

DEPARTMENT OF HEALTH

NOTICE OF FINAL 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 the adoption of the following amendments to Chapter 42 of Title 17 of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to amend the education requirements for licensure in the District of Columbia to require that all foreign trained graduates must have obtained a U.S. or Canadian issued DDS or DMD degree in order to be licensed; to add regulations for licensure by endorsement; to accept for licensure a passing score from any regional board examination for applicants that have been actively engaged in the practice of Dentistry in another state for the five (5) years prior to applying for licensure in the District; to repeal the foreign graduate education section since the same education requirements now apply to all licensees, and to change the name of the District Examination to the District of Columbia Dental Law Examination.

Proposed Rulemaking was published on June 3, 2005, at 52 DCR 5300. No written comments were received from the public in connection with that notice. After publication the Board of Dentistry made additional amendments to the regulations to further ensure that all applicants for dental licensure in the District would be properly educated and trained before obtaining licensure. Specifically, the proposed rulemaking was amended to require that all applicants must have obtained a U.S. or Canadian issued Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) degree without exception. Additionally, the proposed rulemaking was amended to required that applicants who have passed a regional board examination other than the North East Regional Board examination must also have been actively engaged in the practice of Dentistry in another state for the five (5) years prior to applying for licensure in the District in order to obtain licensure. Therefore, the proposed rulemaking was republished on October 7, 2005, at 52 DCR 8951. No written comments were received in connection with this notice.

These final rules will be effective upon publication of this notice in the D.C. Register.

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

Section 4202.1 is amended to read as follows:

4202.1 All applicants without exception shall furnish proof satisfactory to the Board that the applicant has:

- (a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in

accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d) (1985); and

- (b) Received a U.S., including U.S. territories, or Canadian issued Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) degree.

A new section 4202.3 is added to read as follows:

4202.3 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a translation signed by the translator attesting to its accuracy.

Section 4203 is repealed

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 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 of this chapter;
- (c) Submit the applicant's examination results, which have been certified or validated by the NERB and 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 Repealed.
- 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 4206.2 is amended to read as follows:

- 4206.2 This section shall not apply to applicants for an initial license by examination or endorsement, nor does it apply to applicants for the first renewal of a license granted by examination.

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 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 the NERB examination; or
- (e) Has passed a regional board examination, other than the NERB examination, and meets the active practice requirements set forth in § 4209.3(f) of this chapter.

4209.2

An applicant, holding an active license to practice dentistry in any other state, who has passed the NERB examination, 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 the applicant's NERB examination results, which have been certified or validated by the NERB;
- (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 passed a regional board examination, other than the NERB examination, 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 the applicant's regional board examination results, which have been certified or validated by the regional board;
- (e) Submit the applicant's examination results, which have been certified or validated by the Joint Commission of National Dental Examinations;
- (f) Submit evidence satisfactory to the Board establishing 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;
- (g) Pass the District of Columbia Dental Law Examination; and
- (h) 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- the North East Regional Board of Dental Examiners, Inc.

NERB Examination—the examination in dentistry offered by the North East Regional Board of Dental Examiners, Inc.

Regional Board—the examination in dentistry 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.