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IMPORTANT INFORMATION ABOUT YOUR MANDATORY DUTY TO REPORT Pharmacies

Introduction

As Delaware-licensed pharmacies are healthcare facilities, their owners, corporate officers, pharmacists, and unregistered employees **each** have mandatory duties to report under Delaware law. The purpose of this information sheet is to explain the mandatory duties to report that apply to Delaware-licensed Pharmacies, including Retail and Non-Resident Pharmacies.

To apply for a Pharmacy license or to renew a Pharmacy license with the Delaware Division of Professional Regulation, the person completing the application will be required to certify that all owners, corporate officers, pharmacists, and unregistered employees of the Pharmacy understand each mandatory duty to report explained below.

Mandatory Duty to Report Healthcare Practitioners

Delaware law *mandates* the owners, corporate officers, pharmacists, and unregistered employees of Pharmacies to report, in writing, within 30 days of becoming aware of information that they reasonably believe indicates that **any healthcare provider** including (but not limited to) any practitioner certified and registered to practice medicine in Delaware or licensed by the Board of Mental Health and Chemical Dependency Professionals

- has engaged, or is engaging, in conduct that would constitute grounds of discipline under their licensing laws, or
- may be unable to practice with reasonable skill and safety to the public by reason of mental illness or mental incompetence, physical illness (including deterioration through the aging process or loss of motor skill), or excessive abuse of drugs (including alcohol).

The report must be filed with the Division within 30 days of becoming aware of the information. The law imposes a \$10,000-\$50,000 fine for non-compliance. The law also allows the Division to keep the identity of the reporting person confidential and affords immunity from civil or criminal prosecution for good faith reporting.

The sections of Delaware law that explain these duties are [24 Del. C. §3018](#), [24 Del. C. §1730](#), [24 Del. C. §1731](#) and [24 Del. C. §1731A](#).

For information on filing a report, go to the Division's website at <https://dpr.delaware.gov/> and click *Filing a Complaint*.

Mandatory Duty to Report Child Abuse

Delaware law also *mandates* the owners, corporate officers, pharmacists and unregistered employees of Pharmacies to make an immediate oral report to the Department of Services for Children, Youth and Their Families when they know of, or suspect, child abuse or neglect under Chapter 9 of Title 16 of the *Delaware Code* and to follow up with any requested written reports ([16 Del. C. §903](#)).

Child abuse or neglect may be reported by calling the Department's 24-hour child abuse and neglect hotline at (800) 292-9582. The Department will notify the Division of Professional Regulation of child abuse allegations.

For information on filing a report, go to the Division's website at <https://dpr.delaware.gov/> and click *Filing a Complaint*.

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