

**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) (2016 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 43 (Dental Hygiene) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to require dental hygienists to complete the following new continuing education requirements beginning with the renewal period ending December 31, 2019: two (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 identity and expression, and one (1) hour of approved continuing education focusing on ethics.

This rulemaking was published in the D.C. Register on January 5, 2018 at 65 DCR 000052. 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 43, DENTAL HYGIENE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 4306, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsections 4306.4 – 4306.6 are amended to read as follows:**

- 4306.4 Beginning with the renewal period ending December 31, 2019, an applicant for renewal of a license shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2)-year period preceding the date the license expires, which shall include:
- (a) Current CPR certification for healthcare providers at the basic level;
  - (b) Two (2) hours of infection control training;
  - (c) One (1) hour of ethics in an approved continuing education program; 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).

4306.5 Beginning with the licensure period ending December 31, 2019, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.), who submits an application to reactivate a license, shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2)-year period preceding the date of the application for reactivation of that applicant's license, and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third (3<sup>rd</sup>) year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program; 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).

4306.6 Beginning with the licensure period ending December 31, 2019, to qualify for a license an applicant for reinstatement of a license shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2)-year period preceding the date of the application for reinstatement of the applicant's license, and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third (3<sup>rd</sup>) year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program; 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).

**Section 4307, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:**

**The existing Subsections 4307.4 through 4307.6 are renumbered as 4307.5 through 4307.7.**

**A new Subsection 4307.4 is added to read as follows:**

- 4307.4 Continuing education credit will not be awarded for programs that do not relate to the theory or clinical application of theory pertaining to the practice of dental hygiene, including but not limited to:
- (a) Courses pertaining to business communications and operations;
  - (b) Courses solely pertaining to medical/dental coding terminology;
  - (c) Courses pertaining to personal self-improvement, financial gain, or career options;
  - (d) Courses designed for lay persons;
  - (e) Providing instruction to persons who are not licensed, registered, certified, or students in the field of dental hygiene or dental assisting, or for conducting research, or publications, or any preparation for same;
  - (f) On-the-job training;
  - (g) Orientation programs or staff meetings, including orientation to new policies, non-therapeutic procedures, equipment, forms, responsibilities, services, etc.;
  - (h) Presentations made by students; or
  - (i) Participation in or attendance at, not as a presenter, case conferences, grand rounds, or informal presentations.