

§ 3-1201.01

(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 of Dentistry, if required pursuant to section 201\(g\)](#), in the treatment of dental or oral diseases or physical conditions, or in preparation for or incident to any operation within the oral cavity;

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

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

(H) The 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; [and](#)

(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. (Repealed).~~

(K) The prescription and 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 Food and Drug Administration, to treat a diagnosed dental condition approved by the Mayor through rulemaking, when certified by the Board of Dentistry to do so.

(10)(A) “Practice of oral and maxillofacial surgery” means a specialty of the practice of dentistry that 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 and aesthetic procedures.”

Sec. 508c. Dental specialty licenses.

“(a) A licensed dentist may not represent to the public that the licensee is a specialist in any field of specialized dental practice, including oral and maxillofacial surgery, unless licensed by the Board as a specialist in that dental specialty field.

“(b) The Board may approve any area of specialty recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards or its successor, or any other entity approved by the Board that recognizes or certifies a field of specialized dental practice.

“(c) A dentist shall be eligible for a license in a field of specialized dental practice if the dentist establishes to the satisfaction of the Board that he or she:

“(1) Is licensed in good standing to practice dentistry in the District;

“(2)(A) Is a Diplomate of a specialty certifying board recognized by the American Dental Association, is certified by a specialty certifying board recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards, or is certified by another entity approved by the Board that that recognizes a field of specialized dental practice; or

“(B) Since a date before January 1, 1986, continuously held himself or herself out to the public, in an ethical manner, as a specialist in a specialty recognized by the Board, and

“(3) Meets any other requirements established by the Mayor by rule to assure that the applicant has had the proper training, experience, and qualifications to be licensed in the applicable field of specialized dental practice.

“(d) Notwithstanding subsection (a) of this section, for a period of one year following the effective date of the Dental Specialties Licensure Amendment Act of 2023, 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 certified by another entity approved by the Board that recognizes a field of specialized dental practice, 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 specialty license issued by the Board.

“(e) No dentist shall engage in the practice of oral and maxillofacial surgery unless the dentist:

“(1) Has successfully completed an oral and maxillofacial residency program approved by the Commission of Dental Accreditation of the American Dental Association or another entity, approved by the Board, that approves oral and maxillofacial residency programs;

“(2)(A) Is a Diplomate of a national certifying board recognized by the American Dental Association; or

“(B) Is a diplomate or the equivalent of a diplomate of another entity, approved by the Board, that certifies diplomates or the equivalent a diplomate in oral and maxillofacial surgery; and

“(3) Holds a valid dental specialty license in the field of oral and maxillofacial surgery issued by the Board of Dentistry.”

§ 3-1205.14. Revocation, suspension, or denial of license or privilege; civil penalty; reprimand.

(a) Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a majority of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license, registration, or certification for himself, herself, or another person;
- (2) Fraudulently or deceptively uses a license, registration, or certification;
- (3) Is disciplined by a licensing or disciplinary authority or peer review body or convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section; for the purposes of this paragraph, the term “convicted” means a judgment or other admission of guilt, including a plea of nolo contendere or an Alford plea;
- (4) Has been convicted of an offense that is related to the occupation for which the license, registration, or certification is sought or held;
- (5) Is professionally or mentally incompetent or physically incapable;
- (6) Is addicted to, or habitually abuses, any narcotic or controlled substance as defined by Chapter 9 of Title 48;
- (7) Provides, or attempts to provide, professional services while under the influence of alcohol or while using any narcotic or controlled substance as defined by Chapter 9 of Title 48, or other drug in excess of therapeutic amounts or without valid medical indication;
- (8) Willfully makes or files a false report or record in the practice of a health occupation;
- (9) Willfully fails to file or record any medical report as required by law, impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

- (10) Upon proper request, and payment of a reasonable copy fee, if required, fails to provide, within a reasonable period of time, a copy or summary report, if the patient or client consents, of the patient's or client's health care record to the patient or client, his or her legal representative or guardian, a hospital or third-party health professional licensed under this chapter or under the laws of another jurisdiction; for the purposes of this paragraph, the term "health care record" means any document, or combination of documents, except for a birth or death record or a record of admission to or discharge from a hospital or other health-care facility, that pertains to the history, diagnosis, or health condition of a patient or client and is generated and maintained in the process of providing health-care treatment, regardless of whether the health care record originated with or was previously in the possession of another health-care provider;
- (11) Willfully makes a misrepresentation in treatment;
- (12) Willfully practices a health occupation with an unauthorized person or aids an unauthorized person in the practice of a health occupation;
- (13) Submits false statements to collect fees for which services are not provided or submits statements to collect fees for services which are not medically necessary;
- (14) Pays or agrees to pay anything of value to, or to split or divide fees for professional services with, any person for bringing or referring a patient;
- (15) Fails to pay a civil fine imposed by a board, other administrative officer, or court;
- (16) Willfully breaches a statutory, regulatory, or ethical requirement of confidentiality with respect to a person who is a patient or client of the health professional, unless ordered by a court;
- (17) Refuses to provide service to a person in contravention of Chapter 14 of Title 2;
- (18) Violates any of the conditions of an agreement between the licensee and the board to voluntarily limit the practice of the licensee made pursuant to [§ 3-1205.18](#);
- (19) Prescribes, dispenses, recommends, or administers drugs when not authorized to do so;
- (20) Practices without a protocol when required by subchapter VI of this chapter;
- (21) Performs, offers, or attempts to perform services beyond the scope of those authorized by the license held by the health professional;
- (22) Maintains an unsanitary office or performs professional services under unsanitary conditions;
- (23) Engages in:
- (A) Sexual harassment of a patient or client;
- (B) Sexual contact with a patient or client concurrent with and by virtue of the practitioner-patient or practitioner-client relationship;

- (C) At any time during the course of the practitioner-patient or patient-client relationship, in conduct of a sexual nature that a reasonable patient or client would consider lewd or offensive; or
- (D) Sexual contact with a former patient or client when the patient or client may still be vulnerable by virtue of the power imbalance that existed in the practitioner-patient or practitioner-client relationship, even if the relationship may appear to be or is mutually consensual when such contact is likely to have an adverse impact on the patient or client;
- (24) Violates any provision of this chapter or rules and regulations issued pursuant to this chapter;
- (25) Violates any District of Columbia or federal law, regulation, or rule related to the practice of a health profession or drugs, or fails to conduct business with honesty and fair dealing with employees or students in his or her school of nursing or nursing program, the District of Columbia, a state, the federal government, or the public;
- (26) Fails to conform to standards of acceptable conduct and prevailing practice within a health profession;
- (27) Violates an order of the board or the Mayor, or violates a consent decree or negotiated settlement entered into with a board or the Mayor;
- (28) Demonstrates a willful or careless disregard for the health, welfare, or safety of a patient, regardless of whether the patient sustains actual injury as a result;
- (29) Fails to pay the applicable fees established by the Mayor;
- (30) Abandons a patient; for the purposes of this paragraph, the term “abandons” means termination, without adequate notice, of the professional relationship between a health care provider and a patient or client at a time when the patient or client is in need of further emergency care;
- (31) Knowingly fails to report suspected child abuse in violation of [§ 4-1321.02](#);
- (32) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services that the licensee, registrant, or person certified is licensed and qualified to render because the individual is HIV positive;
- (33) Refuses on ethical, moral, or religious grounds to provide services to a patient, customer, or client;
- (34) By corrupt means, threats, or force, intimidates or influences, or attempts to intimidate or influence, any person for the purpose of causing the person to withhold or change his or her testimony in a hearing or proceeding before a board, court, or the Office of Administrative Hearings;

- (35) By corrupt means, threats, or force, hinders, prevents, or otherwise delays any person from making information available to a board, court, or the Office of Administrative Hearings in furtherance of any investigation of a board, court, or the Office of Administrative Hearings;
- (36) Intentionally misrepresents credentials for the purpose of testifying or rendering an expert opinion in a hearing or proceeding before a board, court, or the Office of Administrative Hearings;
- (37) Fails to keep adequate medical, dental, health, or client records, as determined by a review of a board;
- (38) Makes a misrepresentation or false promise, directly or indirectly, to influence, persuade, or induce patronage;
- (39) Practices under a name other than the name under which the individual is licensed, registered, or certified;
- (40) Makes a false or misleading statement regarding his or her skill or the efficacy or value of a medicine, treatment, or remedy prescribed or recommended by him or her, at his or her discretion, in the treatment of any disease or other condition of the body or mind;
- (41) Is subject to recurrent health claims or client-liability claims, which in a board's opinion evidences professional incompetence likely to injure the public;
- (42) Fails to cooperate in an investigation or obstructs an investigation ordered by a board;
- (43) Continues to practice a health profession when the licensed, registered, or certified individual knows he or she has an infectious or communicable disease and that there is a high probability that the disease may be transmitted to a patient or client;
- (44) Falsifies an application to establish a school of nursing or nursing program;
- (45) Commits fraud or makes false claims in connection with the practice of an occupation regulated by this chapter, or relating to Medicaid, Medicare, or insurance;
- (46) Acts in a manner inconsistent with the health and safety of the residents of the nursing facility of which the licensee is the administrator;
- (47) Acts fraudulently or dishonestly in the application or reporting of a test for animal disease;
- (48) Fails to report, as required by law, or makes a false report of a contagious or infectious disease;
- (49) Willfully neglects or misrepresents the inspection of food-stuffs or the issuance of health or inspection certificates;

(50) Knowingly or negligently tortures, beats, or mutilates an animal, kills or injures an animal, or deprives an animal of necessary food, water, or shelter;

(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\(d\)](#); or-

[\(53\) Enters into an agreement, arrangement, or relationship with an individual or entity who is not licensed to practice dentistry under this act, or is not exempted from licensure as a dentist under this act, in which the individual or entity that is not licensed to practice dentistry under this act or is not exempted from licensure as a dentist under this act:](#)

[“\(A\) Retains ownership or control of dental office space, dental equipment, or dental materials;](#)

[“\(B\) Employs or contracts with dentists, dental hygienists, or clinical dental staff to provide dental services; or](#)

[“\(C\) 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 manner in which such course of treatment is carried out by a dentist, dental hygienist, or other dental staff member, or patient records.”.](#)