

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 42 (Dentistry) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend to require dentists to complete the following new continuing education requirements beginning with the renewal period ending December 31, 2019: (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 two (2) hours of approved continuing education focusing on ethics. This rulemaking also increases the total number of continuing education hours required from twenty-five (25) to thirty (30), decreases the number of required continuing education hours in infection control from four (4) hours to two (2) hours, and requires persons authorized to prescribe controlled substances in the District to complete two (2) hours of continuing education focusing on the abuse and misuse of controlled substances, and opioid prescription practices.

This rulemaking was published in the *D.C. Register* on April 6, 2018 at 65 DCR 003689. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on August 20, 2018 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 42, DENTISTRY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4206, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsections 4206.4 and 4206.5 are amended to read as follows:

4206.4 Beginning with the renewal period ending December 31, 2019, an applicant for renewal of a license shall submit proof pursuant to § 4206.9 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 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).

4206.5 Each applicant for renewal, reactivation, or reinstatement of a license 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 as part of the continuing education hours required under subsection 4206.4 of this chapter.

Subsections 4206.7 – 4206.8 are amended to read as follows:

4206.7 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 § 4206.9 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 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 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).

4206.8 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 §

4206.9 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 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).

Section 4207, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:

The existing Subsections 4207.4 through 4207.6 are renumbered as 4207.5 through 4207.7.

A new Subsection 4207.4 is added to read as follows:

4207.4 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; or
- (i) Participation in or attendance at, not as a presenter, case conferences, grand rounds, or informal presentations.