

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 92 (Teaching Licenses for Dentistry and Dental Hygiene) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to establish continuing education requirements for individuals licensed to teach dentistry or dental hygiene in the District of Columbia which will include the mandate to complete (2) hours of continuing education as part of the continuing education requirements on cultural competency or training focusing on clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) beginning with the renewal period ending December 31, 2019.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on November 10, 2017 at 64 DCR 11715. 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 92, TEACHING LICENSES FOR DENTISTRY AND DENTAL HYGIENE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

New Sections 9211, 9212, and 9213 are added to read as follows:

9211 CONTINUING EDUCATION REQUIREMENTS

- 9211.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a teacher’s license in dentistry or of a teacher’s license in dental hygiene beginning with the renewal period ending December 31, 2019, and for subsequent terms.
- 9211.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 9212.
- 9211.3 Beginning with the renewal period ending December 31, 2019, an applicant for renewal of a teacher’s license in dentistry shall submit proof pursuant to § 9211.11 of having completed thirty (30) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours 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).

9211.4 Beginning with the licensure period ending December 31, 2019, an applicant for renewal of a teacher’s license in dental hygiene shall submit proof pursuant to § 9211.11 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 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).

9211.5 Each applicant for renewal, reactivation, or reinstatement of a teacher’s license in dentistry who is permitted by the Drug Enforcement Agency and the District of Columbia Pharmaceutical Control Division to prescribe controlled substances in the District shall complete two (2) hours of continuing education in the abuse and misuse of controlled substances, and in opioid prescription practices. This continuing education shall be part of the continuing education hours required under Subsection 9211.3 of this chapter.

9211.6 Internet courses and programs shall not be used to satisfy the continuing education CPR certification requirement.

9211.7 Beginning with the licensure period ending December 31, 2019, to qualify for a teacher's license in dentistry, 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 § 9211.11 of having completed thirty (30) 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 fifteen (15) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours 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).

9211.8 Beginning with the licensure period ending December 31, 2019, to qualify for a teacher's license in dentistry, an applicant for reinstatement of a license shall submit proof pursuant to § 9211.11 of having completed thirty (30) 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 fifteen (15) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours 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).

9211.9 Beginning with the licensure period ending December 31, 2019, to qualify for a teacher’s license in dental hygiene, 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 § 9211.11 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 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 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).

9211.10 Beginning with the licensure period ending December 31, 2019, to qualify for a license, an applicant for reinstatement of a teacher’s license in dental hygiene shall submit proof pursuant to § 9211.11 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 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 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).

- 9211.11 An applicant for a teacher’s license in dentistry or for a teacher’s license in dental hygiene shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 9211.12 An applicant for renewal of a teacher’s license in dentistry or of a teacher’s license in dental hygiene license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to § 9211.11 and by paying the required additional late fee.
- 9211.13 Upon submitting proof of having completed continuing education requirements and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 9211.14 If an applicant for renewal of a teacher’s license in dentistry or of a teacher’s license in dental hygiene fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant’s license, the license shall be considered to have lapsed on the date of expiration.
- 9211.15 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant’s failure to submit proof of completion 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 immediate family.

9212 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

9212.1 The Board, in its discretion, may approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of dentistry and which meet the other requirements of this section.

9212.2 The Board may approve the following types of continuing education programs, if the program meets the requirements of § 9212.3:

- (a) An undergraduate or graduate course given at an accredited college or university;
- (b) A seminar or workshop;
- (c) An educational program given at a conference or convention; and
- (d) In-service training.

9212.3 To qualify for approval by the Board, a continuing education program shall do the following:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and
- (c) Meet one of the following requirements:
 - (1) Be administered or approved by a recognized national, state, or local dentistry organization; health care organization; accredited health care facility; or an accredited college or university; or
 - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.

9212.4 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 dentistry 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 dentistry, 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;
- (i) Participation in or attendance at, not as a presenter, case conferences, grand rounds, or informal presentations; or
- (j) Work done in the course of an applicant's normal occupations or incident to the performance of his or her regular professional duties, such as teaching didactic courses, research, or course preparation in the case of a teacher or professor.

9212.5 The Board may issue and update a list of approved continuing education programs.

9212.6 An applicant shall have the burden of verifying whether the Board pursuant to this section prior to attending the program approves a program.

9212.7 The Board may approve the following continuing education activities by an applicant:

- (a) Serving as an instructor or speaker at a conference, seminar, workshop, or in-service training;
- (b) Publication of an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal or bulletin;
- (c) Serving as a clinical instructor for students of dentistry or dental residents; and
- (d) Participation in research as a principal investigator or research assistant.

9213 CONTINUING EDUCATION CREDITS

9213.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.

- 9213.2 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit, and each quarter hour of credit shall constitute ten (10) hours of continuing education credit.
- 9213.3 The Board may grant a maximum of thirteen (13) continuing education credits per year to an applicant who attends a full time post-graduate education program.
- 9213.4 The Board may grant credit to an applicant who serves as an instructor or speaker at an acceptable program for both preparation and presentation time, subject to the following restrictions:
- (a) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time;
 - (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of an applicant's continuing education requirement; and
 - (c) The presentation shall have been completed during the period for which credit is claimed.
- 9213.5 The Board may grant an applicant who is an author or editor of a published book twenty-five (25) continuing education credits, if the book has been published or accepted for publication during the period for which credit is claimed, and the applicant submits proof of this fact in the application.
- 9213.6 The Board may grant an applicant who is an author of a published original paper five (5) continuing education credits, subject to the same restrictions set forth for books in § 9213.5.
- 9213.7 The Board may grant an applicant who is the sole author of a published book review, review paper, or abstract, two (2) continuing education credits, subject to the same restrictions set forth for books in § 9213.5.