

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

IN PERSON MEETING

Date: October 19, 2022

Time: 9:00 AM

**OPEN SESSION
MEETING AGENDA**

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

BOARD OF DENTISTRY
Open Session Agenda October 19, 2022

BOARD MEMBERS:	
Dr. John R. Bailey, DDS – Interim 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 October 19, 2022

CALL TO ORDER AND ROLL CALL

OS-1019-01	<u>INTRODUCTIONS:</u> A. Board Members B. Board Staff C. Public Attendance
OS-1019-02	<u>OPEN SESSION AGENDA</u> Board Action: Acceptance of the October 19, 2022 , meeting agenda.
OS-1019-03	<u>OPEN SESSION MINUTES:</u> Board Action: Consideration of the Open Session minutes from the September 21, 2022 , meeting.

STAFF REPORTS

OS-1019-04	<u>EXECUTIVE DIRECTOR'S REPORT:</u> 1. <u>BOD Calendar</u> <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 2. <u>BOD Census</u> <p>Dentists (1,215) Dental Hygienists (487) Dental Hygienists with the authority to administer Local Anesthesia (93) Dental Hygienists with the authority to administer Local Anesthesia & Nitrous Oxide (61) Dental Hygienists with the authority to administer Nitrous Oxide (1) Dental Assistant Level 1 (103) Dental Assistant Level 2 (490) Teaching Licenses for Dentists (1) Teaching Licenses for Dental Hygienist (1)</p>	
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	<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>																																																																																									
OS-1019-05	<u>BOARD ATTORNEY’S REPORT:</u> None																																																																																									
OS-1019-06	<u>BOARD CHAIRPERSON’S REPORT:</u> None																																																																																									
OS-1019-07	<u>CONSENT AGENDA:</u> These applications were reviewed by Dr. John Bailey (Interim Chairperson), Dr. Iris Jeffries-Morton (Board Member), or Mrs. Ericka Walker (Executive Director), from September 15, 2022 – October 11, 2022: <table><tr><td>DENA2000036</td><td>Stephanie Salcedo</td><td>New Registration</td><td>10/4/2022</td></tr><tr><td>DENA3000021</td><td>Dianeda Short</td><td>New Registration</td><td>10/6/2022</td></tr><tr><td>DENA3000039</td><td>Abdullah Al Mussawi</td><td>New Registration</td><td>9/20/2022</td></tr><tr><td>DENA3000020</td><td>Ivan DeBrew</td><td>New Registration</td><td>9/22/2022</td></tr><tr><td>DENA3000043</td><td>Britnee Brantley</td><td>New Registration</td><td>9/29/2022</td></tr><tr><td>DENA3000040</td><td>Salena Brooks</td><td>New Registration</td><td>9/22/2022</td></tr><tr><td>HYG2001160</td><td>Hyun Lee</td><td>Endorsement</td><td>10/4/2022</td></tr><tr><td>DEN2000069</td><td>Mariham Mekhail</td><td>Examination</td><td>10/4/2022</td></tr><tr><td>DEN2000165</td><td>Harvey Lester</td><td>Endorsement</td><td>9/20/2022</td></tr><tr><td>DEN2000173</td><td>DAE YOUNG KIM</td><td>Examination</td><td>10/4/2022</td></tr><tr><td>DEN2000185</td><td>Oluwaseun Banjo</td><td>Examination</td><td>9/20/2022</td></tr><tr><td>DEN2000199</td><td>MONIREH SICHANI</td><td>Examination</td><td>9/23/2022</td></tr><tr><td>DEN2000204</td><td>Elise Endres</td><td>Endorsement</td><td>10/4/2022</td></tr><tr><td>DEN2000206</td><td>Mohammed Abdulateef</td><td>Endorsement</td><td>10/4/2022</td></tr><tr><td>DEN2000205</td><td>Kristopher Paik</td><td>Endorsement</td><td>10/4/2022</td></tr><tr><td>DEN2000208</td><td>Alex Tyurin</td><td>Endorsement</td><td>9/20/2022</td></tr><tr><td>DEN2000210</td><td>Kiah Zaremba</td><td>Endorsement</td><td>10/4/2022</td></tr><tr><td>DEN2000212</td><td>Matthew Gramkee</td><td>Endorsement</td><td>10/4/2022</td></tr><tr><td>DEN2000214</td><td>Jacob Young</td><td>Endorsement</td><td>9/20/2022</td></tr><tr><td>DEN2000213</td><td>Priyam Kumar</td><td>Endorsement</td><td>10/4/2022</td></tr><tr><td>DEN2000215</td><td>Rahat Hashmi</td><td>Endorsement</td><td>10/4/2022</td></tr><tr><td>DEN2000216</td><td>Mudrika Chhabra</td><td>Endorsement</td><td>10/4/2022</td></tr></table>	DENA2000036	Stephanie Salcedo	New Registration	10/4/2022	DENA3000021	Dianeda Short	New Registration	10/6/2022	DENA3000039	Abdullah Al Mussawi	New Registration	9/20/2022	DENA3000020	Ivan DeBrew	New Registration	9/22/2022	DENA3000043	Britnee Brantley	New Registration	9/29/2022	DENA3000040	Salena Brooks	New Registration	9/22/2022	HYG2001160	Hyun Lee	Endorsement	10/4/2022	DEN2000069	Mariham Mekhail	Examination	10/4/2022	DEN2000165	Harvey Lester	Endorsement	9/20/2022	DEN2000173	DAE YOUNG KIM	Examination	10/4/2022	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	
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DISCUSSION ITEMS

OS-1019-08	<u>LEGISLATIVE UPDATES – OFFICE OF GOVERNMENT RELATIONS</u> Matteo Lieb, Legislative Affairs Specialist
OS-1019-09	<u>DENTAL BOARD SUB-COMMITTEES</u> <ol style="list-style-type: none">1. <u>Credentials & Audits</u>: Dr. Iris Jeffries-Morton, Dr. John Bailey, and Ms. Yolanda Josey-Baker, RDH2. <u>Communications</u>: Ms. Yolanda Josey-Baker, RDH3. <u>Regulatory Affairs</u>: Dr. Judith Henry, Ms. Dianne Smith, and Ms. Yolanda Josey-Baker RDH<ul style="list-style-type: none">• Proposed Dental Specialties and Scope of Practice Amendment Bill
OS-1019-10	<u>COMMENTS FROM THE PUBLIC</u>

BOARD OF DENTISTRY

Open Session Agenda 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>	
	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 November 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.

BOARD OF DENTISTRY

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

Date: September 21, 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 September 21, 2022

BOARD MEMBERS:	
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, DMD - 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, Board Investigator	Present
Kathleen Ibeh, Health Licensing Specialist	Present
Zaneta Batts, Health Licensing Specialist	Absent
LEGAL STAFF:	
Carla M. Williams, Senior Assistant General Counsel	Present

BOARD OF DENTISTRY

Open Session Meeting Minutes September 21, 2022

CALL TO ORDER AND ROLL CALL

OS-0921-01 **INTRODUCTIONS**

The meeting was called to order at 9:01 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/Presenters**
Matteo Lieb, DOH Legislative Affair Specialist
- **Public Attendance**
Mr. Kurt Gallagher, DC Dental Society
Mr. Max Brown, Group360/TEND
Dr. Cheryle Baptiste, DC Dental Society
Ms. Shavonne Healy, MSDH, RDH
Dr. Rebecca Misner, Adventure Dental
Ms. Brittany Harris, BSDH, RDH – UMDSD Course Director
Dr. Roya Pilcher, Smile Valley Pediatric Dentistry
Mr. Brett Greene, DC Dental Society
Mr. Richael Cobler, CRDTS

OS-0921-02 **OPEN SESSION AGENDA:**

Board Action:

Acceptance of the amended **September 21, 2022**, meeting agenda to include omitted November Board Meeting date.

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

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

Seconded by: Dr. Judith Henry; (Board Member)

Motion passed unanimously

OS-0921-03	<p><u>OPEN SESSION MINUTES:</u></p> <p>Board Action: Consideration of the Open Session minutes from the July 20, 2022, meeting.</p> <p>Motion: The Board to accept the July 20, 2022, meeting minutes. Moved by: Dr. Iris Jeffries-Morton; (Board Member) Seconded by: Ms. Yolanda Josey-Baker.; (Board Member) Motion passed unanimously</p>
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STAFF REPORTS

OS-0921-04	<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 and current census reports which are located on the Open Session Agenda. 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 and Monkeypox within the District. Additionally, Mrs. Walker shared information regarding the DANB Stakeholder Forum which held in Chicago, Illinois on July 14, 2022.</p> <p>Mrs. Walker informed meeting attendees that on August 10, 2022, the Interim Director for DC Health, Dr. Sharon Lewis, amended the Declaration of the Director and authorized temporary licenses for all healthcare professionals applying for full licensure, certification, or registration within the District who met the requirements as outlined by DC Health. Mrs Walker also introduced the new Health Licensing Specialist for the Board of Dentistry, Ms. Zaneta Batts and discussed the hiring of more staff that has been allotted by DC Council's budget for FY 2023. She also discussed other initiatives currently in progress to simplify and improve the licensing review process. This concluded Mrs. Walkers' report.</p> <p>1. <u>BOD Calendar</u></p> <ul style="list-style-type: none"> • September 21, 2022 • 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
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	<ul style="list-style-type: none"> September 20, 2023, In-Person <ol style="list-style-type: none"> BOD Census Dentists (1,200) Dental Hygienists (484) Dental Hygienists with the authority to administer Local Anesthesia (91) Dental Hygienists with the authority to administer Local Anesthesia & Nitrous Oxide (60) Dental Hygienists with the authority to administer Nitrous Oxide (1) Dental Assistant Level 1 (98) Dental Assistant Level 2 (481) Teaching Licenses for Dentists (1) Teaching Licenses for Dental Hygienist (1) District of Columbia COVID-19 Updates https://coronavirus.dc.gov/vaccine District of Columbia Monkeypox https://dchealth.dc.gov/page/monkeypox Virtual & In-Person Board Meetings DANB Stakeholder Forum <p>Motion: Per recommendation from the Executive Director, the Legislative and Regulatory subcommittee to review the draft language for the dental compact and make a recommendation to the Board of Dentistry. Moved by: Dr. Iris Jeffries-Morton; (Board Member) Seconded by: Dr. Judith Henry; (Board Member) Motion passed unanimously</p>	
OS-0921-05	<u>BOARD ATTORNEY'S REPORT:</u> NONE	
OS-0921-06	<u>BOARD CHAIRPERSON'S REPORT</u> NONE	
DISCUSSION ITEMS		
OS-0921-07	<u>LEGISLATIVE UPDATES – OFFICE OF GOVERNMENTAL AFFAIRS</u> Matteo Lieb, Legislative Affairs Specialist DC Council has resumed from break and held their first legislative meeting on September 20, 2022. Several legislations are underway such as the repealing of the Removing Barriers Act which is expected to become law on September 21, 2022. The Committee on Health is hosting a hearing on September 28, 2022 at 10:00am, of which several pieces of legislation will be heard regarding, reproductive health vaccine consent for minors, clinical laboratory practitioners, and the Health Professional Loan Repayment program.	

OS-0921-08

DENTAL BOARD SUB-COMMITTEES

1. **Credentials & Audits:**

Dr. Iris Jeffries-Morton/Dr. John Bailey/Ms. Yolanda Josey-Baker, RDH
No report

2. **Communications:**

Ms. Yolanda Josey-Baker, RDH
No report.

3. **Regulatory Affairs:**

Dr. Judith Henry/Ms. Dianne Smith, Esq./Ms. Yolanda Josey-Baker RDH

Board Attorney, Ms. Carla Williams, presented on the proposed updates to the Scopes of Practice and law for the Dental, Dental Hygiene and Dental Assistant license types as well as the introduction of the Dental Assistant level III license type and education requirements.

- **Dr. Cheryle Baptiste** inquired if there would be a list of approved DANB courses a dental assistant could take to be certified as a Dental Assistant level III. Attorney Williams specified the DANB courses needed to for the Dental Assistant Level III certification.
- **Ms. Shavonne Healy, RDH** inquired why the Dental Assistant level I or II could not apply fluoride. Additionally, under the updated SOP, Level III Dental Assistants can apply pit and fissure sealants and coronal polishing under the supervision of a dentist. Ms. Healy requested that since those are the duties of a dental hygienist, the Board should consider those procedures to be under the supervision of a dental hygienist. Attorney Williams and Dr. John Bailey addressed this question by indicating that whether the Dental Hygienist or Level III Dental Assistant performs these procedures, the supervising Dentist authorizes these procedures to be completed and therefore assumes the legal responsibility in ensuring that they are performed correctly.
- **Mr. Kurt Gallagher**, DC Dental Society, inquired if there was a possibility to have access to the Legislative & Regulatory Subcommittee meetings to have more detailed discussions regarding the proposed updates. Attorney Williams indicated that the Open Session was the appropriate channel for doing so.
- **Dr. Becky Misner**, Adventure Dental, recommended for the Board to consider the possibility of permitting Level II Dental Assistants to monitor patients whom the Dentist has administered Nitrous Oxide. Dr. Judith Henry informed Dr. Misner that her suggestion will be considered by the Board.
- **Ms. Brittany Harris, RDH** requested for language to be added to the regulations regarding the dental hygienist's role in long-term care

	<p>facilities as the district has several geriatric care/long-term care/nursing facilities that could benefit from oral preventive services but are unable to go to a dental office. Dr. Judith Henry asked Ms. Harris to put her request in writing and submit it to the Legislative & Regulatory Subcommittee for review and consideration.</p> <ul style="list-style-type: none"> • Dr. Cheryle Baptiste, DC Dental Society, inquired about the possibility of Level III Dental Assistants performing glucose testing once trained. Dr. Judith Henry and Ms. Dianne Smith, Esq. addressed this question by indicating that it was carefully considered but was not deemed necessary at this time. Ms. Yolanda Josey-Baker, RDH expressed her support for Level III Dental Assistants to perform glucose testing. Dr. Iris Jeffries-Morton indicated that more discussion on this matter (the purpose and what would be done with the information) would be appropriate since dentists can only identify glucose abnormalities but cannot treat it. • Ms. Shavonne Healy, RDH also shared her support for mandating Public Health continuing education courses such as childhood nutrition, and obesity prevention in addition to Dental Assistants taking the ethics exam. • Mr. Kurt Gallagher & Mr. Max Brown expressed their appreciation to the Board for their consideration of recommended updates and additions to the Scope of Practice and law for all three license types.
OS-0921-09	<p><u>COMMENTS FROM PUBLIC</u></p> <ul style="list-style-type: none"> • Ms. Shavonne Healy, RDH thanked the Board for the lively discussion during the meeting. <p>This concludes the Comments from the Public Section</p>

BOARD OF DENTISTRY

Open Session Meeting Minutes September 21, 2022

CLOSING

OS-0921-10	<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: Dr. Judith Henry; (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 **October 19, 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.

D.C. Official Code § 3-1201.02 (Definitions of Health Occupations)

(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, or 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, if applicable, 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 of 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 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;

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

(J) 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.~~

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

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

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

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

“(ii) Places in the possess of a dentist, dental hygienists, 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;

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

“(iv) Retains the ownership or control of dental material, equipment or office space 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 where the seller does not retain any rights to direct or control the use of the dental material, equipment, or office space;

“(v) 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.

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

“(i) The treatment of the diseases of the mouth and practice of oral surgery in the practice of the profession by a physician or surgeon licensed to practice medicine under

the Act, unless the physician or surgeon 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;

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

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

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

D.C. Official Code § 3-1205.08c (Oral and Maxillofacial Surgeons and Dental Specialties Licenses)

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

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

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

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

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

- (A) Is a Diplomate of a specialty certifying board recognized by the American Dental Association, or certified by a specialty certifying board recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards;
- (B) Is eligible for examination, at the time of application, by a national specialty board recognized by the Board; or
- (C) Beginning before January 1, 1986, the dentist has continuously held himself or herself out to the public, in an ethical manner, as a specialist in a specialty recognized by the Board, and meets any additional education or professional experience requirements set forth by the Mayor through rulemaking.”

“(5) For a period of one (1) year following the effective date of the Dental Specialties Licensure Amendment Act of 2021, a dentist licensed in good standing by the Board, who is a Diplomate of a specialty certifying board recognized by the American

Dental Association, or certified by a specialty certifying board recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards, or who is currently eligible for examination by a national specialty board recognized by the Board, may continue to represent to the public that the dentist is a specialist in that specialty whether or not that person holds a District of Columbia specialty license.

D.C. Official Code § 3-1205.14(a) (Revocation, Suspension, or Denial of License or Privilege; Civil Penalty; Reprimand).

(51) Engages in the financial exploitation of a patient, client, or employer; ~~or~~

(52) Fails to timely register with the Prescription Drug Monitoring Program pursuant to [§ 48-853.03b](#);

(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 or exempted under the Act retains ownership or control of the office space, equipment, or dental materials, employs or contracts with the dentists, dental hygienists, or clinical dental staff to provide dental services, or 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 the patient records, or the manner in which such course of treatment is carried out by a dentist, dental hygienist, or other dental staff member.

§ 3-1201.02 Definitions of Health Occupations

(4)(A) "Practice of dental hygiene" means the performance of any of the following activities in accordance with the provisions of subparagraph (B) of this paragraph:

(i) A preliminary dental examination, including charting of cavities, soft tissue examination, periodontal examination, and oral cancer screening; a complete prophylaxis, including the removal of any deposit, accretion, or stain from the surface of a tooth or a restoration; scaling and root planing; soft tissue curettage; application of topical fluoride and fluoride varnish; or the polishing of a tooth or a restoration;

(ii) ~~The charting of cavities during preliminary examination, prophylaxis, or polishing~~

Repealed

(iii) ~~The application of~~ Applying a medicinal agent to a tooth for a prophylactic purpose;

(iv) ~~The taking of a~~ dental radiographs ~~X-ray~~;

(v) ~~The instructing of~~ individuals or groups of individuals in oral health care; and

(vi) Administering local anesthesia and nitrous oxide, when certified by the Board to do so;

(vii) Applying pit and fissure sealants;

(viii) Placing and removing periodontal dressings;

(ix) Administering vaccinations under the direct supervision of a dentist licensed under the Act, when certified by the Board to do so;

(x) Prescribing topical prescription or over-the-counter fluoride preparations, and topical antimicrobial oral rinses, under the general supervision of a dentist licensed under the Act;

(xi) Performing blood glucose testing;

(xii) Placing or removing temporary restorations and crowns; taking study cast impressions; removing sutures;

(xiii~~vi~~) Any other functions included in the curricula of approved educational programs in dental hygiene, including dental hygiene diagnosis.

(B) Except for administering vaccinations, a ~~A~~ dental hygienist may perform the activities listed in subparagraph (A) of this paragraph only under the general supervision of a licensed dentist, in his or her office or any public school or institution rendering dental services. The Mayor may issue rules identifying specific functions authorized by subparagraph (A)(xiii~~vi~~) of this paragraph and may require higher levels of supervision for the performance of these functions by a dental hygienist. The license of a dentist who permits a dental hygienist, operating under his or her supervision, to perform any operation other than that permitted under this paragraph, may be suspended or revoked, and the license of a dental hygienist violating this paragraph may also be suspended or revoked, in accordance with the provisions of this chapter.

(C) For the purpose of subparagraph (B) of this paragraph, the term “general supervision” means the performance by a dental hygienist of procedures permitted by subparagraph (A) of this paragraph based on instructions given by a licensed dentist,

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but not requiring the physical presence of the dentist during the performance of these procedures.

(D) For the purpose of subparagraph (A) of this paragraph, the term “dental hygiene diagnosis” means the identification of an existing oral health problem that a dental hygienist is qualified and licensed to treat within the scope of dental hygiene practice. The dental hygiene diagnosis focuses on behavioral risks and physical conditions that are related to oral health. A dentist shall confirm any dental hygiene diagnosis that requires treatment that is outside the scope of dental hygiene practice.

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;
- (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 in models;
- (m) Performing intraoral photography;
- (n) Curing by the use of halogen light;
- (o) Checking for loose bands;
- (p) Whitening;
- (q) Take and record vital signs and; 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) Applying topical fluoride;
- (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;
- (n) Removing or placing a periodontal dressing (except placing the original periodontal dressing); and
- (o) Constructing athletic mouth guards on models.

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; 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.

9004.6~~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.

9004.75 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~~;
- (h) Diagnostic screening to identify indications of oral abnormalities;
- (i) Administration of local anesthesia with board identified criteria and certification;
- (j) Administration of nitrous oxide with Board identified criteria and certification;
- (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) 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.

Effective: July 7, 2009

DC ST § 3-1209.05

§ 3-1209.05. Dental assistant.

(a) For the purposes of this section, the term:

(1) "Dental assistant" means a person who is registered by the Board of Dentistry and is authorized to assist a licensed dentist or a licensed dental hygienist in the performance of duties related to oral care under the direct supervision of a dentist.

(2) "Direct supervision" means the dentist is in the dental office or treatment facility, the dentist personally diagnoses the condition to be treated, the dentist personally authorizes the procedures, remains in the dental office or 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.

(b) A person who is engaged as a dental assistant to assist a dentist in the performance of dental procedures, or dental hygienist in the performance of dental hygiene procedures, in any area of or specialty area of dentistry, including oral and maxillofacial surgery, or who performs the duties of a dental assistant in any area of or specialty area of dentistry, including oral and maxillofacial surgery, in the District of Columbia shall be registered with the Board, renew the registration as required by rule, and pay the required registration fee established by the Board.

(c) A dental assistant shall wear a name tag bearing the title "dental assistant" while acting in a professional capacity and display his or her current registration in a conspicuous place in the dental office in which he or she is employed.

(d) A person shall not engage in the practice of dental assisting, or use the title, of dental assistant unless he or she is registered to practice as a dental assistant under this chapter and practices under the direct supervision of a dentist licensed under this chapter. Unless authorized by the Board to perform duties related to oral care in the District, an individual shall not be permitted to perform any clinical duties or engage in any physical patient contact.

(e) ~~Repealed For a period of one year following July 7, 2009, unless further time is granted by the Board through rulemaking, persons who have received appropriate training for the tasks assigned may practice as a dental assistant.~~

(f) A dentist may delegate duties to a dental assistant that are appropriate to the training and experience of the dental assistant and within the scope of practice of the supervising dentist; provided, that the dentist shall not delegate to a dental assistant any task or function identified, through rulemaking, as a task or function that shall not be delegated.

(g) The Mayor shall issue rules necessary to implement the provisions of this section, including the standards of education and experience required to qualify as a registered dental assistant and the duties that may be performed by a dental assistant.