence, verified by oath and satisfactory to the Board, that such person:

1357 (6) Has complied with the provisions of § 5208 of this title regarding criminal background records and does
1358 not have a criminal conviction record nor pending criminal charge which is substantially related to nursing home
1359 administration. However, if after consideration of the factors set forth under § 8735(x)(3) of Title 29 through a hearing
1360 ~~or review of documentation demonstrating that the applicant meets the specified criteria for a waiver,~~ the Board, by an
1361 affirmative vote of a majority of the quorum, ~~may waive this paragraph (a)(6), if it finds all of the following:~~
1362 determines that granting a waiver would not create an unreasonable risk to public safety, the Board shall waive this
1363 paragraph (a)(6).

1364 a. ~~For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At~~
1365 ~~the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or~~
1366 ~~-serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to~~
1367 ~~finest, restitution and community service.~~

1368 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1369 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1370 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1371 c. ~~The applicant is capable of practicing nursing home administration in a competent and professional~~
1372 ~~manner.~~

1373 d. ~~The granting of the waiver will not endanger the public health, safety, or welfare.~~

1374 Section 33. Amend Chapter 53, Title 24 of the Delaware Code by making deletions as shown by strike through and
1375 insertions as shown by underline as follows:

1376 § 5308. Qualifications of applicant; report to Attorney General; judicial review.

1377 (a) An applicant who is applying for licensure as a massage and bodywork therapist under this chapter must
1378 submit evidence, verified by oath and satisfactory to the Board, that such person:

1379 (9) Has not been convicted of a crime that is substantially related to the practice of massage and bodywork. In
1380 determining whether a crime is substantially related to the practice of massage and bodywork, the Board ~~may not~~
1381 ~~consider a conviction where more than 10 years have elapsed since the date of conviction,~~ shall observe the limitations
1382 set forth under § 8735(x)(4) of Title 29, with the exception of a conviction for any felony sexual offense as defined
1383 under § 761 of Title 11 or unlawful sexual contact in the third degree as defined under § 767 of Title 11, which may be
1384 considered regardless of the passage of time since the date of conviction, ~~if there have been no other criminal~~
1385 ~~convictions in the intervening time. After~~ if after consideration of the factors set forth under § 8735(x)(3) of Title 29
1386 through a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver,

1387 the Board, by an affirmative vote of a majority of the quorum, or during the time period between Board meetings, the
1388 Board President or the President's designee, ~~may waive this paragraph (a)(9), if it finds all of the following: determines~~
1389 ~~that granting a waiver would not create an unreasonable risk to public safety, the Board, Board President, or~~
1390 ~~President's designee shall waive this paragraph (a)(9). A waiver may not be granted for a conviction of a felony sexual~~
1391 ~~offense;~~

1392 a. ~~For waiver of a felony conviction, where the crime was committed against a person, more than 3 years~~
1393 ~~have passed since the date of the conviction and for all other felonies, more than 2 years have passed since the date~~
1394 ~~of conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation~~
1395 ~~or on parole at Level III Supervision or higher, or serving any part of a suspended sentence and must be in~~
1396 ~~substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1397 b. ~~For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may~~
1398 ~~not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must~~
1399 ~~be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

1400 c. ~~For waiver of a conviction for unlawful sexual contact in the third degree, at the time of the application~~
1401 ~~the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended~~
1402 ~~sentence, must be in substantial compliance with all court orders pertaining to fines, restitution and community~~
1403 ~~service, and the Board shall continue to have the discretion to grant or deny the waiver for this specific conviction~~
1404 ~~regardless of the amount of time that has passed since the date of conviction.~~

1405 d. ~~The applicant is capable of practicing massage and bodyworks in a competent and professional~~
1406 ~~manner.~~

1407 e. ~~The granting of the waiver will not endanger the public health, safety or welfare;~~

1408 (10) ~~Notwithstanding the time limitation set forth under § 8735(x)(4) of Title 29, Has has not been convicted~~
1409 ~~of a felony sexual offense as defined under § 761 of Title 11; and~~

1410 (11) ~~Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain~~
1411 ~~the following:~~

1412 a. ~~A report of the applicant's entire criminal history record from the State Bureau of Identification or a~~
1413 ~~statement from the State Bureau of Identification that the State Central Repository contains no such information~~
1414 ~~relating to that person.~~

1415 b. ~~A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of~~
1416 ~~Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification~~

1417 shall be the intermediary for purposes of this section and the Board of Massage and Bodywork shall be the
1418 screening point for the receipt of said federal criminal history records.

1419 c. An applicant may not be licensed to practice as a massage therapist until the applicant's criminal
1420 history reports have been produced. An applicant whose record shows a prior criminal conviction that is
1421 substantially related to the practice of massage and bodywork may not be licensed by the Board unless a waiver is
1422 granted pursuant to paragraph (a)(9) of this section.

1423 Section 34. This Act takes effect on January 1, 2023.

SYNOPSIS

The Delaware Fair Chance Licensing Act provides that it is the policy of this State to allow entry to professions and occupations with licensing requirements for individuals with a criminal history to the maximum extent consistent with public safety. To that end, the bill identifies certain kinds of criminal history elements that should not be considered by licensing boards: charges that are not pending and did not lead to a conviction; juvenile records; records that have been expunged, sealed, or pardoned; and convictions that are more than 10 years old. An exception is allowed to the 10 year rule to preserve existing prohibitions involving sex offense convictions. The Act also identifies factors a licensing authority should consider in determining whether a criminal history record would prohibit licensure, or whether a waiver should be granted.

The bill provides a process whereby an individual may submit an inquiry to the Division of Professional Regulation regarding whether their criminal history would be disqualifying for a particular license. Finally, it provides that the Board or Division must provide a written statement to an individual if their criminal history record would be disqualifying and allow the individual to submit rebuttal materials if they wish to do so.

Technical changes are also made to conform the provisions to the requirements of the Delaware Legislative Drafting Manual.

Conforming changes are made to all the Chapters of Title 24 that are administered by the Division of Professional Regulation. Technical corrections are made to existing provisions to conform with the Delaware Legislative Drafting Manual.