



MURIEL BOWSER
MAYOR

June 26, 2023
The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council of the District of Columbia is the "Dental Hygiene and Dental Assistants Scope of Practice Amendment Act of 2023." This legislation will modify the scope of practice of dental hygiene to authorize dental hygienists to perform additional functions. It will also modify the scope of practice of dental assistants to include assisting a licensed dental hygienist; authorize dental assistants to perform specified duties under general or indirect supervision; and clarify who is required to be registered as a dental assistant.

As a whole, the legislation will help increase access to care for District residents in need of oral healthcare treatment and services. Also, by clarifying who is required to register as a dental assistant, the legislation will help prevent individuals from circumventing training and registration requirements.


I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

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Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Health Occupations Revision Act of 1985 to modify the scope of practice of dental hygiene to authorize dental hygienists to apply pit and fissure sealants, place and remove periodontal dressings, administer vaccinations under the direct supervision of a dentist licensed under the act, when certified by the Board to do so, prescribe topical prescription or over-the-counter fluoride preparations and topical antimicrobial oral rinses, under the supervision of a dentist licensed under the act, perform blood glucose testing, place or remove temporary restorations and crowns, take study cast impressions, and remove sutures; to clarify that dental hygienists can practice under the supervision of a dentist in long-term care facilities; to define the term “dental hygiene diagnosis”; to amend the scope of practice of dental assistants to include assisting a licensed dental hygienist; to authorize dental assistants to perform specified duties under general or indirect supervision pursuant to the required level of supervision set forth through rulemaking; and to clarify who is required to be registered as a dental assistant.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Dental Hygiene and Dental Assistants Scope of Practice Amendment Act of 2023”.

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 *et seq.*), is amended as follows:

(a) Section 102(4) (D.C. Official Code § 3-1201.02(4)) is amended as follows:

(1) Subparagraph (A) is amended to read as follows:

39 “(A) “Practice of dental hygiene” means the performance of any of
40 the following activities in accordance with the provisions of subparagraph (B) of this
41 paragraph:

42 “(i) A preliminary dental examination, including charting
43 of cavities, soft tissue examination, periodontal examination, and oral cancer screening; a
44 complete prophylaxis, including the removal of any deposit, accretion, or stain from the
45 surface of a tooth or a restoration; scaling and root planing; soft tissue curettage;
46 application of topical fluoride and fluoride varnish; and the polishing of a tooth or a
47 restoration;

48 “(ii) Applying a medicinal agent to a tooth for a
49 prophylactic purpose;

50 “(iii) Taking dental radiographs;

51 “(iv) Instructing individuals or groups of individuals in oral
52 health care;

53 “(v) Administering local anesthesia and nitrous oxide,
54 when certified by the Board to do so;”

55 “(vi) Applying pit and fissure sealants;

56 “(vii) Placing and removing periodontal dressings;

57 “(viii) Administering vaccinations under the direct
58 supervision of a dentist licensed under this act, when certified by the Board to do so;

59 “(ix) Prescribing topical prescription or over-the-counter
60 fluoride preparations and topical antimicrobial oral rinses, under the general supervision
61 of a dentist licensed under this act;

62 “(x) Performing blood glucose testing;
63 “(xi) Placing or removing temporary restorations and
64 crowns;
65 “(xii) Taking study cast impressions;
66 “(xiii) Removing sutures; and
67 “(xiv) Any other functions included in the curricula of
68 approved educational programs in dental hygiene, including dental hygiene diagnosis.”.

69 (2) Subparagraph (B) is amended by:

70 (A) Striking the phrase “A dental hygienist may perform” and
71 inserting the phrase “Except for administering vaccinations, a dental hygienist may
72 perform” in its place;

73 (B) Striking the phrase “in his or her office or any public school or
74 institution rendering dental services” and inserting the phrase “in his or her office, any
75 public school or institution rendering dental services, or a long-term care facility as
76 defined in section 101(7) of the District of Columbia Long-Term Care Ombudsman
77 Program Act of 1988, effective March 16, 1989 (D.C. Law 7-218; D.C. Official Code §
78 7-701.01(7))”; and

79 (C) Striking the phrase “subparagraph (A)(vi)” and inserting the
80 phrase “subparagraph (A)(xiv)” in its place.

81 (3) A new subparagraph (D) is added to read as follows:

82 “(D) For the purposes of subparagraph (A) of this paragraph, the
83 term “dental hygiene diagnosis” means the identification of an existing oral health
84 problem that a dental hygienist is qualified and licensed to treat within the scope of dental

85 hygiene practice. The dental hygiene diagnosis focuses on behavioral risks and physical
86 conditions that are related to oral health. ”

87 (b) Section 905 (D.C. Official Code § 3-1209.05) is amended as follows:

88 (1) Subsection (a) is amended as follows:

89 (A) Paragraph (1) is amended by:

90 (i) Striking the phrase “assist a licensed dentist” and
91 inserting the phrase “assist a licensed dentist or a licensed dental hygienist” in its place;
92 and

93 (ii) Striking the phrase “direct supervision” and inserting
94 the word “supervision” in its place.

95 (B) Paragraph (2) is repealed.

96 (2) Subsection (b) is amended to read as follows:

97 “(b) A person who is engaged as a dental assistant to assist a dentist in the
98 performance of dental procedures, or to assist a dental hygienist in the performance of
99 dental hygiene procedures, in any area of or specialty area of dentistry, including oral and
100 maxillofacial surgery, or who performs the duties of a dental assistant in any area of or
101 specialty area of dentistry, including oral and maxillofacial surgery, in the District shall
102 be registered with the Board, renew the registration as required by rule, and pay the
103 required registration fee established by the Board.”.

104 (3) Subsection (d) is amended by:

105 (A) Striking the phrase “A person shall not engage in the practice,
106 or use the title, of dental assistant” and inserting after the phrase “A person shall not

107 engage in the practice of dental assisting or use the title of dental assistant” in its place;
108 and

109 (B) Striking the phrase “direct supervision” and inserting the word
110 “supervision” in its place.

111 (4) Subsection (e) is repealed.

112 (5) Subsection (g) is amended by striking the phrase “and the duties that
113 may be performed by a dental assistant” and inserting the phrase “, the duties that may be
114 performed by a dental assistant, and the required level of supervision” in its place.

115 Sec. 3. Fiscal impact statement.

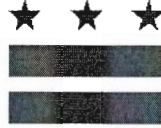
116 The Council adopts the fiscal impact statement in the committee report as the
117 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
118 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
119 206.02(c)(3)).

120 Sec. 4. Effective date.

121 This act shall take effect following approval by the Mayor (or in the event of veto
122 by the Mayor, action by the Council to override the veto), a 30-day period of
123 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
124 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
125 206.02(c)(1)), and publication in the District of Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

BRIAN L. SCHWALB
ATTORNEY GENERAL



Legal Counsel Division

MEMORANDUM

TO: Phillip Husband
General Counsel
District of Columbia Department of Health

FROM: Megan D. Browder
Deputy Attorney General
Legal Counsel Division

DATE: March 23, 2023

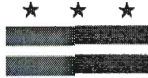
SUBJECT: Legal Sufficiency Review of Draft Bill, the “Dental Hygiene and
Dental Assistance Scope of Practice Amendment Act of 2023”
(AD-23-229)

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at (202) 724-5524.

A handwritten signature in black ink that reads "Megan D. Browder".

Megan D. Browder

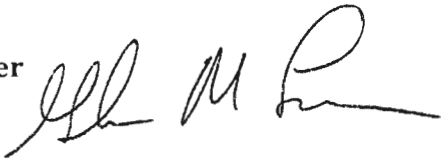
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: April 4, 2023

SUBJECT: Fiscal Impact Statement – Dental Hygiene and Dental Assistants Scope of Practice Amendment Act of 2023

REFERENCE: Draft Introduction as provided to the Office of Revenue Analysis on March 23, 2023

Conclusion

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

Background

The bill expands¹ the scope of practice for dental hygiene in the District of Columbia to increase access to care for residents. Specifically, the bill allows dental hygienists to:

- Apply pit and fissure sealants;
- Place and remove periodontal dressings;
- Administer vaccinations under the direct supervision of a licensed dentist;
- Prescribe topical prescription or over-the-counter fluoride preparations and topical antimicrobial oral rinses, under the supervision of a licensed dentist;
- Perform blood glucose testing;
- Place or remove temporary restorations and crowns;
- Take study cast impressions;
- Remove sutures; and
- Practice under the supervision of a dentist in long-term care facilities.

¹ By amending 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 et seq.).

The Honorable Phil Mendelson

FIS: "Dental Hygiene and Dental Assistants Scope of Practice Amendment Act of 2023," Draft Introduction as provided to the Office of Revenue Analysis on March 23, 2023

The bill also expands the scope of practice for dental assistants in the District of Columbia by allowing assistants to assist licensed dental hygienists and perform specified duties under general or indirect supervision.

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The Board of Dentistry already regulates the practice of dentistry and dental hygiene in the District. No additional resources are required to regulate the expanded practice of dental hygienists and dental assistants.