

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:

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 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																																																																																									
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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	<p>Motion: The Board to accept the Consent Agenda application approvals. Moved by: Ms. Dianne Smith, Esq; Board Member Seconded by: Dr. Iris Jeffries-Morton; Board Member 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.

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~~ 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.~~64~~ 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.