

House Bill 1141 (AM)

By: Representatives Childers of the 13<sup>th</sup>, Post 1, Graves of the 106<sup>th</sup>, Parrish of the 102<sup>nd</sup>, Hembree of the 46<sup>th</sup>, Henson of the 55<sup>th</sup>, and others

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 revise certain definitions; to revise certain provisions  
3 relating to acts which constitute the practice of dentistry; to revise certain provisions relating  
4 to conscious sedation; to provide for an additional means to receive a license to practice  
5 dentistry; to provide for criminal background checks for applicants for a license to practice  
6 dentistry; to establish requirements and procedures to obtain a provisional license to practice  
7 dentistry based on credentials; to provide for an additional means to receive a teacher's  
8 license for dentists and dental hygienists; to designate the practice of dentistry under  
9 another's license as a felony and to establish penalties for such; to revise certain provisions  
10 relating to the "Georgia Volunteers in Dentistry Act"; to revise certain provisions relating to  
11 clinical examinations for dental hygienists; to provide for criminal background checks for  
12 applicants for a license to practice dental hygiene; to establish requirements and procedures  
13 to obtain a license to practice dental hygiene based on credentials; to revise certain provisions  
14 relating to sanctioning licenses of dental hygienists; to repeal conflicting laws; and for other  
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dentists and  
19 dental hygienists, is amended by striking paragraphs (4), (6), and (7) of Code Section  
20 43-11-1, relating to definitions, and inserting in lieu thereof, respectively, the following:

21 "(4) 'Conscious sedation' means a minimally depressed level of consciousness, ~~produced~~  
22 ~~by a pharmacologic agent, which that~~ retains the patient's ability to maintain  
23 independently and continuously maintain an airway and respond appropriately ~~respond~~  
24 to physical stimulation ~~and or~~ verbal command and that is produced by a pharmacological  
25 or nonpharmacological method or combination thereof. A patient whose only response

1 is reflex withdrawal from repeated painful stimuli shall not be considered to be in a state  
 2 of conscious sedation. The use of nitrous oxide as ~~the only systemic sedative~~ is not  
 3 considered conscious sedation for purposes of this chapter."

4 "(6) 'General anesthesia' means ~~a controlled~~ an induced state of depressed consciousness,  
 5 or an induced state of unconsciousness, ~~produced by a pharmacologic agent, which is~~  
 6 accompanied by partial or complete loss of protective reflexes, including the inability to  
 7 continually and independently maintain ~~independently~~ an airway and ~~or~~ respond  
 8 purposefully to physical stimulation or verbal command, and produced by a  
 9 pharmacological or nonpharmacological method or combination thereof. For purposes  
 10 of this chapter, 'general anesthesia' includes deep sedation.

11 (7) 'Instructor' means either a dentist ~~holding a dental license from another state~~ or a  
 12 dental hygienist ~~holding a dental hygienist license from another state who has graduated~~  
 13 ~~from a school or college accredited by the Commission on Dental Accreditation of the~~  
 14 ~~American Dental Association or its successor agency~~ and whom the state board has  
 15 granted instructor status for the sole purpose of teaching or instructing in a training clinic  
 16 or an accredited dental college or accredited dental hygiene school in this state those  
 17 procedures and services recognized in this state to be within the scope of practice of such  
 18 person's license a teacher's or instructor's license pursuant to Code Section 43-11-42."

## 19 SECTION 2.

20 Said chapter is further amended by striking paragraph (6) of subsection (a) of Code Section  
 21 43-11-17, relating to acts which constitute the practice of dentistry, and inserting in lieu  
 22 thereof the following:

23 "(6) ~~Makes, Supplies, makes, fits,~~ repairs, adjusts, or relines, directly for or to an ultimate  
 24 user of the product in the State of Georgia, any appliance, cap, covering, prosthesis, or  
 25 cosmetic covering, as defined by rules and regulations established by the board,  
 26 appliances usable on teeth or as human teeth unless such provision, production, fit, repair,  
 27 adjustment, or reline of such product appliances, repairs, adjustment, or relines are is  
 28 ordered by and returned to a licensed dentist or unless such product is used solely for  
 29 theatrical purposes as defined by rules and regulations established by the board;".

## 30 SECTION 3.

31 Said chapter is further amended by striking Code Section 43-11-21, relating to conscious  
 32 sedation, in its entirety and inserting in lieu thereof the following:

33 "43-11-21.

34 (a) No dentist licensed and practicing in the State of Georgia shall administer either  
 35 ~~multiple pharmacologic agents by oral route~~ or single or multiple pharmacologic agents by

1 ~~parenteral route for the purpose of conscious sedation by oral, parenteral, enteral,~~  
 2 ~~transdermal, or transmucosal route that renders a patient to a state of conscious sedation~~  
 3 ~~as defined in Code Section 43-11-1,~~ unless such dentist has been issued a permit by the  
 4 board under the conditions specified therefor in this Code section. The dentist shall ensure  
 5 that the pharmacologic agents and methods used to administer such agents shall include a  
 6 margin of safety so that loss of consciousness of the patient is unlikely. ~~However, this This~~  
 7 Code section shall not restrict the use of ~~either nitrous oxide, a single pharmacologic agent,~~  
 8 ~~or both, administered by oral route in accordance with acceptable and prevailing practices~~  
 9 ~~or pharmacological agents that do not render a patient to a state of conscious sedation.~~  
 10 Such permit shall be subject to biennial renewal at the time the dentist is required to renew  
 11 that dentist's license to practice dentistry. It shall be the responsibility of the dentist to  
 12 provide such information as the board may require and to pay the separate initial issuance  
 13 and renewal fees for the permit as may be established by the board.

14 (b) ~~On and after July 1, 1988, no~~ No dentist shall be issued a permit under this Code  
 15 section unless the board has received satisfactory evidence that such dentist:

16 (1) Has received formal training in the use of conscious sedation at an institution  
 17 accredited by the Commission on Dental Accreditation of the American Dental  
 18 Association (ADA), ~~or its successor agency,~~ or other board approved organization and  
 19 is certified by such ~~institution~~ organization as competent in the administration of  
 20 pharmacologic agents for conscious sedation and the handling of emergencies relating  
 21 to conscious sedation. Such certification shall specify the type, number of hours, and  
 22 length of training. The minimum didactic hours, patient contact hours, and number of  
 23 patients sedated under supervision shall be established by rule or regulation of the board;

24 (2) Utilizes a properly equipped facility for the administration of conscious sedation,  
 25 including physical plant and equipment, which has been evaluated and certified by an  
 26 on-site examination; and

27 (3) Has demonstrated to the satisfaction of the board or any designee thereof proficiency  
 28 in administering sedative techniques in the dentist's office on a patient or patients in a  
 29 safe and effective manner.

30 (c) ~~Prior to July 1, 1988, the board may issue a permit to administer conscious sedation to~~  
 31 ~~any dentist licensed in the State of Georgia presently using conscious sedation on a regular~~  
 32 ~~basis, provided such dentist:~~

33 (1) ~~Passes a written examination as may be administered or designated by the board,~~  
 34 ~~which shall demonstrate sufficient knowledge of the principles and techniques of~~  
 35 ~~conscious sedation and in the prevention, recognition, and management of complications~~  
 36 ~~that may occur during the use of conscious sedation;~~

1 ~~(2) Meets the requirements of paragraphs (2) and (3) of subsection (b) of this Code~~  
 2 ~~section; and~~

3 ~~(3) Meets all additional training required by the board for any dentist who has~~  
 4 ~~experienced an incidence of morbidity or mortality relating to the use of conscious~~  
 5 ~~sedation.~~

6 ~~(d)~~(c) In enforcing the provisions of this Code section, the board is authorized to designate  
 7 qualified persons to perform the on-site examinations and is further authorized to provide  
 8 by rule or regulation for standards for physical plant, equipment, and personnel to be  
 9 utilized in the induction of conscious sedation.

10 ~~(e)~~(d) The board or its appointed designee may, upon reasonable notice, make on-site  
 11 inspections of the facility, equipment, and personnel of a dentist issued a permit under this  
 12 Code section to determine if the standards of paragraph (2) of subsection (b) of this Code  
 13 section are being maintained.

14 ~~(f)~~(e)(1) The board may, upon proper application, grant a provisional permit to  
 15 administer conscious sedation ~~under the following circumstances:~~

16 ~~(A) Prior to July 1, 1988, to any licensed dentist who is presently utilizing conscious~~  
 17 ~~sedation on a regular basis and who has had no incidence of morbidity or mortality~~  
 18 ~~relating to such use of conscious sedation; and~~

19 ~~(B) On and after July 1, 1988, to any dentist who meets the requirements of paragraph~~  
 20 ~~(1) of subsection (b) of this Code section.~~

21 (2) A provisional permit issued under this subsection shall expire six months after its  
 22 issuance or upon the board's determination by site visit that the requirements of  
 23 paragraph (2) or (3) of subsection (b) of this Code section have not been met, whichever  
 24 occurs earlier. The provisional permit may be renewed once, at the discretion of the  
 25 board, for a period not to exceed six months following the original expiration date.

26 ~~(g)~~(f) A dentist holding a current, valid permit to administer general anesthesia as provided  
 27 in this chapter shall not be required to obtain a permit under this Code section in order to  
 28 administer conscious sedation.

29 ~~(h)~~(g) A permit issued under this Code section may be revoked or not renewed if the board  
 30 determines that the dentist holding such permit no longer meets any requirement of  
 31 subsection (b) of this Code section. The board shall provide notice and opportunity for  
 32 hearing under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' in any  
 33 case in which it revokes or refuses to renew a permit, provided that summary action  
 34 regarding such permit shall be authorized under Code Section 50-13-18.

35 ~~(i)~~(h)(1) This Code section shall not prohibit a person who is duly licensed to practice  
 36 medicine in this state and who is a member of the anesthesiology staff of an institution  
 37 classified as a hospital and issued a permit as an institution under Code Section 31-7-1

1 from administering conscious sedation in a dental facility, except that such  
 2 anesthesiologist shall remain on the premises of the dental facility until any patient given  
 3 conscious sedation by such anesthesiologist is stabilized and has regained consciousness.

4 (2) This Code section shall not prohibit a person who is duly licensed as a certified  
 5 registered nurse anesthetist in this state from administering conscious sedation in a dental  
 6 facility, provided that such sedation is administered under the direction and responsibility  
 7 of a dentist duly permitted under this Code section and that such nurse anesthetist shall  
 8 remain on the premises of the dental facility until any patient given conscious sedation  
 9 by such nurse anesthetist is stabilized and has regained consciousness."

#### 10 SECTION 4.

11 Said chapter is further amended by striking Code Section 43-11-40, relating to qualification  
 12 of applicants and grant of license to practice dentistry, in its entirety and inserting in lieu  
 13 thereof the following:

14 "43-11-40.

15 (a)(1) Applicants for a license to practice dentistry must have received a doctor of dental  
 16 surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental  
 17 school approved by the board and accredited by the Commission on Dental Accreditation  
 18 of the American Dental Association (ADA) or its successor agency, if any. Those  
 19 applicants who have received a doctoral degree in dentistry from a dental school not so  
 20 accredited must comply with the following requirements in order to submit an application  
 21 for licensure:

22 (A) Successful completion at an accredited dental school approved by the board of the  
 23 last two years of a program leading to the doctor of dental surgery (D.D.S.) or doctor  
 24 of dental medicine (D.M.D.) degree; and

25 (B) Certification by the dean of the accredited dental school where such supplementary  
 26 program was taken that the candidate has achieved the same level of didactic and  
 27 clinical competency as expected of a graduate of the school receiving a doctor of dental  
 28 surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree.

29 (2) The board may establish by rule or regulation the requirements for documentation of  
 30 an applicant's educational and personal qualifications for licensure.

31 (3) In order to be granted a license under this ~~part~~ Code section, all applicants must  
 32 ~~successfully pass the board examination~~ pass a clinical examination approved by the  
 33 board and a jurisprudence examination on the laws of this state and rules and regulations  
 34 as they relate to the practice of dentistry as established or approved by the board, which  
 35 shall be administered in the English language.

1 (b) All applications to the board for a license shall be made through the division director,  
 2 who shall then submit all such applications to the board ~~for review and approval. These~~  
 3 ~~applications shall be received by the division director not later than 45 days before the date~~  
 4 ~~set for the next session of the board.~~

5 (c) Subject to the provisions of subsection (a) of Code Section 43-11-47, applicants who  
 6 have met the requirements ~~of subsection (a) of this Code section and who have successfully~~  
 7 ~~passed the board examination~~ shall be granted licenses to practice dentistry.

8 (d) Application for a license under this Code section shall constitute consent for  
 9 performance of a criminal background check. Each applicant who submits an application  
 10 to the board for licensure agrees to provide the board with any and all information  
 11 necessary to run a criminal background check, including but not limited to classifiable sets  
 12 of fingerprints. The applicant shall be responsible for all fees associated with the  
 13 performance of a background check."

#### 14 SECTION 5.

15 Said chapter is further amended by adding a new Code Section 43-11-41 to read as follows:  
 16 "43-11-41.

17 (a)(1) Applicants for a provisional license to practice dentistry by credentials must have  
 18 received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine  
 19 (D.M.D.) degree from a dental school approved by the board and accredited by the  
 20 Commission on Dental Accreditation of the American Dental Association (ADA) or its  
 21 successor agency, if any. Applicants must have been in full time clinical practice, as  
 22 defined by rules and regulations established by the board; full time faculty, as defined by  
 23 board rule and regulation; or a combination of both for the five years immediately  
 24 preceding the date of the application and must hold an active dental license in good  
 25 standing from another state. Those applicants who have received a doctoral degree in  
 26 dentistry from a dental school not so accredited must comply with the following  
 27 requirements in order to submit an application for provisional licensure by credentials:

28 (A) Successful completion at an accredited dental school approved by the board of the  
 29 last two years of a program leading to the doctor of dental surgery (D.D.S.) or doctor  
 30 of dental medicine (D.M.D.) degree; and

31 (B) Certification by the dean of the accredited dental school where such supplementary  
 32 program was taken that the candidate has achieved the same level of didactic and  
 33 clinical competency as expected of a graduate of the school.

34 (2) The board may establish by rule or regulation the requirements for documentation of  
 35 an applicant's educational and personal qualifications for provisional licensure.

1 (3) In order to be granted a provisional license under this Code section, all applicants  
 2 must have passed a clinical examination given by a state or regional testing agency  
 3 approved by the board and a jurisprudence examination on the laws of this state and rules  
 4 and regulations as they relate to the practice of dentistry as established or approved by  
 5 the board, which shall be administered in the English language.

6 (4) The board may establish additional licensure requirements by rule and regulation.

7 (b) All applications to the board for a provisional license by credentials shall be made  
 8 through the division director, who shall then submit all such applications to the board. The  
 9 fee for provisional licensure by credentials shall be paid to the division director and shall  
 10 be in an amount established by the board.

11 (c) Subject to the provisions of subsection (a) of Code Section 43-11-47, an applicant who  
 12 has met the requirements of this Code section shall be granted a provisional license to  
 13 practice dentistry, which shall be valid for two years from the date it is issued and may be  
 14 renewed subject to the approval of the board.

15 (d) Application for a provisional license under this Code section shall constitute consent  
 16 for performance of a criminal background check. Each applicant who submits an  
 17 application to the board for provisional licensure agrees to provide the board with any and  
 18 all information necessary to run a criminal background check, including but not limited to  
 19 classifiable sets of fingerprints. The applicant shall be responsible for all fees associated  
 20 with the performance of a background check.

21 (e) Upon receipt of license, the applicant by credentials must establish active practice, as  
 22 defined by rules and regulations of the board, in this state within two years of receiving  
 23 such license under this Code section or the license shall be automatically revoked."

## 24 SECTION 6.

25 Said chapter is further amended by striking Code Section 43-11-42, relating to reciprocity  
 26 with other states for a teacher's or instructor's license, in its entirety and inserting in lieu  
 27 thereof the following:

28 "43-11-42.

29 (a) The board may issue, in its discretion, without examination, ~~teachers' or instructors'~~  
 30 ~~licenses~~ a teacher's or instructor's license to dentists holding a dental license from another  
 31 state and to dental hygienists holding a dental hygienist license from another state. A  
 32 ~~teacher's or instructor's license shall only be issued to a dentist or~~ a dental hygienist who  
 33 has graduated from a school or college approved by the board and accredited by the  
 34 Commission on Dental Accreditation of the American Dental Association (ADA) or its  
 35 successor agency, if any, for the sole purpose of teaching or instructing, in an accredited  
 36 ~~dental college or training clinic or accredited~~ dental hygiene school in this state, those

1 procedures and services recognized in this state to be within the scope of practice of such  
2 person's professional license.

3 (a.1)(1) The board may issue, in its discretion, without examination, a teacher's or  
4 instructor's license to a dentist who has graduated from a school or college approved by  
5 the board and accredited by the Commission on Dental Accreditation of the American  
6 Dental Association (ADA) or its successor agency, if any, for the sole purpose of  
7 teaching or instructing, in an accredited dental college or training clinic in this state, those  
8 procedures and services recognized in this state to be within the scope of practice of such  
9 person's professional license. Those applicants who have received a doctoral degree in  
10 dentistry from a dental school not so accredited must comply with the following  
11 requirements in order to submit an application for licensure:

12 (A)(i) Successful completion at an accredited dental school approved by the board  
13 of the last two years of a program leading to the doctor of dental surgery (D.D.S.) or  
14 doctor of dental medicine (D.M.D.) degree; or

15 (ii) Successful completion at an accredited dental school or college approved by the  
16 board of at least a two-year advanced education program in one of the dental  
17 specialties recognized by the American Dental Association (ADA) or in general  
18 dentistry; and

19 (B) Certification by the dean of the accredited dental school where such supplementary  
20 program was taken that the candidate has achieved the same level of didactic and  
21 clinical competency as expected of a graduate of the school receiving a doctor of dental  
22 surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree.

23 (2) The board may establish by rule or regulation the requirements for documentation of  
24 an applicant's educational and personal qualifications for licensure.

25 (3) In order to be granted a license under this subsection, all applicants must pass a  
26 jurisprudence examination on the laws of this state and rules and regulations as they  
27 relate to the practice of dentistry as established or approved by the board, which shall be  
28 administered in the English language.

29 (b) The board may issue, in its discretion, without examination, a license to dentists for the  
30 sole purpose of practicing public health dentistry in an official state or a local health  
31 department or to render dental services to patients in state operated eleemosynary or  
32 correctional institutions, provided that these dentists possess a license in another state, are  
33 in good standing in said state, and have graduated from an accredited dental college. Such  
34 license shall be considered to be a temporary license which shall be valid for a period to  
35 be established by board rule.

36 (c) The cost of such teacher's, instructor's, or temporary public health license shall be  
37 established by the board.

1 ~~(d) The board may also, in its discretion, enter into an agreement with any similar board~~  
 2 ~~of any other state to the effect that each party to such agreement, under the conditions~~  
 3 ~~therein stipulated, will grant licenses to practicing dentists on the basis of a license having~~  
 4 ~~been granted by the other party to the agreement.~~

5 ~~(e)(d)~~ Any license issued or considered for issuance under this Code section shall be  
 6 subject to the ~~disciplinary standards and procedures~~ provisions set forth in Code Section  
 7 43-11-47.

8 (e) Application for a license under this Code section shall constitute consent for  
 9 performance of a criminal background check. Each applicant who submits an application  
 10 to the board for licensure agrees to provide the board with any and all information  
 11 necessary to run a criminal background check, including but not limited to classifiable sets  
 12 of fingerprints. The applicant shall be responsible for all fees associated with the  
 13 performance of a background check."

#### 14 SECTION 7.

15 Said chapter is further amended by striking Code Section 43-11-51, relating to practicing  
 16 dentistry under another's license, in its entirety and inserting in lieu thereof the following:

17 "43-11-51.

18 Any person, firm, partnership, corporation, or other entity who practices dentistry or  
 19 performs any dental operation under the protection of another's license shall be guilty of  
 20 a ~~misdemeanor~~ felony and, upon conviction thereof, shall be punished by a fine of not less  
 21 than \$500.00 nor more than \$1,000.00 or by imprisonment for not less than two nor more  
 22 than five years, or both."

#### 23 SECTION 8.

24 Said chapter is further amended by striking Code Section 43-11-52, relating to volunteers in  
 25 dentistry and special licensing, in its entirety and inserting in lieu thereof the following:

26 "43-11-52.

27 (a) This Code section shall be known and may be cited as the 'Georgia Volunteers in  
 28 Dentistry Act.'

29 (b) Notwithstanding any other provision of law, the board may issue a special license to  
 30 qualifying dentists under the terms and conditions set forth in this Code section and  
 31 pursuant to requirements which may be set forth in the rules and regulations of the board.

32 The special license may only be issued to a person who is retired from the practice of  
 33 dentistry and not currently engaged in such practice either full time or part time and has,  
 34 prior to retirement, maintained full licensure in good standing in dentistry in ~~this~~ any state.

1 (c) The special licensee shall be permitted to practice dentistry only in the  
 2 noncompensated employ of public agencies or institutions, not for profit agencies, not for  
 3 profit institutions, nonprofit corporations, or not for profit associations which provide  
 4 dentistry services only to indigent patients in areas which are underserved by dentists or  
 5 critical need population areas of the state, as determined by the board.

6 (d) The person applying for the special license under this Code section shall submit to the  
 7 board a notarized statement from the employing agency, institution, corporation, or  
 8 association on a form prescribed by the board, whereby he or she agrees unequivocally not  
 9 to receive compensation for any dentistry services he or she may render while in possession  
 10 of the special license.

11 (e) The examination by the board, any application fees, and all licensure and renewal fees  
 12 may be waived for the holder of the special license under this Code section.

13 (f) If, at the time application is made for the special license, the dentist is not in  
 14 compliance with the continuing education requirements established by the board for  
 15 dentists in this state, the dentist may be issued a nonrenewable temporary license to  
 16 practice for six months provided the applicant is otherwise qualified for such license.

17 (g) The liability of persons practicing dentistry under and in compliance with a special  
 18 license issued under this Code section and the liability of their employers for such practice  
 19 shall be governed by Code Section 51-1-29.1.

20 (h) This Code section, being in derogation of the common law, shall be strictly construed.

21 (i) Application for a license under this Code section shall constitute consent for  
 22 performance of a criminal background check. Each applicant who submits an application  
 23 to the board for licensure agrees to provide the board with any and all information  
 24 necessary to run a criminal background check, including but not limited to classifiable sets  
 25 of fingerprints. The applicant shall be responsible for all fees associated with the  
 26 performance of a background check."

## 27 SECTION 9.

28 Said chapter is further amended by striking Code Section 43-11-70, relating to examinations  
 29 and licensing of dental hygienists, in its entirety and inserting in lieu thereof the following:

30 "43-11-70.

31 No person shall practice as a dental hygienist in this state until such person has passed a  
 32 written and a clinical examination conducted or approved by the ~~Georgia Board of~~  
 33 ~~Dentistry~~ board. The fee for such examination shall be paid to the division director and  
 34 shall be in an amount established by the board. The board shall issue licenses and license  
 35 certificates as dental hygienists to those persons who have passed the examination in a

1 manner satisfactory to the board, which license certificate shall be posted and displayed in  
2 the place in which the hygienist is employed."

3 **SECTION 10.**

4 Said chapter is further amended by striking Code Section 43-11-71, relating to qualifications  
5 of applicants for licensure as dental hygienists, in its entirety and inserting in lieu thereof the  
6 following:

7 "43-11-71.

8 (a) No person shall be entitled to or be issued such license as set out in Code Section  
9 43-11-70 unless such person is at least 18 years of age, of good moral character, and a  
10 graduate of a dental hygiene program recognized by the board and accredited by the  
11 Commission on Dental Accreditation of the American Dental Association (ADA) or its  
12 successor agency which is operated by a school or college accredited by an institutional  
13 accrediting agency recognized by the United States Department of Education whose  
14 curriculum is at least two academic years of courses at the appropriate level and at the  
15 completion of which an associate or baccalaureate degree is awarded.

16 (b) Application for a license under Code Section 43-11-70 shall constitute consent for  
17 performance of a criminal background check. Each applicant who submits an application  
18 to the board for licensure agrees to provide the board with any and all information  
19 necessary to run a criminal background check, including but not limited to classifiable sets  
20 of fingerprints. The applicant shall be responsible for all fees associated with the  
21 performance of a background check."

22 **SECTION 11.**

23 Said chapter is further amended by adding following Code Section 43-11-71, relating to  
24 qualifications of applicants for licensure as dental hygienists, a new Code Section 43-11-71.1  
25 to read as follows:

26 "43-11-71.1.

27 (a)(1) Applicants for a license to practice dental hygiene by credentials must have  
28 received a dental hygiene degree from a dental hygiene school or program accredited by  
29 the Commission on Dental Accreditation of the American Dental Association (ADA) or  
30 its successor agency, if any, and approved by the board. Applicants must also provide  
31 proof of full time clinical practice, as defined by the board, full time faculty practice, as  
32 defined by the board, or a combination of both for the last two preceding years and hold  
33 an active dental hygiene license in good standing from another state.

34 (2) The board may establish by rule or regulation the requirements for documentation of  
35 an applicant's educational and personal qualifications for licensure.

1 (3) In order to be granted a license under this Code section, all applicants must have  
 2 passed a clinical examination given by a state or regional testing agency approved by the  
 3 board and a jurisprudence examination on the laws of this state and rules and regulations  
 4 as they relate to the practice of dental hygiene as established or approved by the board,  
 5 which shall be administered in the English language.

6 (4) The board may establish additional licensure requirements by rule and regulation.

7 (b) All applications to the board for a license by credentials shall be made through the  
 8 division director, who shall then submit all such applications to the board. The fee for  
 9 licensure by credentials shall be paid to the division director and shall be in an amount  
 10 established by the board.

11 (c) Subject to the provisions of Code Section 43-11-72, an applicant who has met the  
 12 requirements of this Code section shall be granted a license to practice as a dental  
 13 hygienist.

14 (d) Application for a license under this Code section shall constitute consent for  
 15 performance of a criminal background check. Each applicant who submits an application  
 16 to the board for licensure agrees to provide the board with any and all information  
 17 necessary to run a criminal background check, including but not limited to classifiable sets  
 18 of fingerprints. The applicant shall be responsible for all fees associated with the  
 19 performance of a background check.

20 (e) Upon receipt of license, the applicant by credentials must establish active practice, as  
 21 defined by rules and regulations of the board, in this state within two years of receiving  
 22 such license under this Code section or the license shall be automatically revoked."

## 23 SECTION 12.

24 Said chapter is further amended by striking Code Section 43-11-72, relating to sanctioning  
 25 licenses of dental hygienists, in its entirety and inserting in lieu thereof the following:

26 "43-11-72.

27 The board shall have the authority to refuse to grant, to revoke, or to discipline ~~sanction~~ the  
 28 license of any licensed dental hygienist in this state based upon any ground or violation  
 29 enumerated in Code Section 43-11-47, in the same manner and to the same extent as such  
 30 Code section applies to licenses of dentists, unless the application of any such provision  
 31 would not be appropriate to the license of a dental hygienist, in accordance with the  
 32 sanctions, standards, and procedures set forth in that Code section, or for violation of Code  
 33 Section 43-11-74 or any other law or rule relating to the practice of dental hygiene, in  
 34 accordance with the sanctions, standards, and procedures set forth in Code Section  
 35 43-11-47."

1

**SECTION 13.**

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