



District of Columbia

DENTAL SOCIETY

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March 27, 2026

Michelle Latortue, DDS
Chairperson
Board of Dentistry, DC Health
2201 Shannon Place, SE, 2nd Floor
Washington, DC 20020

Delivery by email to dcbod@dc.gov

Dear Dr. Latortue,

We are writing to follow up on two matters discussed during the March 18 Board of Dentistry meeting. These issues have significant implications for dental workforce capacity and patient access to care in the District.

First, we would like to express appreciation to the Board on behalf of our more than 400 member dentists for the vote to eliminate redundant requirements for registration as a Level III Dental Assistant:

1. Requiring only one of the two following criteria (both are required at present):
 - Graduation from a CODA accredited educational program for dental assistants;
 - Current certification from DANB as a Certified Dental Assistant (CDA) in general duties.
2. Eliminating the requirement to hold DANB certification in Topical Fluoride.

We seek clarification regarding the effective date of the noted changes approved by the Board during the March meeting. Given that months are required to finalize the rulemaking process, **we ask the Board to adopt a policy during its April meeting to immediately implement the changes approved during the March meeting.**

Second, we are writing to clarify a misunderstanding about the Code of Maryland Regulations stated during the meeting. As was noted by Ms. Carla Williams, cleaning, disinfecting and sterilizing functions are included in the scope of practice of dental assistants in Maryland ([COMAR 10.44.01.02](#)). **However, no registration is required in Maryland by dental assistants who perform the functions listed in COMAR 10.44.01.02, including cleaning, disinfecting and sterilizing functions.**

In Maryland, only three categories of dental assistants are required to register with the State Board of Dental Examiners:

- Dental Assistants Recognized as Qualified in General Duties ([COMAR 10.44.01.05](#))
- Dental Assistants Recognized as Qualified in Orthodontics ([COMAR 10.44.01.04](#))
- Dental Assistant Certified to Practice Dental Radiation Technology ([COMAR 10.44.01.06](#))

We have attached to this letter the “Dental Auxiliaries Permissible Procedures Chart,” which was prepared by the Maryland State Board of Dental Examiners (Attachment 1). The Chart notes at the top that “No formal classroom or certification required” for Dental Assistants, whose scope of practice is listed in COMAR 10.44.01.02. Also attached is a PDF of the [web page of the Maryland State Board of Dental Examiners](#) that provides links to the application forms for those three categories of dental

assistants for whom registration is required (Attachment 2).

Furthermore, the Maryland State Board of Dental Examiners has proposed creating a new position of Level One Dental Assistant for which **registration with the Board is not required and which would be authorized to perform an expanded list of functions, including intraoral procedures**. That proposed rule is provided as Attachment 3 (Maryland Register Volume 52, Issue 17, Pages 882-888).

It is noteworthy that the proposed rule makes no mention of cleaning, sanitizing, disinfecting or sterilizing functions. We conclude that the omission is not because dental assistants are no longer permitted to perform those functions, but that the omission reflects a practical recognition that those basic functions should not be limited to staff who provide patient care.

Under the proposed rule, registration is only required for the newly created position of Expanded Function Dental Assistant (EFDA). EFDAs will be authorized to perform the functions of a Level III Dental Assistant and other functions not include in the scope of practice of any dental assistant in the District:

- (3) Applying silver diamine fluoride;
- (4) Monitoring nitrous oxide by observing a patient;
 - (a) During the flow of nitrous oxide;
 - (b) During the reduction of the flow of nitrous oxide;
 - (c) During the shutting off of equipment controlling the flow of nitrous oxide; and
 - (d) At all times in between the start of the flow of nitrous oxide until the nitrous oxide has been terminated and the patient has fully awoken and is coherent;
- (6) Applying bonding agents.

We recommend that the District align with our neighbor Maryland and ask the Board to initiate rulemaking to expand the functions that a Level III Dental Assistant may perform by adding those functions included in the scope of practice of Maryland's new Expanded Function Dental Assistant.

The Board is granted authority in DC Code § 3-1209.05.h to expand the scope of practice of Level III Dental Assistants as recommended:

The Mayor shall create a Level III dental assistant designation to authorize dental assistants with appropriate training and experience, as determined by the Board, to conduct the application pit and fissure sealants, coronal polishing to remove stain and biofilm, and glucose testing, as well as all functions authorized by this section **and any other services authorized by rule**. [emphasis added]

Regarding the proposal to include cleaning, disinfecting and sterilizing functions in the scope of practice of all dental assistants, as noted in our letter of January 12, 2026, DCDS remains strongly opposed.

Based upon the comments of the legal counsel to the Board during previous public meetings, we understand the intent of incorporating the listed functions into the scope of practice is to prohibit dental practice staff from performing those functions unless they are registered or licensed with the Board. This change would adversely affect the operations of dental practices and inhibit access to care, and yet no justification has been offered to warrant such a restriction. During the months that have passed since this policy change was initially proposed, no provision in the DC Code of Municipal Regulations has been presented to the Board showing that staff who perform similar functions in other health settings must register with the respective licensing board. Furthermore, the citation of regulations in Maryland actually reinforces our position that **registration should not be required of staff who perform cleaning, disinfecting and sterilizing functions** – the category of dental assistants in the cited regulations are not required to register in Maryland.

We take this opportunity to reiterate our previous policy recommendation that the Board align the District with both Maryland and Virginia through repeal of the registration requirement for Level I Dental Assistants.

Conclusion

The District of Columbia is already at a disadvantage with respect to securing and fostering its dental workforce in part because it requires all dental assistants to register regardless of the functions they perform. In Maryland and Virginia, where registration is limited only to dental assistants who perform specified, higher-level functions, many dental assistants can begin working immediately without the need to wait to complete the registration process. Dental practices in the District have lost potential staff to Maryland and Virginia because dental assistants declined job offers due to unease about the registration process in the District. Incorporating cleaning, disinfecting and sterilizing functions into the scope of practice of dental assistants will worsen workforce challenges.

There is a direct link between adequacy of the dental workforce and the ability of the public to receive dental care. Without an adequate dental workforce, the health and well-being of the public is harmed because dental care is delayed and may be inaccessible. We strongly urge the Board of Dentistry to consider the impact of its policy decisions on the adequacy of the dental workforce and consequently on the health and safety of the public.

In summary, we respectfully request that the Board of Dentistry take the following actions:

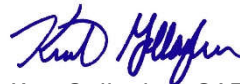
- If not already in effect, adopt a policy during the April 15 meeting to immediately implement the changes approved during the March meeting to eliminate duplicative requirements for registration as a Level III Dental Assistant.
- Drop consideration of expanding the scope of practice of dental assistants to include cleaning, sanitizing and sterilizing functions.
- Align the District with regulations for dental assistants in Maryland and Virginia through the repeal of the registration requirement for Level I Dental Assistants.
- Initiate regulations to expand the scope of practice of Level III Dental Assistants to include those functions that will be authorized in Maryland for Expanded Function Dental Assistants.

We offer these comments in the spirit of collaboration to support the health and well-being of the public. We welcome the opportunity to engage with the Board to that end.

Sincerely,



Kim Menhinick, DDS
President



Kurt Gallagher, CAE
Executive Director

CC: Ayanna Bennett, MD, MSPH, FAAP, Director, DC Health
Ericka Walker, Executive Director, Board of Dentistry, DC Health
Councilmember Christina Henderson, Chair, DC Council Committee on Health
Councilmember Charles Allen, DC Council Committee on Health
Councilmember Wendell Felder, DC Council Committee on Health
Councilmember Brianne K. Nadeau, DC Council Committee on Health
Councilmember Zachary Parker, DC Council Committee on Health
Ona Balkus, Director, DC Council Committee on Health

MARYLAND STATE BOARD OF DENTAL EXAMINERS
DENTAL AUXILIARIES PERMISSIBLE PROCEDURES CHART- DECEMBER 2, 2020

DA = DENTAL ASSISTANT (No formal classroom or certification required)
 DAQO = DENTAL ASSISTANT QUALIFIED IN ORTHODONTICS
 DAQGD = DENTAL ASSISTANT QUALIFIED IN GENERAL DENTISTRY
 RDH = REGISTERED DENTAL HYGIENIST

See last page for further explanation of permissible duties

PROCEDURE	DA	DAQO	DAQGD	RDH
Adjust occlusion of natural tooth, restoration or appliance - intraorally	NO	NO	NO	NO
Anesthesia, Local* – administration (by infiltration and by inferior alveolar nerve block)	NO	NO	NO	YES*
Anesthesia Topical - application	YES	YES	YES	YES
Apply Silver Diamine Fluoride	NO	NO	NO	YES
Arch wire adjustment	NO	NO	NO	NO
Arch wire placement and removal	NO	YES	NO	YES
Athletic Mouthguards, bleaching trays, fluoride trays, impression trays, nightguards – fabricate on models	NO	YES	YES	YES
Bite registration	NO	YES	YES	YES
Bleaching - tray	NO	YES	YES	YES
Bleaching – Internal or Laser	NO	NO	NO	NO
Bleaching – High Intensity light (ie: zoom / bright smile etc.)	NO	NO	NO	YES
Bonding agents - apply	NO	YES	YES	YES
Vital signs (blood pressure /pulse readings – take and record)	YES	YES	YES	YES
Cement excess - removal	NO	YES	YES	YES

PROCEDURE	DA	DAQO	DAQGD	RDH
Cement permanent crown or restorations	NO	NO	NO	NO
Cement temporary crown or restoration	NO	NO	YES	YES
Cementing of Orthodontic bands, placement of Bonded attachments or the removal of Cemented or bonded orthodontic bands and attachments	NO	YES	NO	YES
Cotton rolls – place and remove	YES	YES	YES	YES
Crown – stainless steel prepare and fit	NO	NO	YES	YES
Crown – temporary – fabricate and or remove	NO	NO	YES	YES
Curettage – (Manual)	NO	NO	NO	YES
Delivery of restorative material with dentist at chairside	YES	YES	YES	YES
Dental examination - preliminary	NO	NO	NO	YES
Desensitizing agents - application	NO	YES	YES	YES
Elastics and ligatures - placement	NO	YES	NO	YES
Etch teeth	NO	YES	YES	YES
Expose film, by pushing x-ray button	NO**	NO**	NO**	YES
Fabricate indirect restorations in a lab	NO	NO	YES	YES
Fluoride application - rinse or foam tray Fluoride varnish	YES	YES	YES	YES
Fluoride application – silver diamine fluoride	NO	NO	NO	YES
Light curing	YES	YES	YES	YES

PROCEDURE	DA	DAQO	DAQGD	RDH
Glucose Monitoring***	NO	NO	NO	YES***
Handpiece – use of high speed - intraorally	NO	NO	NO	NO
Headgear selection	NO	YES	NO	YES
Impressions – alginate for intraoral appliances	NO	YES	YES	YES
Impressions alginate for study models / diagnostic casts	YES	YES	YES	YES
Impressions – digital and electronic	YES	YES	YES	YES
Loose bands – check for	YES	YES	YES	YES
Matrix bands – place and remove	NO	NO	YES	YES
Nitrous Oxide – monitor ONLY*	NO	NO	NO	YES*
Nitrous Oxide – administer*	NO	NO	NO	YES*
Oral Hygiene instructions	YES	YES	YES	YES
Oral Cancer Screenings – Luminescent Technologies ie: Velscope / Vizilite / Microlux-DL / Orascoptic DK	NO	NO	NO	YES
Oral Cancer Screenings – visual and palpation	NO	NO	NO	YES
Oral Cancer - Tissue /cell removal – biopsy procedures Brush biopsy (oral cdx)	NO	NO	NO	YES
Oral Cancer - Tissue /cell removal – biopsy procedures Scalpel / dental laser	NO	NO	NO	NO
Ortho bands prepare and fit	NO	YES	NO	YES
Perio Dressing - removal	NO	NO	YES	YES
Perio Dressing – original placement	NO	NO	NO	YES

PROCEDURE	DA	DAQO	DAQGD	RDH
Perio Dressing – subsequent placement	NO	NO	YES	YES
Photography (not conventional or digital x-ray)	YES	YES	YES	YES
Place film in mouth	NO**	NO**	NO**	YES
Placement and removal of materials for the isolation of the dentition, provided that the material is not retained by the dentition	YES	YES	YES	YES
Placement and removal of rubber dam	NO	NO	YES	YES
Placement of Liquid dam	NO	NO	NO	YES
Polish teeth or restorations	NO	NO	NO	YES
Restorative Materials – condense /carve /finish	NO	NO	NO	NO
Retraction cord – place and remove	NO	NO	YES	YES
Retraction of lips/ cheek/ tongue and flaps	YES	YES	YES	YES
Rinsing and aspiration	YES	YES	YES	YES
Root canals - dry	NO	NO	YES	YES
Scale and root plane	NO	NO	NO	YES
Sealants – pit and fissure	NO	NO	NO	YES
Socket dressing – apply and remove	NO	NO	NO	YES
Subgingival medicaments - placement	NO	NO	NO	YES
Suture placement	NO	NO	NO	NO
Suture removal	NO	NO	YES	YES
Temporary restoration – intracoronal - removal	NO	NO	NO	NO

PROCEDURE	DA	DAQO	DAQGD	RDH
Temporary restoration placement	NO	NO	YES	YES
Vitality Tests	NO	NO	YES	YES
Wedges – place and remove	NO	NO	YES	YES
X-rays – exposure after prescribed by a dentist	NO**	NO**	NO**	YES

IMPORTANT NOTES

DAQO and **DAQGD** are Maryland certifications awarded by the Dental Assisting National Board after completion of required classroom hours and passing the appropriate DANB examination. The Maryland State Board of Dental Examiners will issue certificates after notice from the DANB that the candidate has passed the examinations. No renewal of the certifications are presently required.

DA: No formal classroom or certification required. On the job training permissible.

DAQO: In addition to duties of DAQO, may perform duties of DA.

DAQGD: In addition to duties of DAQGD, may perform duties of DA.

Certified Dental Assistant (CDA): Certified by the Dental Assisting National Board (DANB) as a certified Dental Assistant. Required classroom hours and passage of DANB examination. May perform duties of DA and DAQGD. Although a CDA has passed the DANB Radiation Health and Safety Examination, a CDA may not place or expose dental radiographs until the CDA has been certified by the Maryland State Board of Dental Examiners as a Dental Radiation Technologist. See paragraph below.

NOTICE REGARDING PLACEMENT AND EXPOSURE OF DENTAL RADIOGRAPHS: a **DA**, a **DAQO**, a **DAQGD**, and a **CDA** may **NOT** place or expose dental radiographs in Maryland without separate certification issued by the Maryland State Board of Dental Examiners as a Dental Radiation Technologist. Candidate must complete the required number of classroom hours, pass the DANB examination, apply to the Maryland State Board of Dental Examiners, pay the required fee, and receive certification by the Maryland State Board of Dental Examiners as a Dental Radiation Technologist. The Maryland State Board of Dental Examiners issues a biennial certification that must be renewed. **ONLY DENTISTS AND DENTAL HYGIENISTS MAY PLACE OR EXPOSE DENTAL RADIOGRAPHS WITHOUT CERTIFICATION BY THE MARYLAND STATE BOARD OF DENTAL EXAMINERS AS A DENTAL RADIATION TECHNOLOGIST.** Note that conventional digital camera photography may be taken without the need of certification by the DANB or the Maryland State Board of Dental Examiners.

***With appropriate permit issued by the Dental Board.**

****Only with a Dental Radiation Technology Certificate issued by the Board.**

*****Glucose Monitoring:** May be performed by a dental hygienist in a private dental office under the general supervision of a dentist once the dental hygienist has been properly trained. Results must be provided to the supervising dentist who must make the final diagnosis.

Preliminary Requirements for Glucose Monitoring by Dental Hygienists

A Maryland State Compliance Application and a Clinical Laboratory Improvement Amendments (CLIA) Application for Certification must first be submitted to the Maryland Office of Health Care Quality by the owner/director of the dental office, and approved before testing is performed by either a dentist or a dental hygienist. There is a fee associated with the CLIA application.

Waived testing, such as glucose monitoring by glucometer, is testing that employs specific test methods designated under the CLIA of the Food and Drug Administration as “Waived.” Sites performing only waived testing must have a CLIA certificate of waiver and follow the manufacturer’s instructions; other CLIA requirements do not apply to these testing sites.

Access the applications by visiting www.health.maryland.gov/ohcq>Programs>Laboratories>Licensure> where you will see the subcategory “Initial Laboratory License.”

After reviewing the applications any questions should be directed to:

Office of Health Care Quality
Laboratories
7120 Samuel Morse Drive
Second Floor
Columbia, Maryland 21046
410-402-8025



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Board of Dental Examiners



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Applicant Disclaimer:

The application process can take up to 30 days. It is the applicant's responsibility to check on your application status. Please ensure all enclosed payments are made payable to **MSBDE** or **Maryland Board of Dental Examiners**. Cash payments are **NOT** accepted!



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Dental Hygienist



Dental Radiation Technologist and Qualified Dental Assistant



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[Qualified Dental Assistant: General Duties](#)

[Qualified Dental Assistant: Orthodontics](#)

[Service Member Residency in Maryland](#)

New- [2026 Dental Radiation Technologist Renewal Application](#)

Miscellaneous



Dental Volunteering



Jurisprudence Exams



Pro Bono Services



Anesthesia and Sedation



COMAR Quick Links

- [10.44.04.00: Practice of Dental Hygiene](#)
- [10.44.19.00: Dental Radiation Technologist](#)
- [10.44.12.00: Anesthesia and Sedation](#)
- [10.44.22.00: Continuing Education](#)
- [10.44.10.00: Renewal and Reinstatement of Licenses](#)



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PROPOSAL
Maryland Register
Issue Date: August 22, 2025
Volume 52 • Issue 17 • Pages 882-888
ELF Docket Number: 25-178

Title 10
MARYLAND DEPARTMENT OF HEALTH
Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.01 Dental Assistants

Authority: Health Occupations Article, [§4-205] §§4-205(a)(1)(iii), 4-301.1, 4-302.1, 4-304.1, 4-305.1, and 4-311.1, Annotated Code of Maryland

Notice of Proposed Action

[25-178-P]

The Secretary of Health proposes to repeal existing Regulations .01—.08 and adopt new Regulations .01—.30 under **COMAR 10.44.01 Dental Assistants**. This action was considered by the Board of Dental Examiners at a public meeting held on June 4, 2024, notice of which was given under the Notice of Public Meetings link on the Board’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish a new regulatory scheme to recognize and certify general duties expanded function dental assistants and orthodontic expanded function dental assistants in accordance with House Bill 968, Health Occupations—Dental Assistants—Certification and Regulation, Chapter 364 (2022). The bill specifies the intraoral procedures that require certification, sets forth initial educational requirements, continuing education requirements, and sets forth requirements for certification renewal and reinstatement. These regulations also specify those intraoral procedures that do not require certification.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534 Baltimore, Maryland 21201, or call 410-767-0938, or email to mdh.regs@maryland.gov. Comments will be accepted through September 22, 2025. A public hearing has not been scheduled.

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Board” means the State Board of Dental Examiners.
- (2) “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (3) “Dental assistant” means an individual, other than an individual licensed in the State as a dentist or a dental hygienist, who directly assists a dentist in the practice of dentistry.
- (4) “Dental Assisting National Board (DANB)” means the national certification and credentialing agency for dental assistants that examines and certifies qualified individuals as orthodontic EFDAs and general duties EFDAs.
- (5) “Direct supervision” means that the supervising dentist is in the dental office personally:
 - (a) Diagnoses the condition to be treated;
 - (b) Authorizes the procedure; and
 - (c) Evaluates the performance of the dental assistant, before the dismissal of the patient.

(6) “General duties EFDA” means an individual who is certified by the Board to perform the intraoral procedures of a general duties expanded function dental assistant as set forth in this chapter.

(7) “General supervision” means the supervision of a dental assistant by a dentist where the dentist may or may not be present in the dental office when the dental assistant performs the dental assisting procedures.

(8) “Level one dental assistant” means a dental assistant who may perform the duties of a level one dental assistant as provided in this chapter without being certified by the Board.

(9) “Orthodontic EFDA” means an individual who is certified by the Board to perform the intraoral procedures of an orthodontic expanded function dental assistant as set forth in this chapter.

.02 Classifications No Longer Recognized by the Board.

A. Dental Assistant Recognized as Qualified in Orthodontics.

(1) The Board no longer recognizes the classification “dental assistant recognized as qualified in orthodontics.”

(2) A dental assistant previously recognized by the Board as a “dental assistant recognized as qualified in orthodontics” shall obtain certification from the Board as an orthodontic EFDA before the dental assistant may perform any of the duties of an orthodontic EFDA as set forth in Regulation .24 of this chapter.

B. Dental Assistant Recognized as Qualified in General Duties.

(1) The Board no longer recognizes the classification “dental assistant recognized as qualified in general duties.”

(2) A dental assistant previously recognized by the Board as a “dental assistant recognized as qualified in general duties” may, under the direct supervision of a licensed dentist, perform the duties of a level one dental assistant as set forth in Regulation .03 of this chapter without obtaining certification from the Board.

.03 Level One Dental Assistants.

A. A Level one dental assistant shall be at least 18 years old.

B. Except as otherwise provided, a dentist may use the services of a level one dental assistant to perform the following intraoral procedures under the direct supervision of a licensed dentist without first receiving certification from the Board:

(1) Rinsing and aspiration of the oral cavity;

(2) Retraction of the lips, cheeks, tongue, and flaps;

(3) Placement and removal of the materials for the isolation of the dentition, provided that the material is not retained by the dentition;

(4) Instructing on oral hygiene;

(5) Taking alginate or digital impressions for study models or diagnostic casts;

(6) Constructing athletic mouthguards on models;

(7) Applying topical anesthetic;

(8) Light curing;

(9) Checking for loose bands;

(10) Assisting in performing intraoral photography, other than conventional or digital X-ray, under the general supervision of a licensed dentist who reviews the photography and authorizes the treatment plan;

(11) Placing and removing cotton rolls;

(12) Delivery of restorative material with dentist at chairside;

(13) Fluoride application — rinse or foam tray or fluoride varnish;

(14) Taking and recording vital signs, including blood pressure and pulse readings;

(15) Performing vitality tests;

(16) Taking alginate impressions for intraoral appliances;

(17) Taking digital and electronic impressions;

(18) Applying desensitizing agents;

(19) Placing or removing a rubber dam;

(20) Fabricating indirect restorations in a dental office;

(21) Placing or removing a matrix band;

(22) Drying a root canal;

(23) Preparing and fitting stainless steel crowns;

(24) Placing or removing a retraction cord;

(25) Fabricating temporary crowns;

(26) Cementing temporary crowns or restorations;

(27) Removing temporary crowns;

(28) Removing excess cement;

(29) Removing or replacing a periodontal dressing (except placing the original periodontal dressing);

(30) Removing sutures;

(31) Bite registration;

(32) Placing temporary restorations;

(33) Placing and removing wedges; and

(34) Fabricating on models:

(a) Athletic mouthguards;

(b) Bleaching trays;

- (c) Fluoride trays;
- (d) Impression trays; and
- (e) Nightguards.

C. A level one dental assistant may perform duties in accordance with §B of this regulation if a licensed dentist:

- (1) Provides the level one dental assistant with specific instructions to perform the intraoral procedure; and
- (2) Except as otherwise provided, directly supervises the level one dental assistant performing the intraoral procedure.

D. A dentist who supervises a level one dental assistant shall ensure that the level one dental assistant is properly trained in:

- (1) Infection control; and
- (2) Cardiopulmonary resuscitation.

.04 Dental Assisting National Board.

The Board shall in consultation with DANB determine:

- A. The subjects, scope, form, and passing score for EFDA examinations; and
- B. The grading method.

.05 Qualifications for General Duties Expanded Function Dental Assistants.

A. To qualify for a Board certification to be a general duties EFDA, an applicant shall:

- (1) Be of good moral character;
- (2) Be at least 18 years old;
- (3) Be a high school graduate or have attained a high school equivalency;
- (4) Submit to a State criminal history records check;
- (5) Have successfully completed a Board-approved course of at least 60 hours related to Maryland general duties EFDA which shall include at least 15 hours of in-person hands-on clinical training apart from the in-person hands-on clinical training required by Regulation .18A(2) of this chapter.
- (6) Have the appropriate general duties EFDA certification from the Dental Assisting National Board;
- (7) Submit proof of having passed the Maryland Jurisprudence Examination on Dental Assisting with a score of 75 or greater in each required section; and
- (8) Maintain cardiopulmonary resuscitation certification from one of the following programs:
 - (a) The American Heart Association's Basic Life Support for Healthcare Providers;
 - (b) The American Red Cross's Cardiopulmonary Resuscitation for Professional Rescuers; or
 - (c) An equivalent program approved by the Board.

B. Criminal History Records Check.

- (1) An applicant shall apply to the Central Repository for a State criminal history records check.
- (2) An applicant shall submit to the Central Repository:
 - (a) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and
 - (b) The fee authorized under Criminal Procedure Article, §10-221(b)(7), Annotated Code of Maryland, for access to State criminal history records.
- (3) In accordance with Criminal Procedure Article, §§10-201—10-229, Annotated Code of Maryland, the Central Repository shall forward to the Board and to the applicant the criminal history record information of the applicant.
- (4) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Board and the individual a revised printed statement of the individual's State criminal history record.
- (5) Information obtained from the Central Repository under this section:
 - (a) Is confidential;
 - (b) May not be disseminated; and
 - (c) May be used only for the licensing purpose authorized by this chapter.
- (6) The applicant may contest the contents of the printed statement issued by the Central Repository in accordance with Criminal Procedure Article, §10-223, Annotated Code of Maryland.
- (7) Subject to the notice and hearing provisions set forth in Health Occupations Article, §4-318, Annotated Code of Maryland, the Board may deny certification under this chapter if the applicant has been convicted of or has plead guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

.06 Application for Board Certification—General Duties Expanded Function Dental Assistants.

A. To apply for a Board certification as a general duties EFDA, an applicant shall:

- (1) Submit to the Board an application on the form provided by the Board;
- (2) Submit a recent photograph of the applicant not to exceed 3 inches by 3 inches accompanied by a notarized statement attesting to the photograph's authenticity;
- (3) Pay the application fee set by the Board in COMAR 10.44.20;
- (4) Provide evidence satisfactory to the Board that the applicant meets the qualifications for Board certification as a general duties EFDA as set forth in Regulation .05A of this chapter; and
- (5) Provide any other pertinent documents or information requested by the Board.

B. The applicant shall include with the application proof of completion of a 60-hour Board-approved course of instruction in general duties EFDA in the form of a letter from one of the institutions referenced in Regulation .18C of this chapter indicating that the applicant has successfully completed the course.

C. The letter referenced in §B of this regulation shall:

- (1) Be on the letterhead of one of the institutions referenced in Regulation .18C of this chapter;
- (2) Contain a raised embossed school seal or institution seal; and
- (3) Contain the original signature of either:
 - (a) The dean or principal of the school or program; or
 - (b) The head of the department.

D. The Board may issue a Board certification as a general duties EFDA after the Board's review of:

- (1) The applicant's application;
- (2) The applicant's qualifications;
- (3) The applicant's criminal history records check; and
- (4) Any other pertinent documents or information that may affect the applicant's ability to safely provide dental assistant duties.

.07 Qualifications for Orthodontic Expanded Function Dental Assistants.

A. To qualify for a Board certification to be an orthodontic EFDA, an applicant shall:

- (1) Be of good moral character;
- (2) Be at least 18 years old;
- (3) Be a high school graduate or have attained a high school equivalency;
- (4) Submit to a State criminal history records check in accordance with §B of this regulation;
- (5) Have successfully completed a Board-approved course of at least 35 hours related to Maryland orthodontic EFDA, of which at least 10 hours shall include in-person hands-on clinical training;
- (6) Have the appropriate orthodontic EFDA certification from the Dental Assisting National Board;
- (7) Submit proof of having passed the Maryland Jurisprudence Examination on Dental Assisting with a score of at least 75 or greater in each required section;
- (8) Maintain cardiopulmonary resuscitation certification from one of the following programs:
 - (a) The American Heart Association's Basic Life Support for Healthcare Providers;
 - (b) The American Red Cross's Cardiopulmonary Resuscitation for Professional Rescuers; or
 - (c) An equivalent program approved by the Board.

B. Criminal History Records Check.

- (1) An applicant shall apply to the Central Repository for a State criminal history records check.
- (2) An applicant shall submit to the Central Repository:
 - (a) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and
 - (b) The fee authorized under Criminal Procedure Article, §10-221(b)(7), Annotated Code of Maryland, for access to State criminal history records.
- (3) In accordance with Criminal Procedure Article, §§10-201—10-229, Annotated Code of Maryland, the Central Repository shall forward to the Board and to the applicant the criminal history record information of the applicant..
- (4) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Board and the individual a revised printed statement of the individual's State criminal history record.
- (5) Information obtained from the Central Repository under this section:
 - (a) Is confidential;
 - (b) May not be disseminated; and
 - (c) May be used only for the licensing purpose authorized by this chapter.
- (6) The applicant may contest the contents of the printed statement issued by the Central Repository in accordance with Criminal Procedure Article, §10-223, Annotated Code of Maryland.
- (7) Subject to the notice and hearing provisions set forth in Health Occupations Article, §4-318, Annotated Code of Maryland, the Board may deny certification under this chapter if the applicant has been convicted of or has pleaded guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

.08 Application for Board Certification for Orthodontic Expanded Function Dental Assistants.

A. To apply for a Board certification as an orthodontic EFDA, an applicant shall:

- (1) Submit to the Board an application on the form provided by the Board;
- (2) Submit a recent photograph of the applicant not to exceed 3 inches by 3 inches accompanied by a notarized statement attesting to the photograph's authenticity;
- (3) Pay the application fee set by the Board in COMAR 10.44.20;
- (4) Provide evidence satisfactory to the Board that the applicant meets the qualifications for Board certification as an orthodontic EFDA as set forth in Regulation .07A of this chapter; and
- (5) Provide any other pertinent documents or information requested by the Board.

B. The applicant shall include with the application proof of completion of a 35-hour Board-approved course of instruction in orthodontic EFDA in the form of a letter from one of the institutions referenced in Regulation .18E of this chapter indicating that the applicant has successfully completed the course.

C. The letter referenced in §B of this regulation shall:

- (1) Be on the letterhead of one of the institutions referenced in Regulation .18E of this chapter;
- (2) Contain a raised embossed school seal or institution seal; and
- (3) Contain the original signature of either:
 - (a) The dean or principal of the school or program; or
 - (b) The head of the department.

D. The Board may issue a Board certification as an orthodontic EFDA after the Board's review of:

- (1) The applicant's application;
- (2) The applicant's qualifications;
- (3) The applicant's criminal history records check; and
- (4) Any other pertinent documents or information that may affect the applicant's ability to safely provide dental assistant duties.

.09 Dental Assistants Previously Recognized as Qualified in Orthodontics.

A. Except as otherwise provided in this regulation, in order to perform the intraoral procedures of an orthodontic EFDA, a dental assistant recognized by the Board as qualified in orthodontics prior to the effective date of this chapter shall:

- (1) Apply to the Board for certification as an orthodontic EFDA;
- (2) Submit a recent photograph of the applicant not to exceed 3 inches by 3 inches accompanied by a notarized statement attesting to the photograph's authenticity;
- (3) Pay the appropriate fee; and
- (4) Meet all of the qualifications of an orthodontic EFDA set forth in Regulation .07 of this chapter.

B. A dental assistant recognized by the Board as qualified in orthodontics prior to the effective date of this chapter is not required to take the Board-approved course or take the DANB orthodontic EFDA examination.

C. After initial orthodontic EFDA certification, a dental assistant recognized by the Board as qualified in orthodontics prior to the effective date of this chapter who becomes an orthodontic EFDA shall meet all of the requirements of renewal in accordance with Regulation .11 of this chapter.

D. Grace Period.

(1) A dental assistant recognized by the Board as qualified in orthodontics prior to the effective date of this chapter may lawfully perform the duties of an orthodontic EFDA for 6 months after the effective date of this chapter.

(2) A dental assistant recognized by the Board as qualified in orthodontics prior to the effective date of this chapter who has not become an orthodontic EFDA within 6 months of the effective date of this chapter may not perform the duties of either a dental assistant recognized as qualified in orthodontics or an orthodontic EFDA.

.10 Board Issuance of Expanded Function Dental Assistant Certificates.

A. The Board shall issue an appropriate certificate to an applicant who meets the requirements of Health Occupations Article, Title 4, Subtitle 3, Annotated Code of Maryland, this chapter, and any other applicable laws or regulations.

B. The Board shall include on each certificate that the Board issues:

- (1) The designation of the certificate as either orthodontic expanded function or general duties expanded function dental assistant;
- (2) The name of the certified individual;
- (3) The date the certificate was issued;
- (4) A serial number or certificate number;
- (5) The signatures of the President and Secretary of the Board which may be electronic; and
- (6) The seal of the Board.

.11 Term and Renewal of Expanded Function Dental Assistant Certificates.

A. Term of Certificate. A certification as an orthodontic EFDA or a general duties EFDA shall expire on October 31 of the second year following the effective date of the certificate unless it is renewed for an additional 2-year term in accordance with this regulation.

B. Renewal Notice. At least 1 month before a certificate expires, the Board shall send to the EFDA, by electronic means to the last known electronic address of the EFDA, a renewal notice that states:

- (1) The date on which the current certificate expires;
- (2) The date by which the application shall be received by the Board for the renewal to be issued and forwarded before expiration; and
- (3) The amount of the renewal fee set by the Board in accordance with COMAR 10.44.20.

C. Renewal of Certificate. Before a certification as an orthodontic EFDA or a general duties EFDA expires, the individual may renew the certification for an additional 2 years if the individual:

- (1) Applies for renewal of the certification on the form provided by the Board;
- (2) Pays to the Board a renewal fee set by the Board in accordance with COMAR 10.44.20; and
- (3) Successfully completes the required continuing education requirements set forth in Regulation .16 of this chapter.

.12 Renewal and Reinstatement of Expired Certificates.**A. Renewal of Expired Certificates Held for 30 Days or Less.**

(1) After the expiration date of a certificate to practice EFDA in the State, the certificate holder may renew the certificate within 30 days of its expiration if the certificate holder:

- (a) Is otherwise entitled to be issued a certificate;
- (b) Submits to the Board a completed renewal application on the form provided by the Board; and
- (c) Pays the Board the renewal fee and late fee in accordance with COMAR 10.44.20.

(2) An individual who uses continuing education credits to renew their certificate after the expiration date of their certificate may not use the same continuing education credits for the renewal period succeeding the renewal period in which the continuing education credits were used.

B. Reinstatement of Expired Certificates.

(1) An individual holding an expired orthodontic EFDA certificate or an individual holding an expired general duties EFDA certificate may apply for reinstatement if the individual:

- (a) Has held an expired orthodontic EFDA certificate or an expired general duties EFDA certificate for more than 30 days and less than 3 years;
- (b) Is otherwise entitled to be reinstated;
- (c) Completes the reinstatement application on the form provided by the Board;
- (d) Provides proof of completion of 15 hours of dental assisting continuing education from Board-approved courses of which 3 hours shall be in infection control as provided in Regulation .16 of this chapter; and
- (e) Pays to the Board a certification reinstatement fee set in COMAR 10.44.20.

(2) An individual who uses continuing education credits to renew their certificate after the expiration date of their certificate may not use the same continuing education credits for the renewal period succeeding the renewal period in which the continuing education credits were used.

C. Certificates Expired for 3 or More Years.

(1) An individual holding an expired orthodontic EFDA certificate or an expired general duties EFDA certificate which has been expired for 3 years or more may not apply for reinstatement.

(2) An individual holding an expired orthodontic EFDA certificate or an expired general duties EFDA certificate which has been expired for 3 years or more shall meet the qualifications for initial certification set forth in either Regulation .07 of this chapter for orthodontic EFDAs, or Regulation .05 of this chapter for general duties EFDAs.

.13 Lost or Destroyed Certificates.

The Board shall issue a certificate to replace a lost or destroyed certificate if the EFDA pays the fee set by the Board in accordance with COMAR 10.44.20 that approximates the actual cost of replacing the certificate.

.14 Display of Regulations and Certificates.

A. Regulations. The supervising dentist in charge of a dental office where an orthodontic EFDA or a general duties EFDA performs intraoral procedures shall display a copy of this chapter in a conspicuous place in the office for the information of office personnel.

B. Certificates. The supervising dentist in charge of a dental office where one or more orthodontic EFDAs or one or more general duties EFDAs perform intraoral duties shall display the certificates and any current renewal certificates conspicuously in the office where the holders are engaged in practice.

.15 Retention of Certification and Qualification Documents.

A. An individual certified as either an orthodontic EFDA or a general duties EFDA shall keep their original Board certification and their original current renewal document in the office where the dental assistant is employed for the greatest number of hours.

B. An individual certified as either an orthodontic EFDA or a general duties EFDA who works in more than one dental office shall keep a copy of their original Board certification and a copy of their current renewal document in all other offices in which the dental assistant is employed.

.16 Continuing Education.

A. In addition to the requirements set forth in Regulation .11 of this chapter, an orthodontic EFDA or a general duties EFDA seeking certification renewal shall, at minimum, complete:

- (1) 15 hours of Board-approved continuing education specifically designed to enhance their clinical knowledge and ability to perform their duties; and
- (2) A 3-hour Board-approved course on infection control which shall count toward the required 15 hours of continuing education.

B. A clock hour constitutes 1 hour of continuing education.

C. Certificate holders shall have a 2-year period to complete the required continuing education in the 2-year period preceding the expiration date of the immediately preceding certificate.

.17 Continuing Education Certificates of Completion.

A. A Board-approved continuing education sponsor shall, at a minimum, issue a hard copy of a Continuing Education Certificate of Completion to an EFDA who successfully completes a Board-approved continuing education course.

B. The Certificate of Completion set forth in §A of this regulation shall contain at least the following:

- (1) The exact name of the course sponsor as approved by the Board;
- (2) The full business address of the course sponsor;
- (3) The exact name of the course as approved by the Board;
- (4) An indication whether the course was taught in person or electronically;
- (5) The full name of the student recipient;
- (6) The number of credit hours obtained;
- (7) The name of the course instructors;
- (8) The signature of the course instructors which may be electronic; and
- (9) The Board's course approval number.

.18 Requirements for Board-Approved Courses.

A. General Duties EFDA. The course identified in Regulation .05A(5) of this chapter shall include at a minimum, the following:

- (1) 6 hours of instruction on nitrous oxide monitoring;
- (2) 2 hours of in-person hands-on clinical training, including the direct observation of the performance of procedures; and
- (3) 4 hours of didactic training, including at least the following subjects:
 - (a) The history, philosophy, and psychology of nitrous oxide minimal sedation;
 - (b) The definition and descriptions of the physiological and psychological aspects of pain and anxiety;
 - (c) Concepts and management of pain and anxiety;
 - (d) Indications and contraindications for nitrous oxide sedation;
 - (e) Anatomy and physiology of pediatric and adult respiration;
 - (f) Medical assessment of a patient before nitrous oxide administration by a dentist or a dental hygienist;
 - (g) Moderate sedation, deep sedation, and general anesthesia versus nitrous oxide;
 - (h) Pharmacological and physiological effects of nitrous oxide, including drug interactions;
 - (i) A description of the stages of drug induced central nervous system depression through all levels of consciousness and unconsciousness with emphasis on the distinction between the conscious and unconscious state;
 - (j) Monitoring of a patient to whom nitrous oxide has been administered, including the monitoring of a patient's vital functions;
 - (k) Recognition and management of complications and medical emergencies;
 - (l) Occupational exposure; and
 - (m) Preventing, recognizing, and managing possible complications of inhalation sedation.

B. The course identified in Regulation .05A(5) shall adequately prepare the student to competently and safely perform each of the intraoral procedures that a general duties EFDA may perform under Regulation .22 of this chapter.

C. The course identified in Regulation .05A(5) of this chapter shall be part of:

- (1) A U.S. Department of Labor Jobs Corps dental assisting program;
- (2) A dental assisting program located within an institution of postsecondary education that is accredited by an accrediting institution recognized by the U.S. Department of Education;
- (3) A dental assisting program that is located within a high school and is recognized by an accrediting body recognized by the U.S. Department of Education or the high school accrediting body of a state, or
- (4) A dental assisting program that is accredited by the Council on Dental Accreditation, or a successor organization.

D. Orthodontic EFDA. The course identified in Regulation .07A(5) of this chapter shall adequately prepare the student to competently and safely perform each of the orthodontic procedures that an orthodontic EFDA may perform under Regulation .24 of this chapter.

E. The course identified in Regulation .07A(5) of this chapter shall be part of:

- (1) A U.S. Department of Labor Job Corps dental assisting program;
- (2) A dental Assisting Program located within an institution of postsecondary education that is accredited by an accrediting institution recognized by the U.S. Department of Education;
- (3) A dental assisting program that is located within a high school and is recognized by an accrediting body recognized by the U.S. Department of Education or the high school accrediting body of a state; or
- (4) A dental assisting program that is accredited by the Council on Dental Accreditation, or a successor organization.

.19 Requirements for Instructors of Expanded Function Dental Assistant and Courses.

A. Any instructor of either an orthodontic EFDA course or a general duties EFDA course shall:

- (1) Be qualified by education and experience to provide instruction in the subject matter; and
- (2) Provide instruction in a competent manner.

B. Encumbered License.

- (1) To the extent that an instructor is a licensed dentist or a licensed dental hygienist, the instructor may not have an encumbered license in any state.
- (2) For the purposes of the regulation, an encumbered license does not include a reprimand issued more than 5 years prior to the date of instructing a Board-approved course.

.20 Assessment of Board-Approved Courses.

A. At least once every calendar year, each Board-approved orthodontic EFDA course and each Board-approved general duties EFDA course shall be assessed by a dentist licensed in the State other than the dentist who is the instructor.

B. The results of the assessment shall be entered on the form provided by the Board and maintained in accordance with §D of this regulation by the dentist performing the assessment and the entity presenting the course.

C. Course Deficiencies. If an assessment indicates that there are course deficiencies, the entity presenting the course shall:

- (1) Immediately correct the deficiencies;
- (2) Provide the Board in writing within 5 business days:
 - (a) Notice of the deficiencies;
 - (b) A copy of the assessment; and
 - (c) Any corrective measures taken.

D. All assessments shall be maintained by the dentist conducting the assessment and the entity presenting the course for at least 5 years and be made available to the Board upon written request within 5 working days of the request.

.21 Rescission of Course Approval.

A. The Board may rescind approval of a previously approved orthodontic EFDA course or a general duties EFDA course if the Board determines that the course:

- (1) Does not meet the requirements of this chapter;
- (2) Does not meet its stated objectives; or
- (3) The sponsor has committed fraud or made other misrepresentations to the Board.

B. On its own initiative or on a written complaint filed with the Board by any person, the Board may conduct an investigation of the:

- (1) Sponsor of the course;
- (2) Course site; or
- (3) Instructors of the course.

.22 Procedures Permitted to be Performed by General Duties EFDAs.

A. Except for an individual licensed as a dentist or a dental hygienist under Health Occupations Article, Title 4, Annotated Code of Maryland, an individual shall be expressly certified by the State Board of Dental Examiners as a general duties EFDA before the individual may perform any of the following intraoral procedures:

- (1) Placing dental sealants;
- (2) Coronal polishing only to remove stain or biofilm, in connection with a dental prophylaxis:
 - (a) As determined necessary and appropriate, secondary to the more complex dental procedures of a dental prophylaxis, such as removal of hard and soft deposits and stain of the tooth crown, root surfaces, and periodontal pockets; and
 - (b) If applicable, in consultation with the treating dental hygienist or before a dentist performs an esthetic or cementation procedure;
- (3) Applying silver diamine fluoride;
- (4) Monitoring nitrous oxide by observing a patient:
 - (a) During the flow of nitrous oxide;
 - (b) During the reduction of the flow of nitrous oxide;
 - (c) During the shutting off of equipment controlling the flow of nitrous oxide; and
 - (d) At all times in between the start of the flow of nitrous oxide until the nitrous oxide has been terminated and the patient has fully awoken and is coherent;
- (5) Acid etching; and
- (6) Applying bonding agents.

B. In addition to the intraoral procedures set forth in §A of this regulation, a general duties EFDA may perform the intraoral procedures of level one dental assistant set forth in Regulation .03B of this chapter if performed in accordance with the requirements of Regulation .03C of this chapter.

.23 Monitoring Nitrous Oxide—Standards of Practice for General Duties EFDAs.

A. A general duties EFDA who monitors a patient to whom nitrous oxide has been administered may not:

- (1) Increase the nitrous oxide levels;
- (2) Monitor more than one patient at a time;
- (3) Treat any other patient during the course of the monitoring; or
- (4) Leave the operatory during the monitoring except in emergency circumstances.

B. A dentist who orders a general duties EFDA to monitor a patient to whom nitrous oxide has been administered shall:

- (1) Have a written emergency plan;
- (2) Remain in the dental office and in close proximity to be summoned in the event of an emergency; and
- (3) Discharge the patient.

.24 Procedures Permitted to be Performed by Orthodontic EFDAs.

A. Except for an individual licensed as a dentist or a dental hygienist under Health Occupations Article, Title 4, Annotated Code of Maryland, an individual shall be expressly certified by the State Board of Dental Examiners as an orthodontic EFDA before the individual may perform any of the following intraoral procedures:

- (1) Preparing and fitting orthodontic bands;
- (2) Placing and removing arch wires;
- (3) Cementing of orthodontic bands, placement of bonded attachments, or removal of cemented or bonded orthodontic bands and attachments;
- (4) Placing elastics and ligatures;
- (5) Selecting headgear;
- (6) Acid etching; and
- (7) Applying bonding agents.

B. In addition to the intraoral procedures set forth in §A of this regulation, an orthodontic EFDA may perform the intraoral procedures of a level one dental assistant set forth in Regulation .03B of this chapter if performed in accordance with the requirements of Regulation .03C of this chapter.

.25 Radiographs.

A dentist may not permit a dental assistant to place and expose radiographs unless the individual is certified to practice dental radiation technology in accordance with COMAR 10.44.19.

.26 Simultaneous Certification.

An individual may be simultaneously certified as an orthodontic EFDA, a general duties EFDA, a dental radiation technologist, or any combination thereof.

.27 Dental Sealant Program Exception — General Supervision.

- A. This regulation applies only to the dental assistant dental sealant program described in §C of this regulation.
- B. Notwithstanding any other provision of this chapter, a level one dental assistant may provide the following dental assisting duties under the general supervision of a dentist for a dental sealant program:
- (1) Instructing on oral hygiene;
 - (2) Cleaning and disinfecting environmental surfaces and equipment;
 - (3) Preparing materials for the application of sealants;
 - (4) Retracting lips, cheek, and tongue;
 - (5) Placing and removing materials for the isolation of the dentition, if the material is not retained by the dentition;
 - (6) Transferring instruments and sealants to a dentist or dental hygienist;
 - (7) Rinsing and aspirating of the oral cavity; and
 - (8) Sterilizing instruments.
- C. Under the general supervision of a dentist, a level one dental assistant may only perform the duties enumerated in §B of this regulation:
- (1) For a facility that has been granted a waiver of on-site supervision for a dental hygienist under COMAR 10.44.21; and
 - (2) While assisting a dental hygienist who has received a waiver of on-site supervision under COMAR 10.44.21.
- D. A dental assistant performing dental assistant duties under this regulation may not place dental sealants.
- E. A level one dental assistant who provides dental assistant duties under this regulation shall maintain cardiopulmonary resuscitation certification from one of the following programs:
- (1) The American Heart Association's Basic Life Support for Healthcare Providers;
 - (2) The American Red Cross's Cardiopulmonary Resuscitation for Professional Rescuers; or
 - (3) An equivalent program approved by the Board.
- F. A level one dental assistant who provides dental assistant duties under this regulation shall have at least 400 hours of dental assisting clinical practice in direct patient care.
- G. An orthodontic EFDA who provides dental assistant duties under this regulation shall successfully complete a Board-approved course of at least 3 hours in infection control every renewal cycle.
- H. A level one dental assistant who provides dental assistant duties under this regulation shall successfully complete a Board-approved course with at least 3 hours in infection control before providing dental assistant duties under this regulation, and within every 2 calendar years thereafter.
- I. A facility that uses a level one dental assistant to provide dental assistant duties under this regulation shall ensure that there is a written agreement between the supervising dentist and the dental assistant practicing under general supervision that clearly sets forth the terms and conditions under which the dental assistant may practice, including a statement that the dental assistant may provide dental assistant duties without the supervising dentist on the premises.
- J. Each facility that uses the services of a level one dental assistant to provide dental assistant duties under this regulation shall maintain for 5 years for inspection by the Board:
- (1) The name of the dentist providing general supervision to the dental assistant;
 - (2) The name and current address of the dental assistant;
 - (3) The name and address of each institution where the dental assistant provided dental assistant duties; and
 - (4) Any dates in which the dental assistant provided dental assistant duties.
- K. This regulation does not affect the duties a level one dental assistant may lawfully perform under the direct supervision of a dentist under this chapter.
- L. A violation of this regulation may result in:
- (1) Revocation of the facility's right to operate under a waiver of on-site supervision for dental hygienists; or

(2) Revocation of the facility's right to utilize the services of a dental assistant under this regulation.

M. Penalties.

(1) For violations of this regulation, a dentist and a dental hygienist is subject to the penalties set forth in Regulation .29 of this chapter.

(2) A dentist or a dental hygienist who uses the services of a dental assistant who is not qualified or for purposes other than what are permitted under this regulation may be found guilty of:

(a) Unprofessional conduct in accordance with Health Occupations Article, §4-315, Annotated Code of Maryland; or

(b) Violating any rule or regulation adopted by the Board in accordance with Health Occupations Article, §4-315, Annotated Code of Maryland.

.28 Expanded Function Dental Assistant Practicing After Certificate Has Expired.

A supervising dentist who allows an EFDA to practice EFDA duties after their certificate has expired may be found guilty of unprofessional conduct under Health Occupations Article, §4-315(a)(16), Annotated Code of Maryland.

.29 Violations.

A dentist who uses the services of a dental assistant who is not qualified or for purposes other than what is permitted may be found guilty of:

A. Unprofessional conduct in accordance with Health Occupations Article, §4-315(a)(16), Annotated Code of Maryland;

B. Violating any rule or regulation adopted by the Board in accordance with Health Occupations Article, §4-315(a)(20), Annotated Code of Maryland;

C. Allowing a dental assistant to assist in the practice of dentistry in violation of Health Occupations Article, §4-315(a)(38), Annotated Code of Maryland;

D. Violating COMAR 10.44.23; or

E. Violating any other applicable law or regulation.

.30 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

MEENA SESHAMANI, M.D., Ph.D.
Secretary of Health