

Senate Bill 363

By: Senators Hawkins of the 49th, Goggans of the 7th, Thomas of the 54th, Moody of the 56th and Murphy 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 provide for advanced dental education programs; to  
3 revise definitions; to revise certain provisions relating to qualifications for a teacher's or  
4 instructor's license; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dentists and  
9 dental hygienists, is amended by revising Code Section 43-11-1, relating to definitions, as  
10 follows:

11 "43-11-1.

12 As used in this chapter, the term:

13 (1) 'Accredited dental college' and 'accredited dental school' or 'accredited school of  
14 dentistry' mean a dental ~~school, college, or university~~ education program accredited by  
15 the Commission on Dental Accreditation of the American Dental Association or its  
16 successor agency in a dental school, college, or university accredited by an institutional  
17 accrediting agency recognized by the U. S. Department of Education or in a hospital  
18 accredited by The Joint Commission or its equivalent.

19 (2) 'Accredited dental hygiene school' means a dental hygiene ~~school or college~~  
20 education program accredited by the Commission on Dental Accreditation of the  
21 American Dental Association or its successor agency.

22 (3) 'Advanced dental education program' means an accredited dental advanced specialty  
23 education program or accredited dental education program accredited by the Commission  
24 on Dental Accreditation of the American Dental Association or its successor agency.

25 (3)(4) 'Board' means the Georgia Board of Dentistry.

1 ~~(4)~~(5) 'Conscious sedation' means a minimally depressed level of consciousness that  
 2 retains the patient's ability to independently and continuously maintain an airway and  
 3 respond appropriately to physical stimulation or verbal command and that is produced by  
 4 a pharmacological or nonpharmacological method or combination thereof. A patient  
 5 whose only response is reflex withdrawal from repeated painful stimuli shall not be  
 6 considered to be in a state of conscious sedation. The use of nitrous oxide is not  
 7 considered conscious sedation for purposes of this chapter.

8 ~~(5)~~(6) 'Dentistry' means the evaluation, diagnosis, prevention, or treatment, or any  
 9 combination thereof, whether using surgical or nonsurgical procedures, of diseases,  
 10 disorders, or conditions, or any combination thereof, of the oral cavity, maxillofacial area,  
 11 or the adjacent and associated structures, or any combination thereof, and their impact on  
 12 the human body provided by a dentist, within the scope of his or her education, training,  
 13 and experience, in accordance with the ethics of the profession and applicable law,  
 14 including, but not limited to, the acts specified in Code Section 43-11-17.

15 ~~(6)~~(7) 'General anesthesia' means an induced state of depressed consciousness, or an  
 16 induced state of unconsciousness, accompanied by partial or complete loss of protective  
 17 reflexes, including the inability to continually and independently maintain an airway and  
 18 respond purposefully to physical stimulation or verbal command, and produced by a  
 19 pharmacological or nonpharmacological method or combination thereof. For purposes  
 20 of this chapter, 'general anesthesia' includes deep sedation.

21 ~~(7)~~(8) 'Instructor' means either a dentist or a dental hygienist whom the state board has  
 22 granted a teacher's or instructor's license pursuant to Code Section 43-11-42.

23 ~~(8)~~(9) 'Licensed dental hygienist' means a dental hygienist licensed and in good standing  
 24 in this state pursuant to this chapter.

25 ~~(9)~~(10) 'Licensed dentist' means a dentist licensed and in good standing in this state  
 26 pursuant to this chapter.

27 ~~(10)~~(11) 'Training clinic' means a clinic operated as a nonprofit facility by an accredited  
 28 dental college, advanced dental education program, or accredited dental hygiene school  
 29 primarily to train students or residents of such college, program, or school."

## 30 SECTION 2.

31 Said chapter is further amended by revising Code Section 43-11-20, relating to training and  
 32 affiliated sites, as follows:

33 "43-11-20.

34 (a) Nothing in this chapter shall prohibit accredited dental colleges or advanced dental  
 35 education programs from maintaining on-campus training clinics and affiliated sites for the  
 36 purpose of educational training of dental students or dental residents approved by the board

1 under the supervision of licensed dentists or instructors; nor shall this chapter prevent  
 2 licensed dental practitioners of other states and countries from giving clinics before any  
 3 dental society or association of this state whose objects are the advancement and  
 4 improvement of dentistry as a science.

5 (b) Nothing in this chapter shall prevent students of accredited dental colleges or residents  
 6 in advanced dental education programs in this state from engaging in activities otherwise  
 7 defined as the practice of dentistry, provided that said students work under the direct  
 8 supervision and responsibility of a licensed dentist or instructor as a part of a training  
 9 clinic; nor shall this chapter prevent students of accredited dental hygiene schools in this  
 10 state from engaging in activities otherwise defined as the practice of dental hygiene,  
 11 provided that said students work under the direct supervision and responsibility of a  
 12 licensed dentist or dental hygienist as a part of an on-campus training clinic or at affiliated  
 13 sites approved by said schools, ~~or~~ colleges, or programs and the board for the purpose of  
 14 educational training. Nothing in this chapter shall prevent said schools or colleges of  
 15 dentistry or dental hygiene or advanced dental education programs from establishing and  
 16 collecting charges for services rendered by training students or residents under the  
 17 supervision of a licensed dentist, licensed dental hygienist, or instructor. These charges  
 18 shall not exceed charges made by similar dental schools and colleges and advanced dental  
 19 education programs located within the United States.

20 (c) Nothing in this chapter shall be construed to prohibit the administration of a board  
 21 approved clinical licensure examination as a prerequisite for licensure as a dentist or dental  
 22 hygienist in this state. Nothing in this chapter shall prevent the conducting of a Georgia  
 23 clinical licensure examination by a board approved examiner who is licensed as a dentist  
 24 or dental hygienist in another jurisdiction. Nothing in this chapter shall prevent the taking  
 25 of a Georgia clinical licensure examination by an individual who is eligible to apply for  
 26 licensure as a dentist or dental hygienist in this state."

### 27 SECTION 3.

28 Said chapter is further amended by revising subsections (a.1) and (b) of Code Section  
 29 43-11-42, relating to reciprocity with other states for a teacher's or instructor's license, as  
 30 follows:

31 "(a.1)(1) The board may issue, in its discretion, without examination, a teacher's or  
 32 instructor's license to a dentist who has graduated from a school, ~~or~~ college, or advanced  
 33 dental education program approved by the board and accredited by the Commission on  
 34 Dental Accreditation of the American Dental Association (ADA) or its successor agency,  
 35 if any, for the sole purpose of teaching or instructing, in an accredited dental college,  
 36 advanced dental education program, or training clinic in this state, those procedures and

1 services recognized in this state to be within the scope of practice of such person's  
 2 professional license. Those applicants who have received a doctoral degree in dentistry  
 3 from a dental school not so accredited must comply with the following requirements in  
 4 order to submit an application for licensure:

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

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

12 (iii) Successful completion at an accredited dental school or college approved by the  
 13 board of at least two one-year advanced dental education programs in operative  
 14 dentistry or a program in general dentistry which is accredited by the Commission on  
 15 Dental Accreditation of the American Dental Association or its successor agency; and

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

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

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

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

#### 33 SECTION 4.

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