

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of
Columbia
Official Code*

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To amend the District of Columbia Health Occupations Revision Act of 1985 to amend the definition of the practice of dentistry, to require the Board of Dentistry to regulate dental assistants, and to provide for registration of dental assistants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Practice of Dentistry Amendment Act of 2009”.

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

(a) The table of contents is amended by adding a new section designation to Title IX to read as follows:

“Sec. 905. Dental assistant.”.

(b) Section 101 (D.C. Official Code § 3-1201.01) is amended as follows:

(1) Redesignate paragraph (6A) as paragraph (6B).

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

“(6A) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”.

(c) Section 102(5) (D.C. Official Code § 3-1201.02(5)) is amended as follows:

(1) Subparagraph (G) is amended by striking the phrase “of malformation of a tooth or teeth;” and inserting the phrase “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;” in its place.

(2) Subparagraph (H) is amended by striking the word “or” at the end.

(3) Subparagraph (I) is amended by striking the phrase “graduate programs.” and inserting the phrase “graduate programs; or” in its place.

(4) A new subparagraph (J) is added to read as follows:

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“(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 act 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 the effective date of the Practice of Dentistry Amendment Act of 2009, passed on 2nd reading on April 7, 2009 (Enrolled version of Bill 18-36).”.

(d) Section 201(b) (D.C. Official Code § 3-1202.01(b)) is amended to read as follows:

“(b) The Board shall regulate the practices of dentistry and dental hygiene and dental assistants.”.

(e) A new section 905 is added to read as follows:

“Sec. 905. Dental assistant.

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

“(1) “Dental assistant” means a person who is registered by the Board of

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Dentistry and is authorized to assist a licensed dentist 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, personally diagnoses the condition to be treated, 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 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, or use the title, of dental assistant unless he or she is registered to practice as a dental assistant under this act and practices under the direct supervision of a dentist licensed under this act. 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) For a period of one year following the effective date of the Practice of Dentistry Amendment Act of 2009, passed on 2nd reading on April 7, 2009 (Enrolled version of Bill 18-36), 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.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia