

House Bill 980

By: Representatives Cummings of the 19th, Dodson of the 84th, Post 1, and Lunsford of the 85th, Post 2

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 add an additional dental hygienist to the Georgia
3 Board of Dentistry; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

11 "43-11-2.

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

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

23 (2) ~~One member~~ Two members of the board shall be a dental ~~hygienist~~ hygienists who
24 ~~is~~ are not a ~~dentist~~ dentists, who ~~is a resident~~ are residents of this state, and who ~~is a~~ are
25 practicing dental ~~hygienist~~ hygienists in this state and shall be appointed by the Governor.
26 No one shall be eligible as a dental hygienist member of the board unless he or she is a

1 citizen of this state and has lawfully practiced as a dental hygienist for five or more years
2 at the time of his or her appointment and is not financially interested in, nor connected
3 with, any dental college or dental hygiene school. If such a member ceases to be a
4 resident of this state or ceases practicing in this state, that position on the board shall be
5 deemed vacated. The Georgia Dental Hygienists Association may nominate four
6 reputable dental hygienists who are not dentists for each expired or expiring term; and,
7 from each group of four dental hygienists so nominated, the Governor may appoint one
8 as the new member of the board.

9 (3) One member of the board shall be a citizen of this state who is not a dentist or a
10 dental hygienist and shall be appointed by the Governor.

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

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

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

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

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

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

27 (2) The citizen member of the board who is not a dentist or dental hygienist may vote
28 only on matters relating to administration and policy which do not directly relate to
29 practical and scientific examination of dentists and dental hygienists for licensing in this
30 state.

31 (e) The board may bring an action to enjoin any person, firm, partnership, corporation, or
32 other entity who without being licensed or registered to do so by the board engages in or
33 practices the profession of dentistry or dental hygiene. The proceeding shall be filed in the
34 county in which such person resides or, in the case of a firm, partnership, corporation, or
35 other entity where the firm, partnership, corporation, or other entity maintains its principal
36 office. Unless it shall be made to appear that such person, firm, partnership, corporation,
37 or other entity so engaging in or practicing dentistry or dental hygiene is licensed or

1 registered, the injunction shall be issued, and such person, firm, partnership, corporation,
2 or other entity shall be perpetually enjoined from such activities throughout the state. It
3 shall not be necessary in order to obtain the equitable relief provided in this subsection that
4 the board allege and prove that there is no adequate remedy at law. It is declared that such
5 unlicensed activities as are mentioned in this chapter are a menace and a nuisance
6 dangerous to the public health, safety, and welfare."

7 **SECTION 2.**

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