

**BOARD OF DENTISTRY  
899 NORTH CAPITOL ST. NE – 2<sup>ND</sup> FL.  
WASHINGTON, DC 20002**

**Date: January 19, 2022  
Time: 9:00 AM**

**OPEN SESSION  
MEETING AGENDA**

**WEBEX Virtual Meeting**

**Due to the COVID-19 pandemic, all board meetings are held virtually during the declared public health emergency.**

Information on how to access the public portion of the meeting is listed below:

**This meeting is available by web:**

<https://dcnet.webex.com/dcnet/j.php?MTID=m9f9126b61531ee2a059436115674d953>

Meeting number: 160 597 7295

Password: R6Mm8PPmS3

**This meeting is available by phone:**

1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 160 597 7295

**BOARD OF DENTISTRY**  
**Open Session Agenda January 19, 2022**

<b>BOARD MEMBERS:</b>	
Dr. Wesley Thomas, DMD – Excused Absence	
Dr. John R. Bailey, DDS – Interim Chairperson	
Ms. Yolanda Josey- Baker, RDH- Interim Vice-Chairperson	
Dr. Judith Henry, DDS - Board Member	
Dr. Iris Jeffries-Morton, DDS- Board Member	
Ms. Dianne Smith, ESQ - Consumer Member	
Dr. Michelle Latortue, DDS-Board Member	
<b>BOARD STAFF:</b>	
Ericka L. Walker, MSW - Executive Director	
Gregory Scurlock, Compliance Officer	
Rebecca Odrick, Board Investigator	
Kathleen Ibeh, Health Licensing Specialist	
<b>LEGAL STAFF:</b>	
Carla M. Williams, Senior Assistant General Counsel	

**BOARD OF DENTISTRY**

**Open Session Agenda January 19, 2022**

**CALL TO ORDER AND ROLL CALL**

OS-0119-01	<p><b><u>INTRODUCTIONS:</u></b></p> <ul style="list-style-type: none"> <li>A. Board Members</li> <li>B. Board Staff</li> <li>C. Public Attendance</li> </ul>
OS-0119-02	<p><b><u>OPEN SESSION AGENDA</u></b></p> <p><b>Board Action:</b> Acceptance of the <b>January 19, 2022</b>, meeting agenda.</p>
OS-0119-03	<p><b><u>OPEN SESSION MINUTES:</u></b></p> <p><b>Board Action:</b> Consideration of the Open Session minutes from the <b>December 15, 2021</b>, meeting.</p>

**STAFF REPORTS**

OS-0119-04	<p><b><u>EXECUTIVE DIRECTOR'S REPORT:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>BOD Calendar</u></b> <ul style="list-style-type: none"> <li>- January 19, 2022</li> <li>- February 16, 2022</li> <li>- March 16, 2022</li> <li>- April 20, 2022</li> <li>- May 18, 2022</li> <li>- June 15, 2022</li> <li>- July 20, 2022</li> <li>- August 2022 (Recess)</li> <li>- September 21, 2022</li> </ul> </li> <li>2. <b><u>BOD Census</u></b> <ul style="list-style-type: none"> <li>Dentists <b>(981)</b></li> <li>Dental Hygienists <b>(399)</b></li> <li>Dental Hygienists with the authority to administer Local Anesthesia <b>(82)</b></li> <li>Dental Hygienists with the authority to administer Local Anesthesia &amp; Nitrous Oxide <b>(47)</b></li> <li>Dental Hygienists with the authority to administer Nitrous Oxide- <b>(3)</b></li> <li>Dental Assistant Level 1 <b>(76)</b></li> <li>Dental Assistant Level 2 <b>(388)</b></li> <li>Teaching Licenses for Dentists <b>(2)</b></li> <li>Teaching Licenses for Dental Hygienist <b>(0)</b></li> </ul> </li> </ol>
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	<p>3. District of Columbia COVID-19 <a href="https://coronavirus.dc.gov/vaccine">https://coronavirus.dc.gov/vaccine</a></p> <p>4. Board of Dentistry Renewal 2021</p>	
OS-0119-05	<b><u>BOARD ATTORNEY'S REPORT:</u></b>	
OS-0119-06	<b><u>BOARD CHAIRPERSON'S REPORT:</u></b>	
<b>DISCUSSION ITEMS</b>		
OS-0119-07	<b><u>LEGISLATIVE HEARINGS- FYI Only</u></b>  <a href="http://dccouncil.us/events/list">http://dccouncil.us/events/list</a>	
OS-0119-08	<b><u>DENTAL BOARD SUB-COMMITTEES</u></b> <ol style="list-style-type: none"> <li>1. <b>Credentials &amp; Audits:</b> Dr. Iris Jeffries-Morton, Dr. John Bailey, and Ms. Yolanda Josey-Baker, RDH</li> <li>2. <b>Communications:</b> Ms. Yolanda Josey-Baker, RDH</li> <li>3. <b>Regulatory Affairs:</b> Dr. Judith Henry, Ms. Dianne Smith, and Ms. Yolanda Josey-Baker RDH <ul style="list-style-type: none"> <li>• Scope of Practice</li> </ul> </li> </ol>	
OS-0119-09	<b><u>COMMENTS FROM THE PUBLIC</u></b>	

**BOARD OF DENTISTRY**  
**Open Session Agenda January 19, 2022**

<b>CLOSING</b>	
OS-0119-10	<p><b><u>MOTION TO CLOSE</u></b></p> <p>The Board member should move as follows:</p> <p>“Mister Board Chair, I move that the Board close the Open Public session portion of the meeting and move into the Closed Executive Session portion of the meeting pursuant to D.C. Official Code § 2-575(b) for the following purposes: to discuss disciplinary matters pursuant to § 2-575(b)(9); to seek the advice of counsel to the board, to preserve the attorney-client privilege, or to approve settlement agreements pursuant to § 2-575(b)(4); and to plan, discuss, or hear reports concerning ongoing or planned investigations pursuant to § 2-575(b)(14).”</p>
	<b>ROLL CALL VOTE</b>
	<p>This concludes the Public Open Session of the meeting. The Board will now move into the Closed Executive Session portion of the meeting pursuant to D.C. Official Code § 2-575(b) for the reasons set forth in the motion.</p>

**This ends the Open Session Agenda.**  
The next meeting is scheduled on **February 16, 2022.**

*This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).*

**BOARD OF DENTISTRY**  
**899 NORTH CAPITOL ST. NE, 2<sup>nd</sup> FL.**  
**WASHINGTON, DC 20002**

**Date: December 15, 2021**  
**Time: 9:00 AM**

**OPEN SESSION**  
**MEETING MINUTES**

**WEBEX Virtual Meeting**

*Due to the COVID-19 pandemic, all board meetings are held virtually during the declared public health emergency.*

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**BOARD OF DENTISTRY**  
**Open Session Meeting Minutes December 15, 2021**

<b>BOARD MEMBERS:</b>	
Dr. Wesley Thomas, DMD – Excused Absence	Excused Absence
Dr. John R. Bailey, DDS – Interim Chairperson	Present
Ms. Yolanda Josey – Baker, RDH –Interim Vice-Chairperson	Present
Dr. Iris Jeffries-Morton, DDS- Board Member	Present
Dr. Judith Henry, DDS - Board Member	Present
Ms. Dianne Smith, ESQ - Consumer Member	Excused Absence
Dr. Michelle Latortue, DDS-Board Member	Present
<b>BOARD STAFF:</b>	
Frank Meyers, JD - Associate Deputy Director	Present
Ericka L. Walker, MSW - Executive Director	Present
Gregory Scurlock, Compliance Officer	Absent
Rebecca Odrick, Board Investigator	Present
Kathleen Ibeh, Health Licensing Specialist	Present
<b>LEGAL STAFF:</b>	
Carla M. Williams, Senior Assistant General Counsel	Present

**BOARD OF DENTISTRY**

**Open Session Meeting Minutes December 15, 2021**

**CALL TO ORDER AND ROLL CALL**

OS-1215-01	<p><b><u>INTRODUCTIONS</u></b></p> <p>The meeting was called to order at 9:08am as a quorum was maintained</p> <ul style="list-style-type: none"> <li>• <b>Board Members</b> Dr. John Bailey, DDS – Interim Chairperson (<b>Present</b>) Ms. Yolanda Josey-Baker, RDH – Interim Vice-Chairperson (<b>Present</b>) Dr. Judith Henry, DDS – Board Member (<b>Present</b>) Dr. Iris Jeffries-Morton, DDS – Board Member (<b>Present</b>) Ms. Dianne Smith, Esq. – Consumer Member (<b>Excused Absence</b>) Dr. Michelle Latortue, DDS – Board Member (<b>Present</b>)</li> <li>• <b>Board Staff</b> Frank Meyers, JD - Associate Deputy Director (<b>Present</b>) Ericka L. Walker, MSW – Executive Director (<b>Present</b>) Gregory Scurlock, Compliance Officer (<b>Absent</b>) Rebecca Odrick, Investigator (<b>Present</b>) Kathleen Ibeh, Health Licensing Specialist (<b>Present</b>)</li> <li>• <b>Legal Staff</b> <b>Carla Williams</b>, Senior Assistant General Counsel (<b>Present</b>)</li> <li>• <b>Public Attendance</b> Mr. Kurt Gallagher, Executive Director – DC Dental Society (<b>Present</b>) Dr. Cheryle Baptiste, Robert T. Freeman Dental Society and DC Dental Society (<b>Present</b>)</li> </ul>
OS-1215-02	<p><b>Board Action:</b> Acceptance of the <b>December 15, 2021</b>, meeting agenda.</p> <p><b>Motion:</b> The Board to accept the December 15, 2021 Meeting Agenda <b>Moved by:</b> Dr. Iris Jeffries-Morton, (Board Member) <b>Seconded by:</b> Dr. Judith Henry, (Board Member) <b>Motion passed unanimously</b></p>
OS-1215-03	<p><b><u>OPEN SESSION MINUTES:</u></b></p> <p><b>Board Action:</b> Consideration of the Open Session minutes from the <b>November 17, 2021</b>, meeting.</p> <p><b>Motion:</b> The Board to accept the corrected November 17, 2021 meeting minutes to reflect Board Attorney’s attendance. <b>Moved by:</b> Dr. Iris Jeffries-Morton, (Board Member) <b>Seconded by:</b> Dr. Judith Henry (Board Member) <b>Motion passed unanimously</b></p>



<b>STAFF REPORTS</b>	
OS-1215-04	<p><b><u>EXECUTIVE DIRECTOR’S REPORT:</u></b></p> <p>Mrs. Ericka Walker, Executive Director for the Board of Dentistry, welcomed all Board Members, Staff and Guests to the Open Session meeting. Mrs. Walker informed meeting attendees about upcoming Board meeting dates and current census reports which are located below on the Open Session Agenda. Mrs. Walker also reminded attendees about <a href="https://coronavirus.dc.gov/vaccine">https://coronavirus.dc.gov/vaccine</a>, the District of Columbia’s primary and up-to-date source for all information regarding COVID-19 and vaccinations within the District. Mrs. Walker informed attendees that this is Associate Deputy Director, Mr. Frank Meyer’s last week with DC Health. This concluded Mrs. Walkers’ report.</p> <ol style="list-style-type: none"> <li>1. <b><u>BOD Calendar</u></b> <ul style="list-style-type: none"> <li>- December 15, 2021</li> <li>- January 19, 2022</li> <li>- February 16, 2022</li> <li>- March 16, 2022</li> <li>- April 20, 2022</li> <li>- May 18, 2022</li> <li>- June 15, 2022</li> <li>- July 20, 2022</li> <li>- August 2022 (Recess)</li> <li>- September 21, 2022</li> </ul> </li>   <li>2. <b><u>BOD Census</u></b> <ul style="list-style-type: none"> <li>Dentists (<b>1,335</b>)</li> <li>Dental Hygienists (<b>528</b>)</li> <li>Dental Hygienists with the authority to administer Local Anesthesia (<b>103</b>)</li> <li>Dental Hygienists with the authority to administer Local Anesthesia &amp; Nitrous Oxide (<b>63</b>)</li> <li>Dental Hygienists with the authority to administer Nitrous Oxide- (<b>3</b>)</li> <li>Dental Assistant Level 1 (<b>132</b>)</li> <li>Dental Assistant Level 2 (<b>598</b>)</li> <li>Teaching Licenses for Dentists (<b>2</b>)</li> <li>Teaching Licenses for Dental Hygienist (<b>0</b>)</li> </ul> </li>   <li>3. <b>District of Columbia COVID-19 Updates</b> <a href="https://coronavirus.dc.gov/vaccine">https://coronavirus.dc.gov/vaccine</a></li> </ol>
OS-1215-05	<p><b><u>BOARD ATTORNEY’S REPORT:</u></b></p> <p><b>None</b></p>

OS-1215-06	<p><b><u>BOARD CHAIRPERSON'S REPORT:</u></b></p> <p>Dr. John Bailey indicated his interest in health professionals knowing more about the Narcan program for opioid overdose emergencies.</p>	
<b>DISCUSSION ITEMS</b>		
OS-1215-07	<p><b><u>LEGISLATIVE HEARINGS- FYI Only</u></b></p> <p><a href="http://dccouncil.us/events/list">http://dccouncil.us/events/list</a></p>	
OS-1215-08	<p><b><u>2019 AUDIT</u></b></p> <p>Executive Director, Mrs. Ericka Walker, discussed challenges with the 2019 audit process. In new process, retrieving Continuing Education course completion certificates from the new online system is tedious and time-consuming in comparison to old audit process of sending a letter to 10% sample of licensees and requesting for them to submit Continuing Education course completion certificates.</p> <p><b><u>BOARD ACTION:</u></b></p> <p><b>Motion:</b> The Board to send a letter to the 10% of licensees selected for the 2019 audit to request CEUs.  <b>Moved by:</b> Dr. Iris Jeffries-Morton (Board Member)  <b>Seconded by:</b> Dr. Michelle Latortue (Board Member)  <b>The motion passed unanimously.</b></p>	
OS-1215-09	<p><b><u>DENTAL BOARD SUB-COMMITTEES</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Credentials &amp; Audits:</u></b>  <b>Dr. Iris Jeffries-Morton/Dr. John Bailey/Ms. Yolanda Josey-Baker, RDH</b> <p>Attorney Williams indicated that the new DC Law Exam questions must go through legal sufficiency before moving forward.</p> <p>Dr. Bailey indicated questions for the new DC Law Exam for Dental &amp; Dental Hygiene license type applicants will be sent to Board Attorney for legal sufficiency before the Executive Director's final review.</p> <p>Mrs. Walker indicated the possibility of the Law Exam being moved to online application portal is being explored and may occur later. Mrs. Walker suggested moving forward with current process of having applicants download the exam/answer sheet and submit with their application.</p> </li> <li>2. <b><u>Communications:</u></b>  <b>Ms. Yolanda Josey-Baker, RDH</b> </li> <li>3. <b><u>Regulatory Affairs:</u></b>  <b>Dr. Judith Henry/Ms. Dianne Smith, Esq./Ms. Yolanda Josey-Baker RDH</b> <p>Judith Henry indicated this subcommittee met on December 3, 2021 and will meet again on January 12, 2022 as new regulations are being drafted.</p> </li> </ol>	

OS-1215-10	<p><b><u>COMMENTS FROM PUBLIC</u></b></p> <p>Mr. Kurt Gallagher, Executive Director of the DC Dental Society, discussed challenges experienced by licensees during the application/renewal process. Mrs. Walker, Executive Director, addressed several reasons why an applicant's renewal application could be on hold such as applicants indicating that this is their first renewal cycle when they have a current license with the District. Another reason why dentists (in particular) are on hold is because they're not registered with the Prescription Drug Monitoring Program.</p>

**BOARD OF DENTISTRY**

**Open Session Agenda December 15, 2021**

<b>CLOSING</b>	
OS-1215-11	<p><b><u>MOTION TO CLOSE</u></b></p> <p>The Board member should move as follows:</p> <p>“Mister Board Chair, I move that the Board close the Open Public session portion of the meeting and move into the Closed Executive Session portion of the meeting pursuant to D.C. Official Code § 2-575(b) for the following purposes: to discuss disciplinary matters pursuant to § 2-575(b)(9); to seek the advice of counsel to the board, to preserve the attorney-client privilege, or to approve settlement agreements pursuant to § 2-575(b)(4); and to plan, discuss, or hear reports concerning ongoing or planned investigations pursuant to § 2-575(b)(14).”</p>
	<p style="text-align: center;"><b>Motion:</b> The Board to close the Open Session meeting. <b>Moved by:</b> Dr. Iris Jeffries-Morton, (Board Member)</p> <p style="text-align: center;"><b>ROLL CALL VOTE</b></p> <p style="text-align: center;">The Board voted unanimously.</p>
	<p>This concludes the Public Open Session of the meeting. The Board will now move into the Closed Executive Session portion of the meeting pursuant to D.C. Official Code § 2-575(b) for the reasons set forth in the motion.</p>

This ends the Open Session Agenda, next meeting is scheduled for **January 19, 2022**.  
The meeting adjourned at 9:38am

*This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).*

(5) "Practice of dentistry" means:

(A) The diagnosis, treatment, operation, or prescription for any disease, disorder, pain, deformity, injury, deficiency, defect, or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity, including the removal of stains, accretions, or deposits from the human teeth;

(B) The extraction of a human tooth or teeth, **the placement or removal of dental implants;**

(C) The performance of any phase of any operation relative or incident to the replacement or restoration of all or a part of a human tooth or teeth with an artificial substance, material, or device;

(D) The correction of the malposition or malformation of the human teeth;

(E) The administration of an appropriate anesthetic agent, by a dentist properly trained in the administration of the anesthetic agent **and certified by the Board**, in the treatment of dental or oral diseases or physical conditions, or in preparation for or incident to any operation within the oral cavity;

(F) The taking or making of an impression of the human teeth, gums, or jaws;

(G) The making, building, construction, furnishing, processing, reproduction, repair, adjustment, supply or placement in the human mouth of any prosthetic denture, bridge, appliance, corrective device, or other structure designed or constructed as a substitute for a natural human tooth or teeth or as an aid in the treatment of the malposition or malformation of a tooth or teeth, or to advertise, offer, sell, or deliver any such substitute or the services rendered in the construction, reproduction, repair, adjustment, or supply thereof to any person other than a licensed dentist;

(H) **The direction and control of the treatment of patients within a place where dental services are performed;**

(I) The use of an X-ray machine or device for dental treatment or diagnostic purposes, or the giving of interpretations or readings of dental X-rays;

(J) The performance of any of the clinical practices included in the curricula of accredited dental schools or colleges or qualifying residency or graduate programs;

(K) The administration of immunizations and vaccinations when certified by the Board of Dentistry to do so;

**(L) To be a manager, proprietor, operator, or conductor of a business or place where dental or dental-hygiene services are performed; provided,** that this provision shall not apply to:

(i) Federal or District of Columbia government agencies providing dental services within affiliated facilities or engaged in providing public health measures to prevent disease;

(ii) Schools of dentistry, dental hygiene, or dental assisting accredited by the Commission on Dental Accreditation of the American Dental Association and providing dental services solely in an educational setting;

(iii) Federally Qualified Health Centers, as designated by the United States Department of Health and Human Services, providing dental services;

(iv) Nonprofit community-based entities or organizations that use a majority of public funds to provide dental and dental-hygiene services for indigent persons;

(v) Hospitals licensed by the Department of Health;

(vi) Partnerships, professional corporations, or professional limited liability companies solely consisting of and operated by dentists licensed under this chapter for the purpose of providing dental services;

(vii) Spouses and domestic partners of deceased licensed dentists for a period of one year following the death of the licensee;

(viii) If all of the ownership interest of the deceased, licensed dentist in a dental office or clinic is held by an administrator, executor, personal representative, guardian, conservator, or receiver of the estate (“appointee”), the appointee may retain the ownership interest for a period of one year following the creation of the ownership interest. ~~And~~

~~(ix) An individual or entity acting as the manager, proprietor, operator, or conductor of a business or place where dental or dental hygiene services are performed who does not have a license to practice dentistry and is not excepted pursuant to sub-subparagraphs (i) through (viii) of this subparagraph may continue to act as the manager, proprietor, operator, or conductor of the business or place where dental or dental hygiene services are performed for a period of one year following July 7, 2009.~~

The terms manager, proprietor, operator or conductor as used in this chapter shall be deemed to include any person who

- (1) Employs or contracts with a dentist or dental hygienist to provide dental services;
- (2) Places in the possession of a dentist, dental hygienist, or other agent such dental material, dental offices, or **equipment** as may be necessary for the management of a dental office on the basis of a **lease** or any other agreement for compensation or profit for the use of such material, **equipment** or office;
- (3) Directs or controls the use of dental **equipment** or dental material while the **equipment** or material is being used to provide dental services;
- (4) Retains the ownership or control of dental material, **equipment** or office and makes the same available in any manner for the use of a dentist, dental hygienist, or other agent; provided, however, that the above shall not apply to bona fide sales of dental material or **equipment** secured by chattel mortgage.
- (5) exercises direction or control over any of the following:
  - (A) The selection of a patient's course of treatment;
  - (B) The patient records of a dentist or dental hygienist;

- (C) The Content of patient records;
- (D) Policies and decisions relating to pricing, credit, refunds, warranties, and advertising for dental services;
- (E) Decisions relating to a dental office's personnel and hours of practice; or
- (F) Referrals of patients.

The following **practices**, acts and operations shall not be regarded as **practicing dentistry** within the meaning of this chapter:

- (1) The treatment of the diseases of the mouth and **practice** of oral surgery, in the **practice** of his profession, by a physician or surgeon, licensed as such under the laws of this State, unless he/she undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace lost or missing teeth in the mouth; or
- (2) The **practice** of **dentistry** in the discharge of their duties by dentists in the United States Army, Navy, Public Health Service or Veterans Bureau;
- (3) The **practice** of **dentistry** by licensed dentists of other states at meetings or events of the American Dental Association or component parts thereof, or any other like dental organizations, while appearing as clinicians at such meeting or event;

Add to D.C. Code 3-1205.14:

(53) Enters into an agreement, arrangement or relationship with an individual or entity who is not licensed to practice dentistry under the Act, or is not exempted under the Act, in which the individual or entity that is not licensed to practice dentistry under the Act retains ownership or control of the office space or equipment, employs or contracts with the dentists, dental hygienists, or dental staff to provide dental services, exercises control over the selection of a course of dental treatment for a patient or the dental procedures or materials to be used as part of such course of treatment, or exercises control over the manner in which such course of treatment is carried out by a dentist, dental hygienist, or other dental staff member.