

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

AS PASSED

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' means a dental school, college, or university with an education program
15 accredited by the Commission on Dental Accreditation of the American Dental
16 Association or its successor agency.

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

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

23 ~~(3)~~(4) 'Board' means the Georgia Board of Dentistry.

24 ~~(4)~~(5) 'Conscious sedation' means a minimally depressed level of consciousness that
25 retains the patient's ability to independently and continuously maintain an airway and
26 respond appropriately to physical stimulation or verbal command and that is produced by
27 a pharmacological or nonpharmacological method or combination thereof. A patient

1 whose only response is reflex withdrawal from repeated painful stimuli shall not be
 2 considered to be in a state of conscious sedation. The use of nitrous oxide is not
 3 considered conscious sedation for purposes of this chapter.

4 ~~(5)~~(6) 'Dentistry' means the evaluation, diagnosis, prevention, or treatment, or any
 5 combination thereof, whether using surgical or nonsurgical procedures, of diseases,
 6 disorders, or conditions, or any combination thereof, of the oral cavity, maxillofacial area,
 7 or the adjacent and associated structures, or any combination thereof, and their impact on
 8 the human body provided by a dentist, within the scope of his or her education, training,
 9 and experience, in accordance with the ethics of the profession and applicable law,
 10 including, but not limited to, the acts specified in Code Section 43-11-17.

11 ~~(6)~~(7) 'General anesthesia' means an induced state of depressed consciousness, or an
 12 induced state of unconsciousness, accompanied by partial or complete loss of protective
 13 reflexes, including the inability to continually and independently maintain an airway and
 14 respond purposefully to physical stimulation or verbal command, and produced by a
 15 pharmacological or nonpharmacological method or combination thereof. For purposes
 16 of this chapter, 'general anesthesia' includes deep sedation.

17 ~~(7)~~(8) 'Instructor' means either a dentist or a dental hygienist whom the state board has
 18 granted a teacher's or instructor's license pursuant to Code Section 43-11-42.

19 ~~(8)~~(9) 'Licensed dental hygienist' means a dental hygienist licensed and in good standing
 20 in this state pursuant to this chapter.

21 ~~(9)~~(10) 'Licensed dentist' means a dentist licensed and in good standing in this state
 22 pursuant to this chapter.

23 ~~(10)~~(11) 'Training clinic' means a clinic operated as a nonprofit facility by an accredited
 24 dental college, advanced dental education program, or accredited dental hygiene school
 25 primarily to train students or residents of such college, program, or school."

26 SECTION 2.

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

29 "43-11-20.

30 (a) Nothing in this chapter shall prohibit accredited dental colleges or advanced dental
 31 education programs from maintaining on-campus training clinics and affiliated sites for the
 32 purpose of educational training of dental students or dental residents approved by the board
 33 under the supervision of licensed dentists or instructors; nor shall this chapter prevent
 34 licensed dental practitioners of other states and countries from giving clinics before any
 35 dental society or association of this state whose objects are the advancement and
 36 improvement of dentistry as a science.

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

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

23 SECTION 3.

24 Said chapter is further amended by revising subsections (a.1) and (b) of Code Section
 25 43-11-42, relating to reciprocity with other states for a teacher's or instructor's license, as
 26 follows:

27 "(a.1)(1) The board may issue, in its discretion, without examination, a teacher's or
 28 instructor's license to a dentist who has graduated from a school, ~~or college,~~ or advanced
 29 dental education program approved by the board and accredited by the Commission on
 30 Dental Accreditation of the American Dental Association (ADA) or its successor agency,
 31 if any, for the sole purpose of teaching or instructing, in an accredited dental college,
 32 advanced dental education program, or training clinic in this state, those procedures and
 33 services recognized in this state to be within the scope of practice of such person's
 34 professional license. Those applicants who have received a doctoral degree in dentistry
 35 from a dental school not so accredited must comply with the following requirements in
 36 order to submit an application for licensure:

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

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

8 (iii) Successful completion of at least two one-year advanced dental education
 9 programs in general dentistry at an accredited dental school or college approved by the
 10 board; or

11 (iv) Successful completion of a one-year program in operative dentistry at a dental
 12 school or college approved by the board and a one-year advanced dental education
 13 program in general dentistry at an accredited dental school or college approved by the
 14 board; and

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

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

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

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

32 SECTION 4.

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