

## DEPARTMENT OF HEALTH

## NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 42 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The purpose of the amendments is to clarify the education requirements of applicants educated in foreign countries for licensure in the District of Columbia; add regulations for licensure by endorsement; accept for licensure a passing score from any regional board examination; allow applicants who have not taken a regional board examination or who have not obtained a United States or Canadian Doctor of Dental Surgery or Doctor of Dental Medicine degree to become licensed if the applicant has been actively engaged in the practice of Dentistry in another state for the five (5) years prior to applying for licensure in the District; and to change the name of the District Examination to the District of Columbia Dental Law Examination.

**The following rulemaking action is proposed:**

**17 DCMR Chapter 42, DENTISTRY, is amended to read as follows:**

**Section 4203.2 is amended to read as follows:**

4203.2 An applicant under this section, in lieu of meeting the requirements of § 4202.1, shall do the following:

- (a) Submit to the Board an official transcript and a copy of the degree or diploma indicating that the applicant has completed a professional program in the field of dentistry and has been granted the degree of Doctor of Dental Surgery (DDS), Doctor of Dental Medicine (DMD), or other equivalent degree by any university or college authorized to grant the degree located in the foreign country;
- (b) Submit proof that the applicant has successfully completed a general clinical and didactic training program in a United States or Canadian dental school accredited by the Commission on Dental Accreditation of the ADA and has received a U.S. or Canadian issued DDS or DMD degree; or
- (c) Submit proof to the Board that the applicant has been licensed, in good standing, in any U.S. State(s) or Canadian province(s), with licensure and education requirements determined by the Board to be substantially equivalent to those required for licensure in the District of Columbia, and has been actively engaged in

the clinical practice of dentistry in such state(s) or province(s) for the five (5) years immediately preceding submission of the application.

**The section heading for 4204 is amended to read as follows:**

**4204 LICENSURE BY EXAMINATION**

**Section 4204.1 is amended to read as follows:**

4204.1 To qualify for a license by examination, an applicant shall:

- (a) Meet the education requirements set forth under § 4202.1 or § 4203 of this chapter; and
- (b) Receive a passing score on the following:
  - (1) Part I and Part II of the examination of the Joint Commission on National Dental Examinations;
  - (2) The Northeast Regional Board (NERB) examination; and
  - (3) The District of Columbia Dental Law Examination.

**Section 4204.2 is amended to read as follows:**

4204.2 To apply for a license by examination, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit an official certificate of graduation in a sealed envelope from the educational institution(s) to the Board, which shall verify that the applicant meets the educational requirements set forth under § 4202.1 or § 4203 of this chapter;
- (c) Submit the applicant's examination results, which have been certified or validated by the NERB or the Joint Commission of National Dental Examinations;
- (d) Pass the District of Columbia Dental Law Examination; and
- (e) Pay all required fees.

**Section 4204.4 is amended to read as follows:**

- 4204.4 An applicant who has successfully completed the NERB examination ten (10) or more years prior to the date of receipt by the Board of the application for licensure shall be required to retake the NERB examination, unless the applicant is applying for licensure by endorsement pursuant to § 4209 of this chapter.

**Section 4205 is amended to read as follows:****4205 DISTRICT OF COLUMBIA DENTAL LAW EXAMINATION**

- 4205.1 To qualify for a license under this chapter, all applicants without exception shall receive a passing score on a written examination developed by the Board on laws and rules pertaining to the practice of dentistry (the District of Columbia Dental Law Examination).
- 4205.2 The Board shall administer the District of Columbia Dental Law Examination at least four (4) times per year.
- 4205.3 The District of Columbia Dental Law Examination may consist of questions on general District laws pertaining to dentistry and dental hygiene including the Act, this chapter, and chapters 40, 41, and 43 of this title.

**Section 4209 is amended to read as follows:****4209 LICENSURE BY ENDORSEMENT**

- 4209.1 An applicant is eligible to apply for licensure by endorsement in the District of Columbia if the applicant:
- (a) Meets the education requirements set forth under § 4202.1 or § 4203 of this chapter;
  - (b) Has successfully completed Part I and Part II of the examination of the Joint Commission on National Dental Examinations;
  - (c) Is currently licensed, in good standing, to practice dentistry in another state of the United States; and
  - (d) Has passed a regional board exam or meets the active practice requirement set forth in § 4209.3(d).
- 4209.2 An applicant, holding an active license to practice dentistry in any other state, who has passed a regional board, shall apply for licensure by endorsement as follows:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;
- (d) Submit a certified examination score of a regional board;
- (e) Submit the applicant's examination results, which have been certified or validated by the Joint Commission of National Dental Examinations
- (f) Pass the District of Columbia Dental Law Examination; and
- (g) Pay all required fees.

4209.3

An applicant, holding an active license to practice dentistry in any other state, who has not passed a regional board, shall apply for licensure by endorsement as follows:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;
- (d) Submit evidence satisfactory to the Board indicating that the applicant has been actively engaged in the practice of dentistry, in another U.S. state, in good

standing, for the five (5) years immediately preceding the application, and has at least eight hundred and fifty (850) hours of active dental practice.

The practice of dentistry in the armed forces, state and federal programs, and intern and residency programs may be counted toward the required hours of active practice;

(e) Pass the District of Columbia Dental Law Examination; and

(f) Pay all required fees.

4209.4 In addition to the requirements set forth in this section, the Board may, in its discretion, require an applicant for licensure by endorsement to take and successfully complete a competency examination, or any portion thereof deemed necessary by the Board, as a prerequisite to licensure if the applicant's licensure in any state was ever denied, revoked, or suspended for incompetency or inability to practice in a safe manner.

4209.5 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

4209.6 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify an applicant's current licensure standing in other jurisdictions of the U.S. or to review disciplinary records.

**Section 4299.1 is amended as follows:**

**a) The following terms with the ascribed meanings are added as follows:**

**NERB**—North East Regional Board of Dental Examiners, Inc.

**Regional Board**—an examination offered by any of the following dental examination organizations:

- (a) The Central Regional Dental Testing Service;
- (b) The North East Regional Board of Dental Examiners, Inc.;
- (c) The Southern Regional Testing Agency, Inc.; and
- (d) The Western Regional Examining Board, Inc.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

**DEPARTMENT OF HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 43 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the amendments is to clarify the requirements for licensure in the District of Columbia; add regulations for licensure by endorsement which will accept a passing score from any regional board examination and which will allow applicants who have not taken a Regional Board Examination to become licensed if the applicant has been actively engaged in the practice of Dental Hygiene in another state for the three (3) years immediately preceding the date of applying for licensure in the District of Columbia; and to change the name of the District Examination to the District of Columbia Dental Law Examination.

**The following rulemaking action is proposed:**

**17 DCMR Chapter 43, DENTAL HYGIENE, is amended to read as follows:**

**Section 4302.2 is amended to read as follows:**

4302.2           An applicant shall submit an official certificate of graduation in a sealed envelope from the educational institution to the Board with the completed application.

**Section 4303.2 is amended to read as follows:**

4303.2           An applicant under this section, in lieu of meeting the requirements of § 4302.1, shall do the following:

- (a) Submit to the Board an official transcript and a copy of the degree or diploma indicating that the applicant has completed a professional program in the field of dental hygiene in any country other than the United States or its territories, or the Dominion of Canada; and
- (b) Submit to the Board proof that the applicant has successfully completed the National Board of Dental Hygiene Examination.

The Section heading for 4304 is amended to read as follows:

**4304 LICENSURE BY EXAMINATION**

Section 4304.1 is amended to read as follows:

- 4304.1 To qualify for a license by examination, an applicant shall:
- (a) Meet the education requirements set forth under § 4302.1 or § 4303 of this chapter; and
  - (b) Receive a passing score on the following:
    - (1) The National Board of Dental Hygiene Examination;
    - (2) The Northeast Regional Board (NERB) examination; and
    - (3) The District of Columbia Dental Law Examination.

Section 4304.2 is amended to read as follows:

- 4304.2 To apply for a license by examination, an applicant shall:
- (a) Submit a completed application to the Board on the required forms and include:
    - (1) The applicant's social security number on the application; and
    - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
  - (b) Submit an official certificate of graduation in a sealed envelope from the educational institution(s) to the Board, which shall verify that the applicant meets the educational requirements set forth under § 4302.1 or 4303.1 of this chapter; and
  - (c) Submit the applicant's examination results, which have been certified or validated by the NERB or the National Board of Dental Hygiene Examination;
  - (d) Pass the District of Columbia Dental Law Examination; and
  - (e) Pay all required fees.

**Section 4304.4 is amended to read as follows:**

- 4304.4 An applicant who has successfully completed the NERB examination ten (10) or more years prior to the date of receipt by the Board of the application for licensure shall be required to retake the NERB examination, unless the applicant is applying for licensure by endorsement pursuant to § 4309 of this chapter.

**Section 4305 is amended to read as follows:****4305 DISTRICT OF COLUMBIA DENTAL LAW EXAMINATION**

- 4305.1 To qualify for a license under this chapter, all applicants without exception shall receive a passing score on a written examination developed by the Board on laws and rules pertaining to the practice of dentistry and dental hygiene (the District of Columbia Dental Law Examination).
- 4305.2 The Board shall administer the District of Columbia Dental Law Examination at least four (4) times a year.
- 4305.3 The District of Columbia Dental Law Examination may consist of questions on general District laws pertaining to dentistry and dental hygiene including the Act, this chapter, and chapters 40, 41, and 42 of this title.

**Section 4309 is amended to read as follows:****4309 LICENSURE BY ENDORSEMENT**

- 4309.1 An applicant is eligible to apply for licensure by endorsement in the District of Columbia if the applicant:
- (a) Meets the education requirements set forth under § 4302.1 or § 4303 of this chapter;
  - (b) Has successfully completed the National Board of Dental Hygiene Examination;
  - (c) Is currently licensed, in good standing, to practice dental hygiene in another state of the United States; and
  - (d) Has passed a regional board exam or meets the active practice requirement set forth in § 4309.3(d).
- 4309.2 An applicant, holding an active license to practice dental hygiene in any other U.S. state, who has passed a regional board, shall apply for licensure by endorsement as follows:
- (a) Submit a completed application to the Board on the required forms and include:

- (1) The applicant's social security number on the application; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
  - (c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;
  - (d) Submit a certified examination score of a regional board;
  - (e) Submit the applicant's National Board of Dental Hygiene examination results, which have been certified or validated by the National Board of Dental Hygiene Examination;
  - (f) Pass the District of Columbia Dental Law Examination; and
  - (g) Pay all required fees.

4309.3

An applicant, holding an active license to practice dental hygiene in any other U.S. state, who has not passed a regional board, shall apply for licensure by endorsement as follows:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;
- (d) Submit evidence satisfactory to the Board indicating that the applicant has

been actively engaged in the practice of dental hygiene in another U.S. state, in good standing, for the three (3) years immediately preceding the application, and has at least one hundred and fifty (150) hours of active dental hygiene practice. The practice of dental hygiene in the armed forces, state and federal programs, and intern and residency programs may be counted toward the required hours of active practice;

- (e) Submit the applicant’s National Board of Dental Hygiene examination results, which have been certified or validated by the National Board of Dental Hygiene Examination;
- (f) Pass the District of Columbia Dental Law Examination; and
- (g) Pay all required fees.

4309.4 In addition to the requirements set forth in this section, the Board may, in its discretion, require an applicant for licensure by endorsement to take and successfully complete a competency examination, or any portion thereof deemed necessary by the Board, as a prerequisite to licensure if the applicant’s licensure in any state was ever denied, revoked, or suspended for incompetency or inability to practice in a safe manner.

4309.5 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

4309.6 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify an applicant’s current licensure standing in other jurisdictions of the U.S. or to review disciplinary records.

**Sections 4310.1(d) and (e) are amended to read as follows:**

- 4310.1 (d) The taking of dental X-rays;
- (e) The instruction of individuals or groups of individuals in oral health care; and

**A new section 4310.1(f) is added to read as follows:**

- 4310.1 (f) The application of pit and fissure sealants.

**Section 4310.2(i) is repealed.**

**Section 4399.1 is amended to add the following:**

**NERB—North East Regional Board of Dental Examiners, Inc.**

**Regional Board**—an examination offered by any of the following dental examination organizations:

- (a) The Central Regional Dental Testing Service;
- (b) The North East Regional Board of Dental Examiners, Inc.;
- (c) The Southern Regional Testing Agency, Inc.; and
- (d) The Western Regional Examining Board, Inc.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

## DEPARTMENT OF HEALTH

## NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to section 4902 (c) of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(c)), and Mayor's Order 2005-81, dated May 25, 2005, hereby gives notice of his intent to adopt the following amendment to Title 25 (Food and Food Operations) of the District of Columbia Municipal Regulations (DCMR). This amendment would add a new Chapter 50 (Schedule of Fees for Services) to Title 25 of the DCMR to defray costs incurred by the Department of Health in implementing the Act.

The Director also gives notice of his intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

**TITLE 25, DCMR, IS AMENDED AS FOLLOWS:**

A new chapter is added to read as follows:

**CHAPTER 50 SCHEDULE OF FEES FOR SERVICES****5000 FEES**

5000.1 The following fee is applicable to Certified Food Protection Managers, Certified Limited Food Protection Managers, and Food Establishments:

**DESCRIPTION OF SERVICES:****FEES:****Issuance of Food Manager Identification Cards (Valid for a 3-year period)**

New ID Card	\$ 35.00
Renewal ID Card	\$ 35.00

5000.2 All fees shall be paid by certified check, money order, business check, or personal check made payable to the "District of Columbia Treasurer."

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Environmental Health Administration, Office of Enforcement, 51 N Street, N.E., Room 6036, Washington, D.C. 20002. Copies of the proposed rules may be obtained, at cost, at the same address during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.