

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**1100 BOARD OF DENTISTRY AND DENTAL HYGIENE**  
Statutory Authority: 24 Delaware Code, Section 1106(a)(1) (24 Del.C. §1106(a)(1))  
**24 DE Admin. Code 1100**

**GENERAL NOTICE**

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 **Del.C.** §1106(a)(1), proposes to re-propose revisions to its regulations. The proposed amendments to regulations 4.0 and 4.1 seek to clarify that the statutory requirement set forth at 24 **Del.C.** §1122(a)(1) requiring dental candidates to have “received a degree in dentistry from an accredited dental college or university accredited by the Commission on Dental Accreditation of the American Dental Association” may obtain such a degree through either a pre-doctoral dental education program or a post-doctoral dental program of at least 24 months in any specialty that includes a clinical component. The proposed changes at regulation 12.2.28 seeks to clarify that fee-splitting is a basis for discipline of a Delaware dentist or dental hygienist.

The Board originally held public hearing on the proposed rule change on March 17, 2016. As a result of the submission of public comments, the Board attempted to hold a second hearing in regard to this re-proposal on August 18, 2016 but was unable to hold the hearing due to insufficient notice of the hearing under the Delaware Administrative Procedures Act. The Board will now hold a public hearing on the re-proposed rule change on October 20, 2016 at 3:00 PM, Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Witte, Administrator of the Delaware Board of Dentistry and Dental Hygiene, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until November 4, 2016.

The proposed rule changes are as follows, additions are indicated in underline, deletions are indicated in strikethrough:

**1100 Board of Dentistry and Dental Hygiene**  
***(Break in Continuity of Sections)***

**4.0 Qualifications of Applicant; Education and Residency Requirements [24 Del.C. §1122(a)(3)]**

- 4.1 An applicant for licensure as a dentist shall have received one of the following: a doctoral degree from a US dental college accredited by the Commission on Dental Accreditation; or a doctoral degree from a dental college or university, plus a post-doctoral degree or certificate from a US CODA approved specialty program in Oral and Maxillofacial Surgery, Periodontics, Pediatric Dentistry, Endodontics, Orthodontics, or Prosthodontics.
- 4.42 An applicant for licensure as a dentist must have completed 1 year as a dental intern within a general practice residency accredited by the Commission on Dental Accreditation (CODA).
- 4.23 An applicant who has completed a CODA approved specialty residency of 4 years or more will be deemed to have satisfied the general practice residency requirement.
- 4.34 An applicant who has completed a CODA approved specialty residency of less than 4 years must demonstrate that the specialty residency program meets the following criteria:
- 4.3-44.1 The program must meet the goals, objectives, proficiencies and competencies set forth in Standard 2.4 of the CODA Accreditation Standards for Advanced Education Programs in General Practice Residency, ©2007.
- 4.3-24.2 The program must include a rotation of at least 70 hours in anesthesia and a rotation of at least 70 hours in medicine.
- 4.45 An applicant for licensure as a dentist by reciprocity who has had at least 3 years of active dental practice in another state or territory of the United States is not required to provide evidence of a general practice or specialty residency.
- 4.4-45.1 Active practice shall be defined as an average of at least 1000 hours of direct patient care per year. Satisfactory evidence of active practice may include, but is not limited to, W-2 forms, 1099 forms, tax returns, and/or written verification of hours from the dental practice administrator. The Board reserves the right to request supplemental verification and to reject incomplete documentation.
- 4.56 An applicant for licensure as a dental hygienist by reciprocity must demonstrate active practice during 3 of the 5 years immediately preceding the application in the state in which the applicant currently is or has been licensed.
- 4.5-46.1 Active practice shall be defined as an average of at least 350 hours of direct patient care per year. Satisfactory evidence of active practice may include, but is not limited to, W-2 forms, 1099 forms, tax returns, and/or written verification of hours from the dental practice administrator. The Board reserves the right to request supplemental verification and to reject incomplete documentation.

*(Break in Continuity of Sections)*

**12.0 Unprofessional Conduct Defined**

*(Break in Continuity Within Section)*

12.2 Unprofessional conduct shall include but is not limited to the following:

*(Break in Continuity Within Section)*

12.2.28 Knowingly making or receiving any payment to another dentist, dental hygienist, or employee of a dental office of a dental office or to divide or split any fee received for professional services for directly bringing or referring a patient. Furthermore, a corporation cannot be established to evade the above regulation.

**20 DE Reg. 198 (09/01/16) (Gen. Notice)**