

**DEPARTMENT OF HEALTH**

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)) (2012 Repl.), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-0095; 63 DCR 6502 (April 29, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 90 (Dental Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to require dental assistants to complete (2) hours of continuing education focusing on clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, (“LGBTQ”) or who question their sexual orientation or gender identify and expression, and (2) hours of continuing education focusing on infection control beginning with the renewal period ending December 31, 2019.

This rulemaking was published in the *D.C. Register* on November 10, 2017 at 64 DCR 11712. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 90, DENTAL ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**A new Section 9007 is added to read as follows:**

**9007 CONTINUING EDUCATION REQUIREMENTS**

- 9007.1 Except as provided in § 9007.2, this section shall apply to all applicants for the renewal, reactivation, or reinstatement of a dental assistant registration.
- 9007.2 This section shall not apply to applicants for the first renewal of a dental assistant registration.
- 9007.3 A continuing education credit shall be valid only if it is part of a program approved by the Board.
- 9007.4 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.
- 9007.5 A contact hour shall consist of at least sixty (60) minutes of instruction in an approved continuing education program and shall equal one-tenth (0.1) of a continuing education credit (“CEU”).

9007.6 Beginning with the renewal period ending December 31, 2019, an applicant for renewal of a dental assistant registration shall:

- (a) Have completed seven (7) hours of credit within the two-year (2) period preceding the date the registration expires, which shall include at least:
  - (1) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
  - (2) Two (2) hours of infection control in approved continuing education programs;
  - (3) One (1) hour of ethics in an approved continuing education programs; and
  - (4) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10(b)(5);
- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit.

9007.7 Beginning with the renewal period ending December 31, 2019, to qualify for reinstatement or reactivation of a dental assistant registration, an applicant shall submit proof of having completed a minimum of seven (7) hours of credit within the year immediately preceding the date of the application, which shall include at least:

- (a) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression

(“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

- 9007.8 Applicants for renewal of a registration shall only be required to prove completion of the required continuing education credits by submitting proof if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.
- 9007.9 An applicant for renewal of a registration who fails to renew the registration by the date the registration expires may renew the registration for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the renewal thereof.
- 9007.10 If an applicant for renewal of a registration fails to renew the registration and pay the late fee within sixty (60) days after the expiration of applicant's registration, the registration shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired registration and meet all requirements and fees for reinstatement.
- 9007.11 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and
  - (b) The death or serious and protracted illness of a member of the applicant's immediate family.
- 9007.12 An extension granted under this section shall not exempt the dental assistant from complying with the continuing education requirements for any other renewal period.