

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

**Date: November 16, 2022
Time: 9:00 AM**

**OPEN SESSION
MEETING AGENDA**

*****Please be advised that Board Meetings are recorded*****

WEBEX Virtual Meeting

Due to the COVID-19 pandemic, the Board will be utilizing a hybrid schedule of virtual and in-person meetings. Please see Board Meeting calendar under the Executive Director's report for more information.

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

****Any submissions from the public for the Board's consideration should be received by Board Staff, kathleen.mbanefo@dc.gov, no later than 10 days business days before the Board Meeting. ****

BOARD OF DENTISTRY

Open Session Agenda November 16, 2022

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

BOARD OF DENTISTRY

Open Session Agenda November 16, 2022

CALL TO ORDER AND ROLL CALL

OS-1116-01	<u>INTRODUCTIONS:</u> <p>A. Board Members</p> <p>B. Board Staff</p> <p>C. Public Attendance</p>
OS-1116-02	<u>OPEN SESSION AGENDA</u> <p>Board Action: Acceptance of the November 16, 2022, meeting agenda.</p>
OS-1116-03	<u>OPEN SESSION MINUTES:</u> <p>Board Action: Consideration of the Open Session minutes from the October 19, 2022, meeting.</p>

STAFF REPORTS

OS-1116-04 EXECUTIVE DIRECTOR'S REPORT:

1. **BOD Calendar**
 - November 16, 2022
 - December 21, 2022
 - January 18, 2023, **In-person**
 - February 15, 2023
 - March 15, 2023
 - April 19, 2023, **In-person**
 - May 17, 2023
 - June 21, 2023
 - July 19, 2023
 - August 2023 **Recess**
 - September 20, 2023, **In-person**
2. **BOD Census**

Dentists (**1,226**)
Dental Hygienists (**498**)
Dental Hygienists with the authority to administer Local Anesthesia (**96**)
Dental Hygienists with the authority to administer Local Anesthesia & Nitrous Oxide (**64**)
Dental Hygienists with the authority to administer Nitrous Oxide (**1**)
Dental Assistant Level 1 (**107**)
Dental Assistant Level 2 (**502**)
Teaching Licenses for Dentists (**1**)
Teaching Licenses for Dental Hygienist (**1**)

	<div>3. District of Columbia COVID-19 https://coronavirus.dc.gov/vaccine</div> <div>4. District of Columbia Monkeypox https://dchealth.dc.gov/page/monkeypox</div> <div>5. The Mayor’s Office of Talent and Appointments (MOTA) recruits talented and interested individuals from all eight Wards to serve on District Boards. Link to apply to serve on a Board: https://mota.dc.gov/page/boards-vacancies-or-available-seats</div>																																																																																																	
OS-1116-05	<u>BOARD ATTORNEY’S REPORT:</u> None																																																																																																	
OS-1116-06	<u>BOARD CHAIRPERSON’S REPORT:</u> None																																																																																																	
OS-1116-07	<u>CONSENT AGENDA:</u> The following applications were reviewed by Dr. John Bailey (Interim Chairperson), Dr. Iris Jeffries-Morton (Board Member), or Mrs. Ericka Walker (Executive Director), from October 12, 2022 – November 9, 2022: <table><tr><td>DENA2000075</td><td>Wagdi Elgosbi</td><td>New Registration</td><td>10/28/2022</td></tr><tr><td>DENA3000035</td><td>Janile Lemus</td><td>New Registration</td><td>10/13/2022</td></tr><tr><td>DENA3000082</td><td>Siomara Santos</td><td>New Registration</td><td>10/28/2022</td></tr><tr><td>DENA3000084</td><td>Deemah Tarabichi</td><td>New Registration</td><td>11/7/2022</td></tr><tr><td>DENA2000017</td><td>Ziad Said</td><td>New Registration</td><td>10/20/2022</td></tr><tr><td>DENA2000041</td><td>Kemony Thompson</td><td>New Registration</td><td>10/19/2022</td></tr><tr><td>DENA3000028</td><td>Lydie Tchatchoua</td><td>New Registration</td><td>10/17/2022</td></tr><tr><td>DENA4000041</td><td>Dainese Smothers</td><td>New Registration</td><td>10/17/2022</td></tr><tr><td>DENA3000037</td><td>Adriana Pena</td><td>Endorsement</td><td>10/28/2022</td></tr><tr><td>DENA3000038</td><td>Lauren Terry</td><td>New Registration</td><td>11/4/2022</td></tr><tr><td>DENA4000032</td><td>Lemlem Abay</td><td>New Registration</td><td>10/24/2022</td></tr><tr><td>DENA3000080</td><td>Jasmine Hawkins</td><td>New Registration</td><td>10/13/2022</td></tr><tr><td>DENA4000036</td><td>Madison Powell</td><td>New Registration</td><td>10/28/2022</td></tr><tr><td>DENA4000038</td><td>Veronica Costello</td><td>New Registration</td><td>10/28/2022</td></tr><tr><td>HYG2001122</td><td>Jilna Raichura</td><td>Endorsement</td><td>10/28/2022</td></tr><tr><td>HYG2001146</td><td>Olga Leite</td><td>Endorsement</td><td>10/28/2022</td></tr><tr><td>HYG2001147</td><td>Madeline Rivera</td><td>Endorsement</td><td>10/13/2022</td></tr><tr><td>HYG2001149</td><td>Stephany Daniels</td><td>Endorsement</td><td>10/28/2022</td></tr><tr><td>HYG2001152</td><td>Deidre Mathelier</td><td>Endorsement</td><td>11/7/2022</td></tr><tr><td>HYG2001154</td><td>IVY JOHNSON</td><td>Endorsement</td><td>11/7/2022</td></tr><tr><td>HYG2001158</td><td>Jubril Nichols</td><td>Endorsement</td><td>10/28/2022</td></tr><tr><td>HYG2001161</td><td>Perla Cedeno</td><td>Endorsement</td><td>10/13/2022</td></tr><tr><td>HYG2001164</td><td>Ping Li</td><td>Examination</td><td>10/19/2022</td></tr><tr><td>HYG2001172</td><td>Shardae Gibbs</td><td>Endorsement</td><td>10/13/2022</td></tr></table>	DENA2000075	Wagdi Elgosbi	New Registration	10/28/2022	DENA3000035	Janile Lemus	New Registration	10/13/2022	DENA3000082	Siomara Santos	New Registration	10/28/2022	DENA3000084	Deemah Tarabichi	New Registration	11/7/2022	DENA2000017	Ziad Said	New Registration	10/20/2022	DENA2000041	Kemony Thompson	New Registration	10/19/2022	DENA3000028	Lydie Tchatchoua	New Registration	10/17/2022	DENA4000041	Dainese Smothers	New Registration	10/17/2022	DENA3000037	Adriana Pena	Endorsement	10/28/2022	DENA3000038	Lauren Terry	New Registration	11/4/2022	DENA4000032	Lemlem Abay	New Registration	10/24/2022	DENA3000080	Jasmine Hawkins	New Registration	10/13/2022	DENA4000036	Madison Powell	New Registration	10/28/2022	DENA4000038	Veronica Costello	New Registration	10/28/2022	HYG2001122	Jilna Raichura	Endorsement	10/28/2022	HYG2001146	Olga Leite	Endorsement	10/28/2022	HYG2001147	Madeline Rivera	Endorsement	10/13/2022	HYG2001149	Stephany Daniels	Endorsement	10/28/2022	HYG2001152	Deidre Mathelier	Endorsement	11/7/2022	HYG2001154	IVY JOHNSON	Endorsement	11/7/2022	HYG2001158	Jubril Nichols	Endorsement	10/28/2022	HYG2001161	Perla Cedeno	Endorsement	10/13/2022	HYG2001164	Ping Li	Examination	10/19/2022	HYG2001172	Shardae Gibbs	Endorsement	10/13/2022	
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	DEN2000004	Nekia Staley-Neither	Endorsement	10/13/2022	
	DEN2000116	Dorian Solomon	Endorsement	10/28/2022	
	DEN2000171	Michelle Katz	Endorsement	11/5/2022	
	DEN2000218	Ahad Soleymanzadeh	Examination	11/7/2022	
	DEN2000221	Ekpa Eyoma	Endorsement	10/28/2022	
	DEN2000222	Virginia Torrealba	Endorsement	10/28/2022	
	DEN2000224	Taha Azimaie	Endorsement	10/28/2022	
	DEN2000223	Nika Nikookar	Endorsement	11/7/2022	
	DEN2000225	Shawn Kim	Endorsement	10/28/2022	
DISCUSSION ITEMS					
OS-1116-08	<u>LEGISLATIVE UPDATES – OFFICE OF GOVERNMENT RELATIONS</u> Matteo Lieb, Legislative Affairs Specialist				
OS-1116-09	<u>DENTAL BOARD SUB-COMMITTEES</u> <ol style="list-style-type: none"> <u>Credentials & Audits</u>: Dr. Iris Jeffries-Morton, Dr. John Bailey, and Ms. Yolanda Josey-Baker, RDH <u>Communications</u>: Ms. Yolanda Josey-Baker, RDH <u>Regulatory Affairs</u>: Dr. Judith Henry, Ms. Dianne Smith, and Ms. Yolanda Josey-Baker RDH <ul style="list-style-type: none"> Dental Assistant Regulations; Dental Specialty and Scope of Practice drafts 				
OS-1116-10	<u>COMMENTS FROM THE PUBLIC</u>				

BOARD OF DENTISTRY

Open Session Agenda November 16, 2022

CLOSING

OS-1116-11	<p><u>MOTION TO CLOSE</u></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>	
	ROLL CALL VOTE	
	<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 December 21, 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.

BOARD OF DENTISTRY

**899 NORTH CAPITOL ST. NE, 2nd FL.
WASHINGTON, DC 20002**

Date: October 19, 2022

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.

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

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BOARD OF DENTISTRY

Open Session Meeting Minutes October 19, 2022

BOARD MEMBERS:	
Dr. John R. Bailey, DDS – Chairperson	Present
Ms. Yolanda Josey – Baker, RDH –Interim Vice-Chairperson	Present
Dr. Iris Jeffries-Morton, DDS- Board Member	Present
Dr. Judith Henry, DMD - Board Member	Absent
0Ms. Dianne Smith, ESQ - Consumer Member	Present
Dr. Michelle Latortue, DDS-Board Member	Present
BOARD STAFF:	
Ericka L. Walker, MSW – Executive Director	Present
Gregory Scurlock, Compliance Officer	Present
Rebecca Odrick, Board Investigator	Present
Kathleen Ibeh, Health Licensing Specialist	Present
Zaneta Batts, Health Licensing Specialist	Present
LEGAL STAFF:	
Carla M. Williams, Senior Assistant General Counsel	Present

BOARD OF DENTISTRY

Open Session Meeting Minutes October 19, 2022

CALL TO ORDER AND ROLL CALL

OS-0921-01 **INTRODUCTIONS**

The meeting was called to order at 9:10 a.m. as a quorum was maintained

- **Board Members**

Dr. John Bailey, DDS – Interim Chairperson (**Present**)
Ms. Yolanda Josey-Baker, RDH – Interim Vice-Chairperson (**Present**)
Dr. Judith Henry, DMD – Board Member (**Present**)
Dr. Iris Jeffries-Morton, DDS – Board Member (**Present**)
Ms. Dianne Smith, Esq. – Consumer Member (**Present**)
Dr. Michelle Latortue, DDS – Board Member (**Present**)

- **Board Staff**

Ericka L. Walker, MSW – Executive Director (**Present**)
Gregory Scurlock, Compliance Officer (**Present**)
Rebecca Odrick, Investigator (**Present**)
Kathleen Ibeh, Health Licensing Specialist (**Present**)
Zaneta Batts, Health Licensing Specialist (**Absent**)

- **Legal Staff**

Carla Williams, Senior Assistant General Counsel (**Present**)

- **DOH Staff**

Matteo Lieb, DOH Legislative Affairs Specialist

- **Public Attendance**

Mr. Kurt Gallagher, DC Dental Society
Mr. Max Brown, Group360/TEND
Ms. Shavonne Healy, MSDH, RDH
Dr. Rebecca Misner, Adventure Dental & Hero Practice Services
Ms. Brittany Harris, BSDH, RDH – UMDSD Course Director
Dr. Eugene Giannini, DC Dental Society
Ms. Ashley Kranz
Ms. Tiffini Greene, American Mgmt. Corporation
Ms. Aliya Kassam, Tenleytown Dental
Mr. Thomas Merritt, TEND
Ms. Janelle Shumaker, Adventure Dental & Hero Practice Services
Ms. Laura Muhammad
Dr. Sheila Brear
Ms. Erica Collins
Dr. Eric Bradshaw

OS-1019-02 **OPEN SESSION AGENDA:**

Board Action:

Acceptance of the **October 19, 2022**, meeting agenda

Motion: The Board to accept the September 21, 2022, Meeting Agenda

Moved by: Dr. Iris Jeffries-Morton.; (Board Member)

Seconded by: Ms. Dianne Smith, Esq.; (Board Member)

	Motion passed unanimously
OS-1019-03	<p><u>OPEN SESSION MINUTES:</u></p> <p>Board Action: Consideration of the Open Session minutes from the September 21, 2022, meeting.</p> <p>Motion: The Board to accept the September 21, 2022, meeting minutes.</p> <p>Moved by: Ms. Yolanda Josey-Baker, RDH; (Board Member)</p> <p>Seconded by: Ms. Dianne Smith, Esq. (Board Member)</p> <p>Motion passed unanimously</p>
STAFF REPORTS	
OS-1019-04	<p><u>EXECUTIVE DIRECTOR'S REPORT:</u></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 the Health Professional Licensing Boards adopting a hybrid Board meeting schedule in FY2023 of which the October 2022 meeting was the first in-person meeting for the fiscal year. The link to join the meeting virtually is still available. Mrs. Walker also reminded attendees about https://coronavirus.dc.gov/vaccine and https://dchealth.dc.gov/page/monkeypox, the District of Columbia's primary and up-to-date source for all information regarding COVID-19, Monkeypox and the flu within the District.</p> <p>This concluded Mrs. Walkers' report.</p> <ol style="list-style-type: none"> <p><u>BOD Calendar</u></p> <ul style="list-style-type: none"> October 19, 2022, In-person November 16, 2022 December 21, 2022 January 18, 2023, In-person February 15, 2023 March 15, 2023 April 19, 2023, In-person May 17, 2023 June 21, 2023 July 19, 2023 August 2023 Recess September 20, 2023, In-Person <p><u>BOD Census</u></p> <p>Dentists (1,215)</p> <p>Dental Hygienists (487)</p> <p>Dental Hygienists with the authority to administer Local Anesthesia (93)</p> <p>Dental Hygienists with the authority to administer Local Anesthesia & Nitrous Oxide (61)</p> <p>Dental Hygienists with the authority to administer Nitrous Oxide (1)</p> <p>Dental Assistant Level 1 (103)</p>

	Dental Assistant Level 2 (490) Teaching Licenses for Dentists (1) Teaching Licenses for Dental Hygienist (1) 3. District of Columbia COVID-19 Updates https://coronavirus.dc.gov/vaccine 4. District of Columbia Monkeypox https://dchealth.dc.gov/page/monkeypox 5. Virtual & In-Person Board Meetings																																																																																									
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DEN2000185	Oluwaseun Banjo	Examination	9/20/2022																																																																																							
DEN2000199	MONIREH SICHANI	Examination	9/23/2022																																																																																							
DEN2000204	Elise Endres	Endorsement	10/4/2022																																																																																							
DEN2000206	Mohammed Abdulateef	Endorsement	10/4/2022																																																																																							
DEN2000205	Kristopher Paik	Endorsement	10/4/2022																																																																																							
DEN2000208	Alex Tyurin	Endorsement	9/20/2022																																																																																							
DEN2000210	Kiah Zaremba	Endorsement	10/4/2022																																																																																							
DEN2000212	Matthew Gramkee	Endorsement	10/4/2022																																																																																							
DEN2000214	Jacob Young	Endorsement	9/20/2022																																																																																							
DEN2000213	Priyam Kumar	Endorsement	10/4/2022																																																																																							
DEN2000215	Rahat Hashmi	Endorsement	10/4/2022																																																																																							
DEN2000216	Mudrika Chhabra	Endorsement	10/4/2022																																																																																							

	<p>Motion: The Board to accept the Consent Agenda application approvals.</p> <p>Moved by: Ms. Dianne Smith, Esq; Board Member</p> <p>Seconded by: Dr. Iris Jeffries-Morton; Board Member</p> <p>Motion passed unanimously.</p>	
DISCUSSION ITEMS		
OS-1019-08	<p><u>LEGISLATIVE UPDATES – OFFICE OF GOVERNMENT RELATIONS</u> Matteo Lieb, Legislative Affairs Specialist</p> <p>Since the last meeting, DC Council has passed several pieces of legislation, one of them being the HIV/AIDS Data Privacy Protection Amendment Act of 2021. Within that act, there is a provision for DC Health to evaluate criminal history during the licensure process which went into effect on September 21, 2022. Secondly, during the Committee on Healthcare Hearing, which was held on September 28, 2022, four bills were presented. These bills include the High Need Healthcare Career Scholarship and Health Professional Loan Repayment Program Amendment Act of 2022. Additionally, the Consent for the Vaccination of Minors Emergency Amendment Act of 2022 was also presented.</p>	
OS-1019-09	<p><u>DENTAL BOARD SUB-COMMITTEES</u></p> <ol style="list-style-type: none"> 1. <u>Credentials & Audits:</u> Dr. Iris Jeffries-Morton/Dr. John Bailey/Ms. Yolanda Josey-Baker, RDH No report 2. <u>Communications:</u> Ms. Yolanda Josey-Baker, RDH No report. 3. <u>Regulatory Affairs:</u> Dr. Judith Henry/Ms. Dianne Smith, Esq./Ms. Yolanda Josey-Baker RDH <p>Board Attorney, Ms. Carla Williams, presented on the proposed updates to the Scopes of Practice for the Dental, Dental Hygiene and Dental Assistant license types as well as the law for the proposed Dental Assistant level III license type.</p> <p>Motion: The Board to move the legislation for the proposed Scope of Practice for Dental and Specialty license type forward. Moved by: Ms. Dianne Smith, Esq.; Board Member Seconded by: Dr. Iris Jeffries-Morton; Board Member Motion passes unanimously.</p> <p>Motion: The Board to move the legislation for the proposed Scope of Practice for the Dental Hygiene license type forward. Moved by: Ms. Dianne Smith, Esq.; Board Member Seconded by: Dr. Michelle Latortue; Board Member Motion passes unanimously.</p>	

Ms. Dianne Smith, Esq., (Board Member) precluded that the subcommittee considered the recommendations presented by stakeholders and the public, however the Dental Assistants ability to conduct glucose testing was moved forward. Regarding the addition of long-term care facilities, the subcommittee reviewed Maryland's regulations and determined that it would research the matter further and provide feedback later.

Ms. Carla Williams, Board Attorney, discussed that under the Dental Hygiene license type, the subcommittee decided not to move forward with prescribing pain medication as the medications being considered can be purchased over the counter, therefore no prescription would be necessary. Additionally, the Subcommittee did not recommend a change regarding the supervision of administration of local anesthesia by a dental hygienist from direct to general. As for the proposed Dental Assistant level III license type, glucose testing and the application of fissure sealants/coronal polishing were added with no further changes.

- **Ms. Toni Reeves, RDH** inquired about the procedure for the public should there be a matter or potential legislation for the public to comment or vote on as she was not present during the last meeting. Ms. Williams addressed her inquiry by informing Ms. Reeves that the Board votes, but the public can comment. The comments and documents presented during board meetings can be found with the minutes that were posted on the DC Board of Dentistry website. Ms. Williams (with support from Mr. Matteo Lieb) explained in detail the legislative process.
- **Ms. Shavonne Healy, RDH** inquired why the Dental Assistant Level I license type could not apply fluoride varnish. **Dr. Eugene Giannini** added that under the Dental Assistant level I regulations, it states that a Dental Assistant can apply a medicinal agent for prophylactic purposes and inquired if fluoride does not apply. **Dr. Iris Jeffries-Morton** and **Dr. Michelle Latortue** agreed with Dr. Giannini's comments that Dental Assistants Level I applying fluoride varnish is okay as they are working under the supervision of a Dentist.
- **Ms. Shavonne Healy, RDH** wanted more clarity and the definition of direct supervision as she indicated that though a dentist is on the premises, it is unrealistic for a dentist to check after a Dental Assistant or Hygienist after each treatment. She insisted that language should be changed to reflect in-direct supervision. **Ms. Yolanda Josey-Baker, RDH** responded that the supervising dentist is present, on-site and on the premises to review all procedures completed before the patient leaves. **Dr. Sheila Brear** and **Dr. Rebecca Misner** supported Ms. Healy's comments about indirect supervision.
- Dialogue continued between members of the public and Board Members regarding the interpretation of direct and indirect supervision regarding license types and their functions. **Ms. Brittany Harris, RDH** requested that the Board re-visit the functions of the Dental Hygienist

	<p>under direct supervision. The Board agreed to refer the SOPs for both the Dental Assistant and Dental Hygiene license types to the Subcommittee to determine which functions could be performed under direct or indirect/general supervision. Additionally, language will be reviewed by the Subcommittee regarding dental assistants and the instances in which they will be under the direct supervision of the dentist or dental hygienist.</p>
OS-1019-10	<p><u>COMMENTS FROM PUBLIC</u></p> <ul style="list-style-type: none"> • Mr. Kurt Gallagher expressed his appreciation of the Board consideration the recommendations that have been presented by the DCDS and members of the public. He also inquired if there were any updates regarding the language of the proposed multi-state compact. Attorney Williams assured Mr. Gallagher that the compact was on the Subcommittee's agenda and will be addressed once the commenting period of the current legislation on its table is over. • Dr. Eugene Giannini inquired about the regulations concerning whitening and bleaching and suggested that the Board work on the consistency/clarity of the language of both procedures of which Ms. Carla Williams informed Dr. Giannini that the Board subcommittee will also look into that. <p>This concludes the Comments from the Public Section</p>

BOARD OF DENTISTRY

Open Session Meeting Minutes October 19, 2022

CLOSING

OS-1019-11	<p><u>MOTION TO CLOSE</u></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>Motion: The Board to close the Open Session meeting. Moved by: Dr. Iris Jeffries-Morton; (Board Member) Seconded by: Yolanda Josey-Baker, RDH; (Board Member)</p> <p>ROLL CALL VOTE</p> <p>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 **November 16, 2022.**
The meeting adjourned at 10:55 a.m.

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.

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 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) 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
- (d) 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.

[9003.3 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 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;](#)
- [\(c\) 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](#)
- [\(d\) 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;](#)
- [\(e\) Successfully completed and obtained the DANB Certified Preventive Functions Dental Assistant Certification; and](#)
- [\(f\) 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 a medicinal agent to a tooth for a prophylactic purpose; Repealed.
- (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; Repealed.
- (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) Repeal Constructing athletic mouth guards in models;

Commented [WC(1)]: Moved to indirect supervision

Commented [WC(2)]: Moved to 9004.6(b)

Commented [WC(3)]: Moved to Indirect supervision.

- (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; and
- ~~(qr)~~ 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) Applying topical fluoriderepeal;
- (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

Commented [WC(4)]: Duplicative of 9004.6(a)

(n) Removing or placing a periodontal dressing (except placing the original periodontal dressing); ~~and~~

(o) ~~Repealed~~ Constructing athletic mouth guards on models;

Commented [WC(5): Duplicative of 9004.5(c)]

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; ~~and~~

(c) Coronal polishing to remove stain and biofilm; ~~and~~

(d) ~~Glucose testing;~~

9004.5 Level I ~~or II, or III~~ 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;

(c) ~~Constructing;~~

athletic mouth guards, bleaching trays, fluoride trays, and night guards on models.

9004.6 Level I, II, or III Dental Assistant may perform the following functions under the indirect supervision of dentist:

(a) Applying a medicinal agent to a tooth for a prophylactic purpose, including fluoride (rinse, foam tray, and fluoride varnish); ~~and~~

(b) Rinsing and aspirating the oral cavity.

9004.6 Level II, or III Dental Assistant may perform the following functions under the indirect supervision of dentist:

(a) Fabricating indirect restorations in a dental office.

9004.7~~6~~⁴ Level I ~~or 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.

9004.8~~7~~⁵ 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 [intraoral polishing restoration](#) of a tooth ~~or a restoration~~;

(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) ~~The application of pit and fissure sealants;~~

Commented [WC(6)]: Moved to 9004.4(b)

(h) Diagnostic screening to identify indications of oral abnormalities;

(i) Administration of local anesthesia ~~with board identified criteria and certification;~~

Commented [WC(7)]: Unnecessary. Simply cannot delegate it.

(j) Administration of nitrous oxide ~~with Board identified criteria and certification;~~

Commented [WC(8)]: Same reason.

(k) Placement of temporary restorations; ~~or~~

(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 intracoronary temporary restorations; or

(aa) Placing sutures.

9005.1 A 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 radiology 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.

9008 DISTRICT OF COLUMBIA DENTAL ASSISTANT LAW EXAMINATION

9008.1 To qualify for a registration under this chapter, all applicants without exception shall receive 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.

9099.1

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 in the performance of duties related to oral care under the direct supervision of a dentist.

Direct supervision - the dentist 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 the licensed dentist either in person or by a communications device, but not requiring the physical presence of the dentist on the premises at the time the actions are performed.

Indirect supervision—the dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedures, and remains in the dental office or dental treatment facility while the procedures are being performed by the dental assistant.

Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson at the request of the Mayor, introduced the following bill,
which was referred to the Committee on _____.

To amend the Health Occupations Revision Act of 1985 to authorize the Board of Dentistry to license and regulate the practice of and advertising of dental specialties in the District of Columbia, to define the practice of oral and maxillofacial surgeons, and to amend the scope of practice of dentistry to authorize dentists to administer immunizations and vaccinations when certified by the Board of Dentistry to do so, to authorize dentists to use botulinum toxin or another neurotoxin approved by the Federal Food and Drug Administration for dental-related procedures and to treat a diagnosed dental condition when certified by the Board of Dentistry to do so, to further define and clarify what constitutes the unlicensed practice of dentistry by managers, proprietors, operators, or conductors of a dental office, and to authorize disciplinary action against a dental practitioner who enters into an agreement or arrangement with a non-dentist or dentist not licensed under the Act that allows the non-dentist or dentist not licensed under the Act to directly or indirectly usurp the dental practitioner's professional judgment and clinical treatment of patients through control or ownership of the dental practitioner's office, staff, equipment, patients, or patient records.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Dental Specialties Licensure and Scope of Practice Amendment Act of 2023."

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

1 (a) Section 102 (D.C. Official Code § 3-1201.02) is amended as

2 follows:

3 (1) Paragraph (5)(B) is amended by inserting the phrase “, or the placement or
4 removal of dental implants” after the phrase “tooth or teeth”;

5 (2) Paragraph (5)(E) is amended by inserting the phrase “and certified by the
6 Board, if applicable” after the phrase “properly trained in the
7 administration of the anesthetic agent”;

8 (3) Paragraph (5)(I) is amended by striking the term “or” after the phrase
9 “graduate programs;”.

10 (4) Subparagraph (5)(J)(viii) is amended by striking the phrase “; and” and
11 inserting a “.” in its place.

12 (5) Subparagraph (5)(J)(ix) is repealed.

13 (6) A new paragraph (5)(K) is added to read as follows:

14 “(5)(K) The administration of immunizations and vaccinations when
15 certified by the Board of Dentistry to do so;”

16 (7) New paragraphs (5)(L), (5)(M), and (5)(N) are added to read as follows:

17 “(5)(L) The use of botulinum toxin, or another neurotoxin approved by the
18 Federal Food and Drug Administration for dental-related procedures, to
19 treat a diagnosed dental condition approved by the Board through
20 rulemaking, when certified by the Board of Dentistry to do so;

21 “(5)(M) The terms “manager,” “proprietor,” “operator,” or “conductor” as
22 used in paragraph (5)(J) of this subsection shall be deemed to include any
23 person or entity that:

1 “(i) Employs or contracts with a dentist or dental hygienist to provide
2 dental services or dental hygiene services, or a dental assistant to provide
3 dental related services;

4 “(ii) Places in the possess of a dentist, dental hygienists, or other agent
5 such dental material, dental offices, or equipment as may be necessary for
6 the management of a dental office on the basis of a lease or any other
7 agreement for compensation or profit for the use of such material,
8 equipment or office; provided, however, that the above shall not apply to
9 an agreement for the rental of the equipment or office by bona fide lease at
10 a reasonable amount where the lessor does not retain any rights to direct or
11 control the use of the dental material, equipment, or office space, is not
12 involved in any of the operations of the dental office, and is not an
13 employee or independent contractor of the dental office;

14 “(iii) Directs or controls the use of dental equipment or dental material
15 while the equipment or material is being used to provide dental services;

16 “(iv) Retains the ownership or control of dental material, equipment or
17 office space and makes the same available in any manner for the use of a
18 dentist, dental hygienist, or other agent; provided, however, that the above
19 shall not apply to bona fide sales of dental material, or equipment secured
20 by chattel mortgage where the seller does not retain any rights to direct or
21 control the use of the dental material, equipment, or office space;

22 “(v) Exercises direction or control over any of the following:

23 “(a) The selection of a patient’s course of treatment;

1 “(b) The patient records of a dentist or dental hygienist;

2 “(c) The content of patient records;

3 “(d) Policies and decisions relating to pricing, credit, refunds,
4 warranties, and advertising for dental services;

5 “(e) Decisions relating to a dental office’s personnel and hours of
6 practice; or

7 “(f) Referrals of patients.

8 “(5)(N) The following practices, acts, and operations shall not be regarded as
9 practicing dentistry within the meaning of this subsection:

10 “(i) The treatment of the diseases of the mouth and practice of oral
11 surgery in the practice of the profession by a physician or surgeon
12 licensed to practice medicine under the Act, unless the physician or
13 surgeon undertakes to reproduce or reproduces lost parts of the
14 human teeth in the mouth or to restore or replace lost or missing teeth
15 in the mouth;

16 (ii) The practice of dentistry in the discharge of their duties by
17 dentists in the United States Armed Forces, Public Health Services, or
18 Veterans Bureau; and

19 (iii) The practice of dentistry by dentists licensed in good standing in
20 their home state at meetings or events of the American Dental
21 Association or component parts thereof, or any other like dental
22 organizations, while appearing as clinicians for the finite and limited
23 period of such meeting or event.

1 (6) A new subsection (9A) is added to read as follows:

2 “(9A) “Practice of oral and maxillofacial surgery” means a specialty of
3 dentistry which includes the diagnosis, surgical and adjunctive treatment of disease,
4 injuries and defects involving both the functional and aesthetic aspects of the hard and
5 soft tissues of the oral and maxillofacial region, including cosmetic and aesthetic
6 procedures.

7 (b) Section 508 (D.C. Official Code § 3-1205.08) is amended by adding a new
8 subsection § 3-1205.08c to read as follows:

9 “Sec. 508c. Oral and Maxillofacial Surgeons and Dental Specialties
10 Licenses.”

11 “(1) In general. – A licensed dentist may not represent to the public that
12 the licensee is a specialist in any field of specialized dental practice unless licensed by the
13 Board as a specialist in that dental specialty field.”

14 “(2) Board approval. – The Board may approve any area of specialty
15 recognized by the National Commission on Recognition of Dental Specialties and
16 Certifying Boards or its successor organization, or an association approved by the
17 Board.”

18 “(3) No dentist shall represent himself or herself to the public as an oral
19 and maxillofacial surgeon or practice oral and maxillofacial surgery unless the person has
20 successfully completed an oral and maxillofacial residency program, approved by the
21 Commission of Dental Accreditation of the American Dental Association, is a Diplomate
22 of a national certifying Board recognized by the ADA, and holds a valid specialty license
23 from the Board.”

1 “(4) A dentist is eligible for a specialty license if the dentist is licensed in
2 good standing to practice dentistry in the District of Columbia and meets the
3 following criteria:

4 (A) Is a Diplomate of a specialty certifying board recognized by the
5 American Dental Association, or certified by a specialty certifying
6 board recognized by the National Commission on Recognition of
7 Dental Specialties and Certifying Boards;

8 (B) Is eligible for examination, at the time of application, by a national
9 specialty board recognized by the Board; or

10 (C) Beginning before January 1, 1986, the dentist has continuously held
11 himself or herself out to the public, in an ethical manner, as a specialist
12 in a specialty recognized by the Board, and meets any additional
13 education or professional experience requirements set forth by the
14 Mayor through rulemaking.”

15 “(5) For a period of one (1) year following the effective date of the Dental
16 Specialties Licensure Amendment Act of 2023, a dentist licensed in good
17 standing by the Board, who is a Diplomate of a specialty certifying board
18 recognized by the American Dental Association, or certified by a specialty
19 certifying board recognized by the National Commission on Recognition of
20 Dental Specialties and Certifying Boards, or who is currently eligible for
21 examination by a national specialty board recognized by the Board, may continue
22 to represent to the public that the dentist is a specialist in that specialty whether or
23 not that person holds a District of Columbia specialty license.”

1 (c) Section 514a (D.C. Official Code § 3-1205.14(a)) is amended as follows:

2 (1) Paragraph (51) is amended by striking the phrase “; or” and inserting a “;”
3 in its place.

4 (2) Paragraph (52) is amended by striking the “.” and inserting the phrase “;
5 or” in its place.

6 (3) A new paragraph (53) is added to read as follows:

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

17 Sec. 4. Fiscal impact statement.

18 The Council adopts the fiscal impact statement in the committee report as the
19 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
20 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
21 206.02(c)(3)).

22 Sec. 5. This act shall take effect following approval by the Mayor (or in the event
23 of veto by the Mayor, action by the Council to override the veto), a 30-day period of

1 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
2 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
3 206.02(c)(1)), and publication in the District of Columbia Register.

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DRAFT