

DEPARTMENT OF ADMINISTRATIVE SERVICES

DIVISION OF PROFESSIONAL REGULATION

1100 Board of Dental Examiners
Statutory Authority: 24 Delaware Code,
Section 1106(1) (24 Del.C. §1106(1))
24 DE Admin. Code 1100

ORDER

A public hearing was held on Thursday, March 10, 2005, at a scheduled meeting of the Board of Dental Examiners to receive and consider public comment concerning proposed Regulation Nos. 10 and 11. Regulation No. 10 sets forth and clarifies the eligibility of individuals to take the practical (clinical) examination in Dentistry and Dental Hygiene. Regulation No. 11 sets forth crimes which the Board of Dental Examiners has determined to be substantially related to the practice of Dentistry and Dental Hygiene.

The proposed regulations were published in the *Register of Regulations* in Volume 8, Issue 8, on Tuesday, February 1, 2005. Notice of the consideration of the Regulations and of the time and place of the hearing on such Regulations was published in two newspapers of general circulation as required by the State Administrative Procedures Act, and also was published in the *Register of Regulations*.

Background

The Board of Dental Examiners has determined that it is appropriate to provide clarification of eligibility to take the clinical or practical examinations given by the Board and required for dental license applicants, and also for dental hygiene applicants. The Board has concluded that in order to protect the safety of the patients upon whom the applicant practices during the clinical examination a certain minimum level of professional education is essential. Regulation 10 establishes the required level of professional education.

Regulation No. 11 relates to the action of the 142nd General Assembly of the State of Delaware which passed Senate Bill No. 229. This legislation, among other things, directed various Boards, Agencies and Commissions including the Board of Medical Practice to adopt a regulation specifically identifying and setting forth crimes which were deemed to be substantially related to the practice of dentistry and dental hygiene (See Section 21, Senate Bill No. 229; 24 Del.Code Ann., §1106). The Governor signed this Bill into law.

In this legislation the term "substantially related to" means that the nature of the criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the provision of the particular professional services.

Summary of the Evidence and Information Submitted

The Board received no written comments concerning either proposed Regulation and no persons appeared at the hearing to present comments.

The Board notes that in proposing these Regulations the Board is dealing with concerns regarding patient safety. In Regulation 10, minimum education standards are established to treat patients as a part of the clinical or practical licensing examination. In Regulation No. 11, the Board considered a compilation of crimes extracted from the **Delaware Code** and included federal criminal offenses (Title 18, U.S.C.A.) to include Federal Health Care offenses as being substantially related to the fitness of an individual to provide health care services in the State of Delaware as a dentist or a dental hygienist. Also included are any crimes under other laws which are substantially similar to those crimes identified in the proposed regulation.

It is the view of the Board that the conviction of such crimes should form the basis for a proposal to deny certification to an applicant or to discipline a licensee in appropriate circumstances as a matter of public information and protection. The legislation mandates that the Board specify in advance a list of all crimes which are deemed to be substantially related to the practice of dentistry or dental hygiene. This is problematic because, in the view of the Board, such determinations are more appropriately made after a review of the circumstances surrounding the crime and the particular facts leading to the conviction.

To address this the Board will be seeking the statutory ability to waive any such criminal convictions as well as other disqualifications for licensure as a dentist or dental hygienist in appropriate cases. The presence of a waiver provision vesting appropriate discretion in the Board would enable the Board to take into consideration things such as the circumstances surrounding the commission of the crime, how much time has elapsed since the conviction, the

extent to which restitution has been made, the age of the individual at the time of the conviction, and any other circumstances bearing on the present ability of the individual to practice in the health care field competently and with safety to the public.

Decision and Effective Date

By unanimous vote, the Board of Dental Examiners adopts the proposed Regulation No. 10 and Regulation No. 11 to be effective ten (10) days after the publication of this Order in the *Register of Regulations*. The Board notes that Section 10.1 and 10.2 as published in Volume 8, Issue 8 of the *Delaware Register of Regulations* are to be clarified and corrected to include omitted statutory language and should, in the final Regulation read as follows:

10.1 No person shall be eligible to take the practical (clinical) examination in dentistry administered by the Delaware Board of Dental Examiners unless the applicant has received a degree in dentistry from an accredited dental college or university accredited by the Commission on Dental Accreditation of the American Dental Association.

10.2 No person shall be eligible to take the practical (clinical) examination in dental hygiene administered by the Delaware Board of Dental Examiners unless the applicant has graduated from a dental hygiene college or university program accredited by the Commission on Dental Accreditation of the American Dental Association of at least 2 academic years' duration or has graduated, prior to 1953, from a dental hygiene program of at least 1 years' duration, which program had been approved by the Board at the time of the person's graduation.

Text and Citation

With the above noted corrections, the text of Regulation No. 10 and Regulation No. 11 remains as published in the *Register of Regulation*, Volume No. 8, Issue No. 8, Tuesday, February 1, 2005 (a copy of which is attached).

IT IS SO ORDERED THIS ___DAY OF ____, 2005.

Thomas W. Mercer, DMD, President
Robert P. Marier, DDS, Secretary
Mr. John M. Kirby
Mr. William H. Daisey
Wanda Gardiner Smith, DDS
David Williams, DMD
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1100 Board of Dental Examiners

10.0 Eligibility to Take the Practical (Clinical) Examination

Authority:

Pursuant to Title 24, Section 1106(a)(1), The Board of Dental Examiners is empowered to formulate rules and regulations to implement or clarify Chapter 11 relating to dentistry and dental hygiene.

Purpose:

This regulation clarifies eligibility to take the practical (clinical) examination in dentistry and dental hygiene administered by the Board.

10.1 No person shall be eligible to take the practical (clinical) examination [in] dentistry administered by the Delaware Board of Dental Examiners unless the applicant has received a degree in dentistry from an accredited dental college or university accredited by the Commission on Dental Accreditation of the American Dental Association.

10.2 No person shall be eligible to take the practical (clinical) examination in dental hygiene administered by the Delaware Board of Dental Examiners unless the applicant has graduated from a dental hygiene college or university program [accredited by the Commission on Dental Accreditation of the American Dental Association] of at least 2 academic years' duration or has graduated, prior to 1953, from a dental hygiene program of at least 1 year's duration which program had been approved by the Board at the time of the person's graduation.

10.3 The Board reserves the right to waive the requirement set forth above in sections 10.1 and 10.2 if the Applicant can establish to the satisfaction of the Board's Credentialing Committee that he or she is a student in good standing in an educational facility accredited by the Commission on Dental Accreditation of the American Dental Association and will graduate within sixty (60) days of the administration of the practical (clinical) examination with a degree in dentistry or dental hygiene.

11.0 Crimes Substantially Related To The Practice Of Dentistry And Dental Hygiene.

Authority:

Pursuant to 74 **Del. Laws**, c.262, (Senate Bill No. 229 of the 142nd General Assembly, 2004, as amended), the Board was directed to promulgate regulations specifically identifying those crimes which are substantially related to the practice of dentistry and dental hygiene.

Purpose:

The Board of Dental Examiners believes that the State of Delaware has a compelling public policy interest in ensuring that its licensed professionals not only have specified levels of educational and professional competence but also possess sufficient character and judgment necessary to practice safely in their chosen fields and to do so in a manner which will not undermine the community's confidence in the expertise and professionalism of the members of the profession. Licensed professionals, particularly those in health care related fields, often come into contact with clients and patients and other members of the public at times when they may be sick, infirmed or otherwise extremely vulnerable to undue influence or other forms of misuse, fraud and abuse. It is therefore critical that all reasonable steps are taken to determine, to the extent possible, that the regulation of such professionals takes into consideration not only the individual's technical competence but his or her demonstrated propensity to behave in a way that does not expose the client population to risk or diminish legitimate expectations of honest and honorable behavior by such licensed health care professionals. Therefore, the Board finds that for purposes of licensing, renewal, reinstatement and discipline, the conviction of any of the following crimes, or of the attempt to commit or a conspiracy to commit or conceal the following crimes or substantially similar crimes in another state or jurisdiction, is deemed to be substantially related to the practice of Dentistry and Dental Hygiene in the State of Delaware without regard to the place of conviction:

Definitions.

"Conviction", unless otherwise defined by specific statute, means a verdict of guilty by whether entered by a judge or jury, or a plea of guilty or a plea of nolo contendere or other similar plea such as a "Robinson" or "Alford" plea unless the individual has been discharged under §4218 of Title 11 of the **Delaware Code** (probation before judgment) or under §1024 of Title 10 (domestic violence diversion program) or by §4764 of Title 16 (first offenders controlled substances diversion program).

"Substantially similar crimes in another state or jurisdiction" includes all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, but not limited to, Federal Health Care offenses.

11.1 Any crime which involves the use of physical force or violence toward or upon the person of another and shall include by way of example and not of limitation the following crimes set forth in Title 11 of the **Delaware Code** Annotated:

Assaults and Related Offenses

11.1.1. §601. Offensive touching;

11.1.2. §602. Menacing;

11.1.3. §603. Reckless endangering in the second degree;

11.1.4. §604. Reckless endangering in the first degree;

11.1.5. §605. Abuse of a pregnant female in the second degree;

11.1.6. §606. Abuse of a pregnant female in the first degree;

11.1.7. §611. Assault in the third degree;

11.1.8. §612. Assault in the second degree;

11.1.9. §613. Assault in the first degree;

11.1.10. §614. Assault on a sports official;

11.1.11. §615. Assault by abuse or neglect;

11.1.12. §616. Gang Participation;

11.1.13. §621. Terroristic threatening;
11.1.14. §622 Hoax devices
11.1.15. §625. Unlawfully administering drugs;
11.1.16. §626. Unlawfully administering controlled substance or counterfeit substance or narcotic drugs;
11.1.17. §627. Prohibited acts as to substances releasing vapors or fumes;
11.1.18. §628. Vehicular assault in the second degree;
11.1.19. §629. Vehicular assault in the first degree;
11.1.20. §630. Vehicular homicide in the second degree;
11.1.21. §630A. Vehicular homicide in the first degree;
11.1.22. §631. Criminally negligent homicide;
11.1.23. §632. Manslaughter;
11.1.24. §633. Murder by abuse or neglect in the second degree;
11.1.25. §634. Murder by abuse or neglect in the first degree;
11.1.26. §635. Murder in the second degree;
11.1.27. §636. Murder in the first degree;
11.1.28. §645. Promoting suicide;

Abortion and Related Offenses

11.1.29. §651. Abortion;
11.1.30. §653. Issuing abortifacient articles;

Sexual Offenses

11.1.31. §763. Sexual harassment;
11.1.32. §764. Indecent exposure in the second degree;
11.1.33. §765. Indecent exposure in the first degree;
11.1.34. §766. Incest;
11.1.35. §767. Unlawful sexual contact in the third degree;
11.1.36. §768. Unlawful sexual contact in the second degree;
11.1.37. §769. Unlawful sexual contact in the first degree;
11.1.38. §770. Rape in the fourth degree;
11.1.39. §771. Rape in the third degree;
11.1.40. §772. Rape in the second degree;
11.1.41. §773. Rape in the first degree;
11.1.42. §776. Sexual extortion;
11.1.43. §777. Bestiality;
11.1.44. §778. Continuous sexual abuse of a child;
11.1.45. §780. Female genital mutilation;

Kidnapping and Related Offenses

11.1.46. §781. Unlawful imprisonment in the second degree;
11.1.47. §782. Unlawful imprisonment in the first degree;
11.1.48. §783. Kidnapping in the second degree;
11.1.49. §783A. Kidnapping in the first degree;
11.1.50. §785. Interference with custody;

Coercion

11.1.51. §791. Acts constituting coercion.

11.2. Any crime which involves dishonesty or false, fraudulent or aberrant behavior and shall include by way of example and not of limitation the following crimes listed in Title 11 of the Delaware Code Annotated:

Arson and Related Offenses

11.2.1. §801. Arson in the third degree;
11.2.2. §802. Arson in the second degree;
11.2.3. §803. Arson in the first degree;
11.2.4. §804. Reckless burning or exploding;
11.2.5. §805. Cross or religious symbol burning;
11.2.6. §811. Criminal mischief;

Criminal Trespass and Burglary

11.2.7. §820. Trespassing with intent to peer or peep into a window or door of another;

11.2.8. §821. Criminal trespass in the third degree;
11.2.9. §822. Criminal trespass in the second degree;
11.2.10. §823. Criminal trespass in the first degree;
11.2.11. §824. Burglary in the third degree;
11.2.12. §825. Burglary in the second degree;
11.2.13. §826. Burglary in the first degree;
11.2.14. §828. Possession of burglar's tools or instruments facilitating theft;

Robbery

11.2.15. §831. Robbery in the second degree;
11.2.16. §832. Robbery in the first degree;
11.2.17. §835. Carjacking in the second degree;
11.2.18. §836. Carjacking in the first degree;

Theft and Related Offenses

11.2.19. §840. Shoplifting; class G felony;
11.2.20. §840A. Use of illegitimate retail sales receipt or Universal Product Code Label;
11.2.21. §841. Theft;
11.2.22. §842. Theft; lost or mislaid property; mistaken delivery;
11.2.23. §843. Theft; false pretense;
11.2.24. §844. Theft; false promise;
11.2.25. §845. Theft of services;
11.2.26. §846. Extortion;
11.2.27. §848. Misapplication of property;
11.2.28. §849. Theft of rented property;
11.2.29. §850. Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices;

11.2.30. §851. Receiving stolen property;
11.2.31. §853. Unauthorized use of a vehicle;
11.2.32. §854. Identity theft;
11.2.33. §859. Larceny of livestock;
11.2.34. §860. Possession of shoplifter's tools or instruments facilitating theft;

Forgery and Related Offenses

11.2.35. §861. Forgery; class F felony;
11.2.36. §862. Possession of forgery devices;

Offenses Involving Falsification of Records

11.2.37. §871. Falsifying business records;
11.2.38. §872. Falsifying business records;
11.2.39. §873. Tampering with public records in the second degree;
11.2.40. §876. Tampering with public records in the first degree;
11.2.41. §877. Offering a false instrument for filing;
11.2.42. §878. Issuing a false certificate;

Bribery Not Involving Public Servants

11.2.43. §881. Bribery;
11.2.44. §882. Bribe receiving;

Frauds on Creditors

11.2.45. §891. Defrauding secured creditors;
11.2.46. §892. Fraud in insolvency;
11.2.47. §893. Interference with levied-upon property;

Other Frauds and Cheats

11.2.48. §900. Issuing a bad check;
11.2.49. §903. Unlawful use of credit card;
11.2.50. §903A. Reencoder and scanning devices;
11.2.51. §906. Deceptive business practices;
11.2.52. §907. Criminal impersonation;
11.2.53. §907A. Criminal impersonation, accident related;
11.2.54. §907B. Criminal impersonation of a police officer;
11.2.55. §908. Unlawfully concealing a will;
11.2.56. §909. Securing execution of documents by deception;

11.2.57. §910. Debt adjusting;
11.2.58. §911. Fraudulent conveyance of public lands;
11.2.59. §912. Fraudulent receipt of public lands;
11.2.60. §913. Insurance fraud;
11.2.61. §913A. Health care fraud;
11.2.62. §914. Use of consumer identification information;
11.2.63. §915. Use of credit card information;
11.2.64. §916. Home improvement fraud;
11.2.65. §917. New home construction fraud;

Offenses Relating to Recorded Devices

11.2.66. §920. Transfer of recorded sounds;
11.2.67. §921. Sale of transferred recorded sounds;
11.2.68. §922. Improper labeling;

Computer Related Offenses

11.2.69. §932. Unauthorized access;
11.2.70. §933. Theft of computer services;
11.2.71. §934. Interruption of computer services;
11.2.72. §935. Misuse of computer system information;
11.2.73. §936. Destruction of computer equipment;
11.2.74. §937. Unrequested or unauthorized electronic mail or use of network or software to cause same;
11.2.75. §938. Failure to promptly cease electronic communication upon request;

Offenses relating to marriage.

11.2.76. §1001. Bigamy;
11.2.77. §1003. Contracting a bigamous marriage outside of the State.

11.3. Any crime which involves misuse or abuse of children or animals and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code** Annotated:

Child Welfare; Sexual Offenses, Animal Offenses

11.3.1. §1100. Dealing in children;
11.3.2. §1101. Abandonment of child;
11.3.3. §1102. Endangering the welfare of a child;
11.3.4. §1105. Endangering the welfare of an incompetent person;
11.3.5. §1106. Unlawfully dealing with a child;
11.3.6. §1107. Endangering children;
11.3.7. §1108. Sexual exploitation of a child;
11.3.8. §1109. Unlawfully dealing in child pornography;
11.3.9. §1111. Possession of child pornography;
11.3.10. §1112. Sexual offenders; prohibitions from school zones;
11.3.11. §1112A Sexual solicitation of a child;
11.3.12. §1113 Criminal non-support and aggravated criminal non-support;
11.3.13. §1114. Body-piercing; tattooing or branding;
11.3.14. §1114A Tongue-splitting;
11.3.15. §1116. Sale or distribution of tobacco products to minors;
11.3.16. §1325. Cruelty to animals;
11.3.17. §1326. Animals; fighting and baiting prohibited;
11.3.18. §1327. Maintaining a dangerous animal.

11.4. Any crime which involves offenses against the public order the commission of which may tend to bring discredit upon the profession and which are thus substantially related to one's fitness to practice such profession and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code** Annotated:

Bribery and Improper Influence

11.4.1. §1201. Bribery;
11.4.2. §1203. Receiving a bribe;
11.4.3. §1205. Giving unlawful gratuities;
11.4.4. §1206. Receiving unlawful gratuities;

- 11.4.5. §1207. Improper influence;
- 11.4.6. §1211. Official Misconduct;
- 11.4.7. §1212. Profiteering;
- Perjury, Escape and related offenses
- 11.4.8. §1221. Perjury in the third degree;
- 11.4.9. §1222. Perjury in the second degree;
- 11.4.10. §1223. Perjury in the first degree;
- 11.4.11. §1233. Making a false written statement;
- 11.4.12. §1239. Wearing a disguise during commission of a felony;
- 11.4.13. §1240. Terroristic threatening of public officials or public servants;
- 11.4.14. §1244. Felony hindering prosecution;
- 11.4.15. §1245. Felony false reporting an incident
- 11.4.16. §1246. Compounding a crime;
- 11.4.17. §1248. Felony obstructing control and suppression of rabies;
- 11.4.18. §1249. Felony abetting violation of driver's license restrictions;
- 11.4.19. §1250. Offenses against law-enforcement animals;
- 11.4.20. §1252. Felony escape;
- 11.4.21. §1253. Escape after conviction.
- 11.4.22. §1254. Assault in a detention facility;
- 11.4.23. §1256. Felony promoting prison contraband;
- 11.4.24. §1257A Felony use of an animal to avoid capture;
- 11.4.25. §1259. Sexual relations in a detention facility;
- 11.4.26. §1260. Felony misuse of prisoner mail;
- Offenses Relating to Judicial and Similar Proceedings
- 11.4.27. §1261. Bribing a witness;
- 11.4.28. §1262. Bribe receiving by a witness;
- 11.4.29. §1263. Tampering with a witness;
- 11.4.30. §1263A Interfering with child witness;
- 11.4.31. §1264. Bribing a juror;
- 11.4.32. §1265. Bribe receiving by a juror;
- 11.4.33. §1266. Tampering with a juror;
- 11.4.34. §1267. Misconduct by a juror;
- 11.4.35. §1269. Tampering with physical evidence.

11.5. Any crime which involves offenses against a public health order and decency which may tend to bring discredit upon the profession, specifically including the below listed crimes from Title 11 of the **Delaware Code Annotated** which evidence a lack of appropriate concern for the safety and well being of another person or persons in general or sufficiently flawed judgment to call into question the individuals ability to make health care decisions or advise upon health care related matters for other individuals.

Disorderly Conduct and Related Offenses

- 11.5.1. §1302. Riot;
- 11.5.2. §1304. Hate crimes;
- 11.5.3. §1312A Felony Stalking;
- 11.5.4. §1313. Malicious interference with emergency communications;
- 11.5.5. §1325. Felony Cruelty to Animals;
- 11.5.6. §1326. Animals, fighting and baiting prohibited.
- 11.5.7. §1327. Felony maintaining a dangerous animal;
- 11.5.8. §1332. Abusing a corpse;
- 11.5.9. §1333. Trading in human remains and associated funerary objects
- 11.5.10. §1335. Felony violation of privacy;
- 11.5.11. §1336. Wiretapping and electronic surveillance;
- 11.5.12. §1338. Bombs, incendiary devices, Molotov cocktails and explosive devices;
- 11.5.13. §1339. Adulteration;

Offenses Involving Public Indecency

- 11.5.14. §1351. Promoting prostitution in the third degree;
- 11.5.15. §1352. Promoting prostitution in the second degree;
- 11.5.16. §1353. Promoting prostitution in the first degree;

Obscenity

11.5.17. §1361. Obscenity; acts constituting.

11.6. Any crime which involves the illegal possession or the misuse or abuse of narcotics, or other addictive substances and those non-addictive substances with a substantial capacity to impair reason or judgment and shall include by way of example and not of limitation the following crimes listed in Chapter 47 of Title 16 of the **Delaware Code Annotated**:

11.6.1. §4751. Prohibited acts A;

11.6.2. §4752. Prohibited acts B;

11.6.3. §4752A Unlawful delivery of noncontrolled substance;

11.6.4. §4753. Prohibited acts C;

11.6.5. §4753A Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, L.S.D., or designer drugs;

11.6.6. §4754. Prohibited acts D;

11.6.7. §4754A Possession and delivery of noncontrolled prescription drug.

11.6.8. §4755. Prohibited acts E;

11.6.9. §4756. Prohibited acts;

11.6.10. §4757. Hypodermic syringe or needle; delivering or possessing; disposal; exceptions;

11.6.11. §4758. Keeping drugs in original containers;

11.6.12. §4761. Distribution to persons under 21 years of age;

11.6.13. §4761A Purchase of drugs from minors;

11.6.14. §4767. Distribution, delivery, or possession of controlled substance within 1,000 feet of school property;

11.6.15. §4768. Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship;

11.6.16. §4774. Drug paraphernalia.

11.7. Any crime which involves the misuse or illegal possession or sale of a deadly weapon or dangerous instrument and shall include by way of example and not of limitation the following crimes listed in Title 11 of the Delaware Code Annotated:

Offenses Involving Deadly Weapons and Dangerous Instruments

11.7.1. §1442. Carrying a concealed deadly weapon;

11.7.2. §1443. Carrying a concealed dangerous instrument;

11.7.3. §1444. Possessing a destructive weapon;

11.7.4. §1445. Felony unlawfully dealing with a dangerous weapon;

11.7.5. §1447. Possession of a deadly weapon during commission of a felony;

11.7.6. §1447A Possession of a firearm during commission of a felony;

11.7.7. §1448. Possession and purchase of deadly weapons by persons prohibited;

11.7.8. §1448A Criminal history record checks for sales of firearms;

11.7.9. §1449. Wearing body armor during commission of felony;

11.7.10. §1450. Receiving a stolen firearm;

11.7.11. §1451. Theft of a firearm;

11.7.12. §1452. Unlawfully dealing with knuckles-combination knife;

11.7.13. §1453. Unlawfully dealing with martial arts throwing star;

11.7.14. §1454. Giving a firearm to person prohibited;

11.7.15. §1455. Engaging in a firearms transaction on behalf of another;

11.7.16. §1456. Unlawfully permitting a minor access to a firearm;

11.7.17. §1457. Felony Possession of a weapon in a Safe School and Recreation Zone;

11.7.18. §1458. Removing a firearm from the possession of a law enforcement officer;

11.7.19. §1459. Possession of a weapon with a removed, obliterated or altered serial number;

11.7.20. §1471. Prohibited Acts; Offenses Involving Organized Crime and Racketeering

11.7.21. §1504. Criminal Penalties for Organized Crime & Racketeering;

Offenses Involving Intimidation of Victims or Witnesses

11.7.22. §3533. Aggravated act of intimidation;

11.8 Other Crimes

Title 16 Health and Safety

11.8.1 §1136. Abuse or neglect of a patient or resident of a nursing facility;

11.8.2 §4751. Prohibited acts A;
11.8.3 §4752. Prohibited acts B;
11.8.4 §4752A Unlawful Delivery of Noncontrolled Substance;
11.8.5 §4753. Prohibited acts C;
11.8.6 §4753A Trafficking in Marijuana, Cocaine, Illegal Drugs, Methamphetamines, Lysergic Acid Diethylamide, Designer Drugs or 3,4-Methelenedioxymethamphetamine
11.8.7 §4754. Prohibited acts D
11.8.8 §4754A Possession and Delivery of NonControlled Prescription Drug.
11.8.9 §4755. Prohibited Acts
11.8.10 §4756. Prohibited Acts
11.8.11 §4757. Hypodermic syringe or needle; delivering or possessing; disposal; exceptions; penalties
11.8.12 §4758. Keeping drugs in original containers;
11.8.13 §4761. Distribution to persons under 21 years of age; penalties;
11.8.14 §4761A Purchase of drugs from minors; penalties;
11.8.15 §4767. Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses;
11.8.16 §4768. Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship; penalties; defenses;
11.8.17 §4771. Drug paraphernalia;
11.8.18 §4774. Penalties;
Title 23 Navigation and Waters
11.8.19 §2302. Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs;
11.8.20 §2305. Second, Third and Fourth Offense Penalties; jurisdiction;
Title 30 State Taxes
11.8.21 §571. Attempt to evade or defeat tax; class E felony;
11.8.22 §572. Failure to collect or pay over tax; class E felony;
11.8.23 §573. Failure to file return, supply information or pay tax; class A misdemeanor;
11.8.24 §574. Fraud and false statements; class E felony;
Title 31 Welfare
11.8.25 §1007. Felony Penalties;
Title 21 – Motor Vehicles
11.8.26 §2118A Unlawful possession or manufacture of proof of insurance, penalties;
11.8.27 §2133. Penalties; jurisdiction of justices of the peace;
11.8.28 §2315. False statements; penalty;
11.8.29 §2316. Altering or forging certificate of title, manufacturer's certificate of origin, registration card, vehicle warranty or certification sticker or vehicle identification plate
11.8.30 §2620. False statements; incorrect or incomplete information;
11.8.31 §2751. Unlawful application for or use of license or identification card;
11.8.32 §2752. False statements;
11.8.33 §2760. Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards;
11.8.34 §2814. Additional penalty when convicted of an offense which would render an individual a habitual offender;
11.8.35 §3107. False statements;
11.8.36 §4177. Felony Driving a vehicle while under the influence or with a prohibited alcohol content; evidence; arrests; and penalties;
11.8.37 §4177M Operating a commercial motor vehicle with a prohibited blood alcohol concentration or while impaired by drugs;
11.8.38 §4202. Felony Duty of driver involved in accident resulting in injury or death to any person; penalty;
11.8.39 §4601. Introduction, sale, distribution or advertisement for sale to public of motor vehicle master keys; penalties;
11.8.40 §4603. Reporting of keys; penalties;
11.8.41 §4604. Possession of motor vehicle master keys, manipulative keys, key-cutting devices, lock picks or lock picking devices and hot wires; penalty; class E felony;
11.8.42 §6704. Receiving or transferring stolen vehicle; penalty;
11.8.43 §6705. Removed, falsified or unauthorized identification number on vehicle, bicycle or engine;

removed or affixed license/registration plate with intent to misrepresent identity; penalty;

11.8.44 §6708. Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card; class E felony; penalty;

11.8.45 §6709. Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers; penalty; class E felony;

11.8.46 §6710. Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers; penalty; class E felony;

Title 3 – Agriculture

11.8.47 §1224. Unlawful Acts (Only to include crimes related to fraud and conspiracy);

11.8.48 §8713. Felony offenses

11.8.49 §10049. Fraudulent Written Statements;

11.8.50 §10050. Fraudulent Certificate of Registration or Eligibility Documents;

11.8.51 §904. Offenses Concerning Certain Persons;

Title 6 – Commerce and Trade

11.8.52 §4619. Felony Prohibition of Intimidation;

Title 7 – Conservation

11.8.53 §1717. Unauthorized Acts against a Service Guide or Seeing Eye Dog;

11.8.54 §6003. Felony Permits Required;

Title 11 – Crimes

11.8.55 §2402. Felony Interception of Communications Generally; Divulging Contents of Communications;

11.8.56 §2403. Manufacture, Possession or Sale of Intercepting Device;

11.8.57 §2410. Breaking and Entering, Etc. to Place or Remove Equipment;

11.8.58 §2412. Obstruction, Impediment or Prevention of Interception;

11.8.59 §2422. Divulging Contents of Communications;

11.8.60 §3534. Attempt to Intimidate;

11.8.61 §8523. Felony Violation of Reporting Provision;

11.8.62 §8562. Felony Failure of Child Care Provider to Obtain Information or Providing False Information;

11.8.63 §8572. Penalties for Providing False Information when Seeking School Employment;

11.8.64 §9016. Filing False Claim under Victims' Compensation Fund

Title 12 – Descendants' Estates

11.8.65 §210. Alteration, Theft or Destruction of Will

Title 16 – Health & Safety

11.8.66 §2513. Felony Penalties Relating To Improper Health-Care Decisions;

11.8.67 §7112. Felony Penalties for Violations of Chapter;

11.8.68 §7416. Penalties for Violating Statute Governing Radiation Control;

Title 24 – Professions and Occupations

11.8.69 §903. Deadly Weapons Dealers – Sale to Persons under 21 or Intoxicated Persons;

Title 31 – Welfare

11.8.70 §3913. Felony Violations – Knowing or Reckless Abuse of an Infirm Adult.

11.9. Any crime which is a violation of either Title 24, Chapter 11 (Board of Dental Examiners) as it may be amended from time to time or of any other statute which requires the reporting of a medical/dental situation or condition to state, federal or local authorities or a crime which constitutes a violation of the dental or hygiene practice act of the state in which the conviction occurred or in which the dentist or dental hygienist is licensed.

11.10. The Board reserves the jurisdiction and authority to modify this regulation as and if it becomes necessary to either add or delete crimes including such additions as may be required on an emergency basis under 29 Del.C. §10119 to address imminent peril to the public health, safety or welfare.

9 DE Reg. 77 (07/01/05)(Final)