

House Bill 1768

By: Representative Cummings of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to
2 dentists and dental hygienists, so as to change the membership of the Georgia Board of
3 Dentistry; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dentists and
7 dental hygienists, is amended by striking Code Section 43-11-2, relating to creation of and
8 composition of board, qualifications and voting rights of members, terms of office,
9 vacancies, and enjoining violations, and inserting in its place the following:

10 "43-11-2.

11 (a) A board to be known as the Georgia Board of Dentistry is created. The board shall
12 consist of ~~11~~ 14 members to be appointed and commissioned by the Governor as provided
13 in subsection (b) of this Code section.

14 (b) (1) Nine members of the board shall be dentists and shall be appointed as follows:
15 The members of the board who are dentists serving on July 1, 1981, shall continue to
16 serve out their respective terms of office. As each such member's term of office
17 subsequently expires, the Governor shall appoint a new member who shall be a practicing
18 dentist licensed by this state. The Georgia Dental Association may, at each annual
19 meeting, nominate four reputable practicing dentists for each expired or next expiring
20 board member's term; and, from each group of four dentists so nominated, the Governor
21 may appoint one as the new member of said board.

22 (2) ~~One member~~ Three members of the board shall be a dental ~~hygienist~~ hygienists who
23 ~~is~~ are not a ~~dentist~~ dentists, who ~~is a resident~~ are residents of this state, and who ~~is a~~ are
24 practicing dental ~~hygienist~~ hygienists in this state and shall be appointed by the Governor:
25 as follows: The dental hygienist member of the board serving on July 1, 2002, shall
26 continue to serve out his or her term of office. One of the two dental hygienists appointed

1 to begin serving on this board on July 1, 2002, shall be appointed for an initial term of
 2 three years and the other shall serve for an initial term of five years. No one shall be
 3 eligible as a dental hygienist member of the board unless he or she is a citizen of this state
 4 and has lawfully practiced as a dental hygienist for five or more years at the time of his
 5 or her appointment and is not financially interested in, nor connected with, any dental
 6 college or dental hygiene school. If such a member ceases to be a resident of this state or
 7 ceases practicing in this state, that position on the board shall be deemed vacated. The
 8 Georgia Dental Hygienists Association may nominate four reputable dental hygienists
 9 who are not dentists for each expired or expiring term; and, from each group of four
 10 dental hygienists so nominated, the Governor may appoint one as the new member of the
 11 board.

12 (3) ~~One member~~ Two members of the board shall be ~~a citizen~~ citizens of this state who
 13 ~~is~~ are ~~not a dentist~~ dentists or a dental ~~hygienist~~ hygienists, ~~are not directly or indirectly~~
 14 associated with or have any financial interest in any dental facility or practice, and shall
 15 be appointed by the Governor.

16 (4) Except as otherwise provided in paragraphs (2), (6), and (7) of this subsection, the
 17 term of office of each member of the board shall be for five years and until the
 18 appointment and qualification of a successor.

19 (5) Each vacancy on the board shall be filled by the Governor for the unexpired term in
 20 the same manner as the original appointment.

21 (6) The term of the initial member appointed pursuant to paragraph (2) of this subsection
 22 shall be for a term of two years beginning July 1, 1978, and ending June 30, 1980.

23 (7) The term of the initial member appointed pursuant to paragraph (3) of this subsection
 24 shall be for a term of four years beginning July 1, 1978, and ending June 30, 1982.

25 (c) No one shall be eligible as a dentist member of the board unless he or she is a citizen
 26 of this state and has lawfully engaged in the practice of dentistry for five or more years at
 27 the time of his or her appointment and is not financially interested in, nor connected with,
 28 any dental college.

29 (d) (1) The dental hygienist ~~member~~ members of the board may vote only on matters
 30 relating to dental hygiene, administration, and policy which do not directly relate to
 31 practical or scientific examination of dentists for licensing in this state.

32 (2) The citizen ~~member~~ members of the board who ~~is~~ are ~~not a dentist~~ dentists or dental
 33 ~~hygienist~~ hygienists may vote only on matters relating to administration and policy which
 34 do not directly relate to practical and scientific examination of dentists and dental
 35 hygienists for licensing in this state.

36 (e) The board may bring an action to enjoin any person, firm, partnership, corporation, or
 37 other entity who without being licensed or registered to do so by the board engages in or

1 practices the profession of dentistry or dental hygiene. The proceeding shall be filed in the
2 county in which such person resides or, in the case of a firm, partnership, corporation, or
3 other entity where the firm, partnership, corporation, or other entity maintains its principal
4 office. Unless it shall be made to appear that such person, firm, partnership, corporation,
5 or other entity so engaging in or practicing dentistry or dental hygiene is licensed or
6 registered, the injunction shall be issued, and such person, firm, partnership, corporation,
7 or other entity shall be perpetually enjoined from such activities throughout the state. It
8 shall not be necessary in order to obtain the equitable relief provided in this subsection that
9 the board allege and prove that there is no adequate remedy at law. It is declared that such
10 unlicensed activities as are mentioned in this chapter are a menace and a nuisance
11 dangerous to the public health, safety, and welfare."

12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.