

17 DCMR Chapter 42 Dentistry

4211 REQUIRED STERILIZATION AND DISINFECTION PROCEDURES

4211.1 (1) At least one of the following procedures shall be used in order to provide proper sterilization:

(a) Steam under pressure (e.g., autoclave);

(b) Dry-heat;

(c) Chemical vapor;

(d) Ethylene oxide;

(e) Only devices approved by the U.S. Food and Drug Administration (FDA) for sterilization shall be used to achieve sterilization.

4211.2 All instruments that are capable of being sterilized, shall be sterilized after each use according to the manufacturer's instructions for use.

4211.3 If heat, steam under pressure, or chemical vapor sterilization of an instrument is not technically feasible, due to the size or composition of an instrument, the instrument shall undergo sterilization with a disinfectant/sterilant that destroys viruses and spores. Disinfectants shall be registered by the U.S. Environmental Protection Agency (EPA) as a disinfectant/sterilant and shall be used in accordance with the manufacturer's recommendations and in accordance with CDC Guidelines.

4211.4 Oral prosthetic appliances received from a dental laboratory shall be washed with soap or a detergent and water, rinsed well, appropriately disinfected and rinsed well again before the prosthetic appliance is placed in the patient's mouth. Lab-fabricated oral prosthetic appliances shall only be handled by registered or licensed personnel.

4211.5 At the completion of dental treatment, all surfaces that may have become contaminated with blood, saliva or other bodily fluids shall be disinfected in accordance with CDC Guidelines.

4211.6 The sterilization and disinfection procedures required by this rule shall be followed unless appropriate disposable items are used. Disposable items may only be used on a one time basis and may never be used on more than one dental patient.

4211.7 Surgical or examination gloves and surgical masks shall be worn by all personnel while performing or assisting in the performance of any procedure or task in which contact with blood and/or saliva is imminent.

4211.8 Surgical or examination gloves shall be changed between patients.

4211.9 Hands shall be washed with soap and water and dried immediately after removing and prior to replacing gloves. A healthcare grade alcohol-based hand rub may also be used according to the most current CDC Guidelines.

4211.10 Gloves are never to be washed and reused. Surgical or examination gloves that are punctured or torn shall be removed and replaced immediately with new gloves following rewashing of provider's hands with soap and water.

4211.11 Protective eyewear shall be worn by all personnel while performing or assisting in the performance of any procedure or task in accordance with OSHA's Bloodborne Pathogen Standard, as defined and incorporated by the CDC Guidelines.

4211.12 The procedures and equipment used for sterilization shall have their efficacy tested periodically in accordance with CDC Guidelines and the manufacturer's instructions.

4211.13 The dental practice owner or supervising dentist shall be responsible for:

(a) Ensuring compliance with the required sterilization and disinfection procedures set forth in this section and all applicable CDC guidelines;

(b) Ensuring that employees that perform sterilization and disinfection procedures are properly trained and supervised;

(c) The provision and accessibility of:

i. Sufficient and appropriate personal protective equipment;

ii. Puncture-resistant sharps containers located in close proximity to where they are to be used;

iii. Products for cleaning and disinfecting environmental surfaces that are approved by the Environmental Protection Agency or its successor;

iv: Periodic water quality testing to ensure that water meet Environmental Protection Agency regulatory standards for drinking water;

v. Sterilization monitoring of reusable dental equipment and instruments in accordance with the manufacturer's instructions for use;

vi. Maintenance of a biohazard waste removal contract for the office; and

vii. Signage for patient waiting areas for those exhibiting symptoms of respiratory infection.

17 DCMR Chapter 90 Dental Assistants

9000 GENERAL PROVISIONS

9000.1 This chapter applies to applicants for and holders of a registration to practice as a dental assistant.

9000.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations Administrative Procedures) of Title 17 of the District of Columbia Municipal Regulations supplement this chapter.

9001 REGISTRATION REQUIRED

9001.1 No person shall perform or be permitted to perform any duties as a dental assistant without a registration issued by the Board.

9001.2 Notwithstanding Subsection 9001.1, a person who is performing the duties of a dental assistant on the effective date of this chapter shall obtain a registration no later than September 17, 2012.

9002 TERM OF REGISTRATION

9002.1 Subject to § 9002.2, a registration issued pursuant to this chapter shall expire at 12:00 midnight of December 31 of each odd-numbered year.

9002.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a registration issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birth date of the holder of the registration or other date established by the Director.

9003 EDUCATION REQUIREMENTS

9003.1 An applicant for a Level I Dental Assistant registration shall submit proof satisfactory to the Board that the applicant has a high school diploma or has a general equivalency diploma.

9003.2 An applicant for a Level I Dental Assistant registration with **radiography authority** shall submit proof:

(a) Satisfactory to the Board that the applicant has a high school diploma or has a general equivalency diploma; and

(b) Successfully completed a course in dental radiography training meeting the requirements set forth in § 9005.1 of this chapter.

9003.3 An applicant for a Level II Dental Assistant registration shall submit proof satisfactory to the Board that the applicant has:

(a) A high school diploma or has a general equivalency diploma;

(b) Successfully completed a course in dental radiography training meeting the requirements set forth in § 9005.1 of this chapter; and

(c) (1) Successfully completed and graduated from an educational program for dental assistants approved by the Board or the American Dental Association's (ADA) Commission on Dental Accreditation (CODA); or

(2) A current and valid certification as a Certified Dental Assistant in general duties from the Dental Assisting National Board (DANB), or other dental assisting certification approved by the Board.

9003.4 An applicant for a Level III Dental Assistant registration shall submit proof satisfactory to the Board that the applicant has:

(a) A high school diploma or a general equivalency diploma;

(b) Successfully completed a course in dental radiography training meeting the requirements set forth in § 9005.1 of this chapter;

(c) Successfully completed and graduated from an educational program for dental assistants approved by the Board or the American Dental Association's Commission on Dental Accreditation (CODA);

(d) A current and valid certification as a Certified Dental Assistant in general duties from the DANB or another dental assisting certification approved by the Board;

(e) Successfully completed and passed the DANB Coronal Polishing Exam and the DANB Sealants Exam Preventive Functions Dental Assistant Certification; and or

(f) Successfully passed a Board-approved, hands-on course in the functions and duties permitted to be performed by a Level III Dental Assistant.

9004 SCOPE OF PRACTICE

- 9004.1 Subject to the restrictions set forth in this section, a dentist may delegate to a registered dental assistant only those procedures which are:
- (a) Appropriate to the training and experience of the dental assistant and the practice of the supervising dentist;
 - (b) Reversible; and
 - (c) To be performed under the direct supervision of the dentist.
- 9004.2 Level I Dental Assistant may perform the following functions under direct supervision of a dentist:
- (a) Placing retraction cord;
 - (b) Placing matrices;
 - (c) Applying fluoride (rinse, foam tray, and fluoride varnish);
 - (d) Placing periodontal dressings;
 - (e) Removing temporary restorations without the use of a rotary instrument;
 - (f) Removing sutures;
 - (g) Taking impression for study models or diagnostic casts;
 - (h) Rinsing and aspirating the oral cavity;
 - (i) Retracting the lips, cheek, tongue, and flaps;
 - (j) Placing or removing materials for the isolation of the dentition, provided that the material is not retained by the dentition;
 - (k) Applying topical anesthesia;
 - (l) Constructing athletic mouth guards and night guards on models;
 - (m) Performing intraoral photography;
 - (n) Curing by the use of halogen light;
 - (o) Checking for loose bands;

- (p) Whitening or bleaching using trays;
- (q) Take and record vital signs; and
- (r) Other functions as approved by the Board.

9004.3 Level II Dental Assistant may perform the following functions under direct supervision of a dentist:

- (a) All functions permitted to Level I Dental Assistant, as enumerated in § 9004.2;
- (b) Performing vitality tests;
- (c) Taking alginate impressions for intraoral appliances;
- (d) [Repealed];
- (e) Applying desensitizing agents;
- (f) Placing or removing a rubber dam;
- (g) Etching;
- (h) Fabricating indirect restorations in a dental office;
- (i) Placing or removing a matrix band;
- (j) Drying a root canal;
- (k) Preparing and fitting stainless steel crowns;
- (l) Preparing temporary crowns;
- (m) Removing excess cement; and
- (n) Removing or placing a periodontal dressing (except placing the original periodontal dressing).

9004.4 Level III Dental Assistant may perform the following functions under direct supervision of a dentist:

- (a) All functions permitted to Level I Dental Assistant or Level II Dental Assistant, as enumerated in §§ 9004.2 and 9004.3;
- (b) The application of pit and fissure sealants;

- (c) Coronal polishing to remove stain and biofilm; and
- (d) Glucose testing.

9004.5 Level I, II, or III Dental Assistant working under the direct supervision of an orthodontist may also perform the following functions:

- (a) Preparing and fitting orthodontic bands;
- (b) Removing excess cement from around orthodontic bands;
- (c) Placing and removing arch wires;
- (d) Cementing orthodontic bands, placing bonded attachments, or removing cemented or bonded orthodontic bands and attachments;
- (e) Placing elastics and ligatures; and
- (f) Selecting headgear.

~~9004.6 Level I, II, or II Dental Assistant may perform the following functions under the general supervision of a dentist:~~

- ~~(a) Cleaning and disinfecting environmental surfaces and equipment;~~
- ~~(b) Sterilizing instruments.~~

9004.7 A dentist shall not delegate to a dental assistant any of the following procedures:

- (a) Those procedures excluded by 17 DCMR § 4215.1;
- (b) A preliminary dental examination;
- (c) A complete prophylaxis, including the removal of any deposits, diseased crevicular tissue, accretion, or stain from the surface of a tooth or a restoration;
- (d) The restoration of a tooth;
- (e) The charting of cavities during preliminary examination, prophylaxis, or polishing; however, a dentist may permit an assistant to record the charting of cavities as dictated by the dentist or dental hygienist during the course of a preliminary examination or dental procedure;

- (f) The instruction of individuals or groups of individuals in oral health care, unless it is in the dental office and done as instructed by the dentist;
- (g) [Repealed];
- (h) Diagnostic screening to identify indications of oral abnormalities;
- (i) Administration of local anesthesia;
- (j) Administration of nitrous oxide;
- (k) Placement of temporary restorations;
- (l) Taking final impressions;
- (m) Adjusting occlusion of natural teeth, restorations, or appliances;
- (n) Registration of jaw relations;
- (o) Cementing permanent crowns or restorations;
- (p) Applying silver diamine fluoride;
- (q) Glucose monitoring;
- (r) Whitening or bleaching (internal, laser, or high-intensity light);
- (s) Using a high speed handpiece intraorally;
- (t) Oral cancer screenings;
- (u) Oral cancer tissue biopsy;
- (v) Placing initial periodontal dressing;
- (w) Placement of liquid dam;
- (x) Applying and removing a socket dressing;
- (y) Placement of subgingival medicaments;
- (z) Removing intracoronal temporary restorations; or
- (aa) Placing sutures.

SOURCE: Notice of Final Rulemaking published at 58 DCR 5852, 5853 (July 15, 2011); as amended by Final Rulemaking published at 60 DCR 10055 (July 12, 2013); as amended by Final Rulemaking published at 67 DCR 2217 (February 28, 2020); as amended by Final Rulemaking published at 71 DCR 002153 (March 1, 2024).

9005 RADIOGRAPHY REQUIREMENTS

- 9005.1 A **Level I**, Level II, or Level III dental assistant shall be eligible to place or expose dental x-ray film if he or she has:
- (a) Successfully passed the Dental Assistant National Board's (DANB) Radiation Health and Safety (RHS) examination or Certified Dental Assistant (CDA) examination; or
 - (b) Successfully completed a Board-approved dental **radiography** training program consisting of at least twenty-four (24) hours of coursework in radiology, radiation safety, biology, and physics, and has successfully passed the examination(s) required for successful completion of the program.

SOURCE: Notice of Final Rulemaking published at 58 DCR 852, 5853 (July 15, 2011); as amended by Final Rulemaking published at 60 DCR 2401 (March 1, 2013); as amended by Final Rulemaking published at 60 DCR 10055 (July 12, 2013); as amended by Final Rulemaking published at 68 DCR 7742 (August 6, 2021); as amended by Final Rulemaking published at 71 DCR 002153 (March 1, 2024).

9006 RESPONSIBILITY OF SUPERVISING DENTIST

- 9006.1 In all instances, the licensed dentist assumes ultimate responsibility for determining, on the basis of his or her diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to a dental assistant in accordance with this chapter and the Act.
- 9006.2 The supervising dentist and dentist owner of the dental practice shall be responsible for ensuring that the dental assistant is registered with the Board to practice in the District of Columbia and may be subject to disciplinary action for supervising or employing an unregistered dental assistant.

SOURCE: Notice of Final Rulemaking published at 58 DCR 5852, 5856 (July 15, 2011).

9007 CONTINUING EDUCATION REQUIREMENTS

- 9007.1 Except as provided in § 9007.2, this section shall apply to all applicants for the renewal, reactivation, or reinstatement of a dental assistant registration.
- 9007.2 This section shall not apply to applicants for the first renewal of a dental assistant registration.

- 9007.3 A continuing education credit shall be valid only if it is part of a program approved by the Board.
- 9007.4 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.
- 9007.5 A continuing education credit shall consist of at least sixty (60) minutes of instruction in an approved continuing education program.
- 9007.6 Beginning with the licensure period ending December 31, 2021, not more than five (5) continuing education credits for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.
- 9007.7 For the licensure period ending December 31, 2019, an applicant for renewal of a dental assistant registration shall:
- (a) Have completed seven (7) hours of credit within the two-year (2) period preceding the date the registration expires, which shall include at least:
 - (1) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
 - (2) Two (2) hours of infection control in approved continuing education programs;
 - (3) One (1) hour of ethics in an approved continuing education programs; and
 - (4) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5));
 - (b) Attest to completion of the required continuing education credits on the renewal application form; and
 - (c) Be subject to a random audit.
- 9007.8 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a dental assistant registration shall:

- (a) Have completed ten (10) hours of credit within the two-year (2) period preceding the date the registration expires, which shall include at least:
 - (1) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
 - (2) Two (2) hours of infection control in approved continuing education programs;
 - (3) One (1) hour of ethics in an approved continuing education programs;
 - (4) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
 - (5) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;
- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit.

9007.9

For the licensure period ending December 31, 2019, to qualify for reinstatement or reactivation of a dental assistant registration, an applicant shall submit proof of having completed a minimum of seven (7) hours of credit within the year immediately preceding the date of the application, which shall include at least:

- (a) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;

- (c) One (1) hour of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

9007.10 Beginning with the licensure period ending December 31, 2021, to qualify for reinstatement or reactivation of a dental assistant registration, an applicant shall submit proof of having completed a minimum of ten (10) hours of credit within the year immediately preceding the date of the application, which shall include at least:

- (a) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in an approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9007.11 Applicants for renewal of a registration shall only be required to prove completion of the required continuing education credits by submitting proof if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

9007.12 An applicant for renewal of a registration who fails to renew the registration by the date the registration expires may renew the registration for up to sixty (60) days

after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the renewal thereof.

9007.13 If an applicant for renewal of a registration fails to renew the registration and pay the late fee within sixty (60) days after the expiration of applicant's registration, the registration shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired registration and meet all requirements and fees for reinstatement.

9007.14 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

9007.15 An extension granted under this section shall not exempt the dental assistant from complying with the continuing education requirements for any other renewal period.

SOURCE: Final Rulemaking published at 65 DCR 4841 (May 4, 2018); as amended by Final Rulemaking published at 67 DCR 2217 (February 28, 2020).

9008 DISTRICT OF COLUMBIA DENTAL ASSISTANT LAW EXAMINATION

9008.1 An applicant for a Level I, Level II, or Level III Dental Assistant registration shall submit proof satisfactory to the Board that the applicant received a passing score on a written examination developed by the Board or a Board-approved entity on laws and rules pertaining to the practice of dental assistants (the District of Columbia Dental Assistants Law Examination).

9008.2 The District of Columbia Dental Assistants Law Examination may consist of questions on general District laws pertaining to the practice of dental assistants including the Act, this chapter, and Chapters 40, 41, 42, and 43 of this title.

9099 DEFINITIONS

9099.1

For the purposes of this chapter, the following terms shall have the meanings ascribed:

Act - the District of Columbia Health Occupation Revision Act, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1203.01, *et seq.* (2007 Repl.)).

Board - the Board of Dentistry.

Dental assistant - a person who is registered by the Board and is authorized to assist a licensed dentist or licensed dental hygienist in the performance of duties related to oral care under the supervision of a dentist or dental hygienist.

Direct supervision - the dentist or dental hygienist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedures, remains in the dental office or dental treatment facility while the procedures are being performed by the dental assistant, and personally evaluates the performance of the dental assistant before dismissal of the patient.

Director – the Director of the Department of Health or the Director’s designee.

General supervision – supervision based on instructions given by a licensed dentist or dental hygienist either in person or by a communications device, but not requiring the physical presence of the dentist or dental hygienist on the premises at the time actions are performed.