

**Comparison of the “Dental Specialties Licensure and Scope of Practice Amendment Act of 2023” (B25-0632) and current DC Code**



Highlight indicates change to current law.

~~Strikethrough~~ indicates deletion

Double underline indicates insertion

Dental Specialties Licensure and Scope of Practice Amendment Act of 2023 B25-0632)	Current DC Code with Changes from B25-0632
<p>Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code§ 3-1201.01 <i>et seq.</i>), is amended as follows:</p> <p>(a) The table of contents is amended by adding a new section designation to read as follows: "Sec. 508c. Dental specialty licenses."</p> <p>(b) Section 102 (D.C. Official Code§ 3-1201.02) is amended as follows :</p> <p>(1) Paragraph (5) is amended as follows:</p> <p style="padding-left: 40px;">(A) Subparagraph (B) is amended by striking the phrase “tooth or teeth” and inserting the phrase “tooth or teeth, or the placement or removal of dental implants” in its place.</p>	<p><b>5)</b> “Practice of dentistry” means:</p> <p><b>(A)</b> The diagnosis, treatment, operation, or prescription for any disease, disorder, pain, deformity, injury, deficiency, defect, or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity, including the removal of stains, accretions, or deposits from the human teeth, <u>or the placement or removal of dental implants;</u></p> <p><b>(B)</b> The extraction of a human tooth or teeth;</p> <p><b>(C)</b> The performance of any phase of any operation relative or incident to the replacement or restoration of all or a part of a</p>

<p>(B) Subparagraph (E) is amended by striking the phrase “properly trained in the administration of the anesthetic agent” and inserting the phrase “properly trained in the administration of the anesthetic agent and certified by the Board of Dentistry, if required pursuant to section 201(g),” in its place.</p>	<p>human tooth or teeth with an artificial substance, material, or device;</p> <p><b>(D)</b> The correction of the malposition or malformation of the human teeth;</p> <p><b>(E)</b> The administration of an appropriate anesthetic agent, by a dentist properly trained in the administration of the anesthetic agent <b>and certified by the Board of Dentistry, if required pursuant to section 201(g).</b> in the treatment of dental or oral diseases or physical conditions, or in preparation for or incident to any operation within the oral cavity;</p> <p><b>(F)</b> The taking or making of an impression of the human teeth, gums, or jaws;</p> <p><b>(G)</b> The making, building, construction, furnishing, processing, reproduction, repair, adjustment, supply or placement in the human mouth of any prosthetic denture, bridge, appliance, corrective device, or other structure designed or constructed as a substitute for a natural human tooth or teeth or as an aid in the treatment of the malposition or malformation of a tooth or teeth, or to advertise, offer, sell, or deliver any such substitute or the services rendered in the construction, reproduction, repair, adjustment, or supply thereof to any person other than a licensed dentist;</p> <p><b>(H)</b> The use of an X-ray machine or device for dental treatment or diagnostic purposes, or the giving of interpretations or readings of dental X-rays;</p>
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	<p><b>(I)</b> The performance of any of the clinical practices included in the curricula of accredited dental schools or colleges or qualifying residency or graduate programs; or</p> <p><b>(J)</b> To be a manager, proprietor, operator, or conductor of a business or place where dental or dental-hygiene services are performed; provided, that this provision shall not apply to:</p> <ul style="list-style-type: none"><li><b>(i)</b> Federal or District of Columbia government agencies providing dental services within affiliated facilities or engaged in providing public health measures to prevent disease;</li><li><b>(ii)</b> Schools of dentistry, dental hygiene, or dental assisting accredited by the Commission on Dental Accreditation of the American Dental Association and providing dental services solely in an educational setting;</li><li><b>(iii)</b> Federally Qualified Health Centers, as designated by the United States Department of Health and Human Services, providing dental services;</li><li><b>(iv)</b> Nonprofit community-based entities or organizations that use a majority of public funds to provide dental and dental-hygiene services for indigent persons;</li><li><b>(v)</b> Hospitals licensed by the Department of Health;</li><li><b>(vi)</b> Partnerships, professional corporations, or professional limited liability companies solely consisting</li></ul>
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<p>(C) Subparagraph (J) is amended as follows:</p> <ul style="list-style-type: none"><li>(i) Sub-subparagraph (vii) is amended by striking the semicolon and inserting the phrase “; and” in its place.</li><li>(ii) Sub-subparagraph (viii) is amended by striking the phrase “;and” and inserting a period in its place.</li> <li>(iii) Sub-subparagraph (ix) is repealed.</li></ul> <p>(D) New subparagraphs (K) and (L) are added to read as follows:</p> <p>“(K) The prescription and administration of immunizations and vaccinations when certified by the Board of Dentistry to do so;</p> <p>“(L) The use of botulinum toxin or another neurotoxin approved by the Food and Drug Administration, to treat a diagnosed dental condition approved by the</p>	<p>of and operated by dentists licensed under this chapter for the purpose of providing dental services;</p> <p><b>(vii)</b> Spouses and domestic partners of deceased licensed dentists for a period of one year following the death of the licensee; <u>and</u></p> <p><b>(viii)</b> If all of the ownership interest of the deceased, licensed dentist in a dental office or clinic is held by an administrator, executor, personal representative, guardian, conservator, or receiver of the estate (“appointee”), the appointee may retain the ownership interest for a period of one year following the creation of the ownership interest; <u>and.</u></p> <p><del><b>(ix)</b> An individual or entity acting as the manager, proprietor, operator, or conductor of a business or place where dental or dental-hygiene services are performed who does not have a license to practice dentistry and is not excepted pursuant to sub-subparagraphs (i) through (viii) of this subparagraph may continue to act as the manager, proprietor, operator, or conductor of the business or place where dental or dental-hygiene services are performed for a period of one year following July 7, 2009.</del></p> <p><u><b>(K)</b> The prescription and administration of immunizations and vaccinations when certified by the Board of Dentistry to do so;</u></p> <p><u><b>(L)</b> The use of botulinum toxin or another neurotoxin approved by the Food and Drug Administration, to treat a diagnosed dental condition approved by the Mayor through rulemaking, when certified by the Board of Dentistry to do so.”.</u></p>
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Mayor through rulemaking, when certified by the Board of Dentistry to do so.”

(2) Paragraph (10A) is redesignated as paragraph (10B).

(3) A new paragraph (10A) is added to read as follows: “(10A) “Practice of oral and maxillofacial surgery” means a specialty of the practice of dentistry that includes the diagnosis, surgical, and adjunctive treatment of disease, injuries and defects involving both the functional and aesthetic aspects of the hard and soft tissues of the oral and maxillofacial region, including cosmetic and aesthetic procedures.”

(c) Section 501 (D.C. Official Code § 3-1205.01) is amended by striking the word “optometry” and inserting the phrase “optometry, oral and maxillofacial surgery” in its place.

(d) A new section 508c is added to read as follows:  
“Sec. 508c. Dental specialty licenses.

“(a) A licensed dentist may not represent to the public that the licensee is a specialist in any field of specialized dental practice, including oral and maxillofacial surgery, unless licensed by the Board as a specialist in that dental specialty field.

“(b) The Board may approve any area of specialty recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards or its successor, or any other entity approved by the Board that recognizes or certifies a field of specialized dental practice.

(10A) “Practice of oral and maxillofacial surgery” means a specialty of the practice of dentistry that includes the diagnosis, surgical, and adjunctive treatment of disease, injuries and defects involving both the functional and aesthetic aspects of the hard and soft tissues of the oral and maxillofacial region, including cosmetic and aesthetic procedures.”.

Sec. 508c. Dental specialty licenses.

“(a) A licensed dentist may not represent to the public that the licensee is a specialist in any field of specialized dental practice, including oral and maxillofacial surgery, unless licensed by the Board as a specialist in that dental specialty field.

“(b) The Board may approve any area of specialty recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards or its successor, or any other entity approved by the Board that recognizes or certifies a field of specialized dental practice.

“(c) A dentist shall be eligible for a license in a field of specialized dental practice if the dentist establishes to the satisfaction of the Board that he or she:

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<p>“(c) A dentist shall be eligible for a license in a field of specialized dental practice if the dentist establishes to the satisfaction of the Board that he or she:</p> <p>“(1) Is licensed in good standing to practice dentistry in the District;</p> <p>“(2)(A) Is a Diplomate of a specialty certifying board recognized by the American Dental Association, is certified by a specialty certifying board recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards, or is certified by another entity approved by the Board that that recognizes a field of specialized dental practice; or</p> <p>“(B) Since a date before January 1, 1986, continuously held himself or herself out to the public, in an ethical manner, as a specialist in a specialty recognized by the Board, and</p> <p>“(3) Meets any other requirements established by the Mayor by rule to assure that the applicant has had the proper training, experience, and qualifications to be licensed in the applicable field of specialized dental practice.</p> <p>“(d) Notwithstanding subsection (a) of this section, for a period of one year following the effective date of the Dental Specialties Licensure Amendment Act of 2023, a dentist licensed in good standing by the Board, who is a Diplomate of a specialty certifying board recognized by the American Dental Association, or certified by a specialty certifying</p>	<p><u>“(1) Is licensed in good standing to practice dentistry in the District;</u></p> <p><u>“(2)(A) Is a Diplomate of a specialty certifying board recognized by the American Dental Association, is certified by a specialty certifying board recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards, or is certified by another entity approved by the Board that that recognizes a field of specialized dental practice; or</u></p> <p><u>“(B) Since a date before January 1, 1986, continuously held himself or herself out to the public, in an ethical manner, as a specialist in a specialty recognized by the Board, and</u></p> <p><u>“(3) Meets any other requirements established by the Mayor by rule to assure that the applicant has had the proper training, experience, and qualifications to be licensed in the applicable field of specialized dental practice.</u></p> <p><u>“(d) Notwithstanding subsection (a) of this section, for a period of one year following the effective date of the Dental Specialties Licensure Amendment Act of 2023, a dentist licensed in good standing by the Board, who is a Diplomate of a specialty certifying board recognized by the American Dental Association, or certified by a specialty certifying board recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards, or certified by another entity approved by the Board that recognizes a field of specialized dental practice, or who is currently eligible for examination by a national specialty board recognized by the Board, may</u></p>
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<p>board recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards, or certified by another entity approved by the Board that recognizes a field of specialized dental practice, or who is currently eligible for examination by a national specialty board recognized by the Board, may continue to represent to the public that the dentist is a specialist in that specialty whether or not that person holds a specialty license issued by the Board.</p> <p>“(e) No dentist shall engage in the practice of oral and maxillofacial surgery unless the dentist:</p> <ul style="list-style-type: none"><li>“(1) Has successfully completed an oral and maxillofacial residency program approved by the Commission of Dental Accreditation of the American Dental Association or another entity, approved by the Board, that approves oral and maxillofacial residency programs;</li><li>“(2)(A) Is a Diplomate of a national certifying board recognized by the American Dental Association; or</li><li>“(B) Is a diplomate or the equivalent of a diplomate of another entity, approved by the Board, that certifies diplomates or the equivalent a diplomate in oral and maxillofacial surgery; and</li><li>“(3) Holds a valid dental specialty license in the field of oral and maxillofacial surgery issued by the Board of Dentistry.”.</li></ul> <p>(e) Section 514(a) (D.C. Official Code § 3-1205.14(a)) is amended as follows:</p> <ul style="list-style-type: none"><li>(1) Paragraph (51) is amended by striking the phrase “; or” and inserting a semicolon in its place.</li></ul>	<p><u>continue to represent to the public that the dentist is a specialist in that specialty whether or not that person holds a specialty license issued by the Board.</u></p> <p><u>“(e) No dentist shall engage in the practice of oral and maxillofacial surgery unless the dentist:</u></p> <ul style="list-style-type: none"><li><u>“(1) Has successfully completed an oral and maxillofacial residency program approved by the Commission of Dental Accreditation of the American Dental Association or another entity, approved by the Board, that approves oral and maxillofacial residency programs;</u></li><li><u>“(2)(A) Is a Diplomate of a national certifying board recognized by the American Dental Association; or</u></li><li><u>“(B) Is a diplomate or the equivalent of a diplomate of another entity, approved by the Board, that certifies diplomates or the equivalent a diplomate in oral and maxillofacial surgery; and</u></li><li><u>“(3) Holds a valid dental specialty license in the field of oral and maxillofacial surgery issued by the Board of Dentistry.”.</u></li></ul>
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<p>(2) Paragraph (52) is amended by striking the period at the end and inserting the phrase “; or” in its place.</p> <p>(3) A new paragraph (53) is added to read as follows:</p> <p>“(53) Enters into an agreement, arrangement, or relationship with an individual or entity who is not licensed to practice dentistry under this act, or is not exempted from licensure as a dentist under this act, in which the individual or entity that is not licensed to practice dentistry under this act or is not exempted from licensure as a dentist under this act:</p> <p style="padding-left: 40px;">“(A) Retains ownership or control of dental office space, dental equipment, or dental materials;</p> <p style="padding-left: 40px;">“(B) Employs or contracts with dentists, dental hygienists, or clinical dental staff to provide dental services; or</p> <p style="padding-left: 40px;">“(C) Exercises control over the selection of a course of dental treatment for a patient, or the dental procedures or materials to be used as part of such course of treatment, or the manner in which such course of treatment is carried out by a dentist, dental hygienist, or other dental staff member, or patient records.”</p> <p>This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,</p>	<p>New paragraph 53 added to § 3–1205.14 regarding ownership, control, employment in dentistry.</p> <p>§ 3–1205.14. Revocation, suspension, or denial of license or privilege; civil penalty; reprimand.</p> <p><b>(a)</b> Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a majority of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:</p> <p style="padding-left: 40px;"><u>(53) Enters into an agreement, arrangement, or relationship with an individual or entity who is not licensed to practice dentistry under this act, or is not exempted from licensure as a dentist under this act, in which the individual or entity that is not licensed to practice dentistry under this act or is not exempted from licensure as a dentist under this act:</u></p> <p style="padding-left: 80px;"><u>(A) Retains ownership or control of dental office space, dental equipment, or dental materials;</u></p> <p style="padding-left: 80px;"><u>(B) Employs or contracts with dentists, dental hygienists, or clinical dental staff to provide dental services; or</u></p> <p style="padding-left: 80px;"><u>(C) Exercises control over the selection of a course of dental treatment for a patient, or the dental procedures or materials to be used as part of such course of treatment, or the manner</u></p>
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<p>approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.</p>	<p><u>in which such course of treatment is carried out by a dentist, dental hygienist, or other dental staff member, or patient records.</u></p>
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