Senate Bill 375

By: Senators Ginn of the 47th, Goggans of the 7th, Jackson of the 2nd, Cowsert of the 46th, Miller of the 49th and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding health, so as to provide definitions; to provide for certain disclosures regarding the materials used in making dental prosthetics and other dental appliances; to provide for sanctions for failure to make such disclosures and comply with the provisions of this Act; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding health, is amended by adding a new Code section to read as follows:

"31-1-7.1.

(a) As used in this Code section, the term:

(1) 'Dental laboratory' means any person, firm, or corporation that for a fee of any kind, gratuitously, or otherwise, directly or through an agent or employee, by any means or method:

(A) Supplies or manufactures artificial substitutes for the natural teeth;

(B) Furnishes, supplies, constructs, manufactures, or reproduces or repairs any dental prosthetic device including, but not limited to, a complete or partial denture, veneer, inlay, onlay, crown, bridge (fixed partial denture), implants, sleep apnea or orthodontic appliances, or other appliance to be worn in the human mouth; or

(C) In any way holds itself out as a dental laboratory.

A dental laboratory shall not include a dentist or any dental laboratory technician who constructs or repairs dental prosthetic appliances in the office of a licensed dentist for such dentist only and under her or his supervision and work order.

(2) 'Patient contact material' is defined as an alloy, acrylic, ceramic, or other material contained in any fixed or removable dental prosthetic device or appliance or any

component part thereof that is in or comes into direct contact with the oral cavity or is adjacent to human tissue or bone structure of a dental patient.

(b)(1) A dental laboratory shall disclose in writing at the time of delivery of any fixed or removable dental prosthetic device or appliance, whether fabricated in part or completely, including, but not limited to, a complete or partial denture, veneer, inlay, onlay, crown, bridge (fixed partial denture), implants, sleep apnea or orthodontic appliances, or other appliances to the prescribing dentist the patient contact materials and all certificates of authenticity that constitute each product manufactured and component parts thereof and the point of origin of manufacture of each fixed or removable dental prosthetic device or appliance including the address and contact information of the dental laboratory.

(2) If a certificate of authenticity is not available from the dental material manufacturer or supplier to the dental laboratory for a particular patient contact material, the dental laboratory shall disclose in writing, at a minimum, the brand name and product name of the material and core chemical composition of the material.

(3) The dentist to whom the dental laboratory provides such written disclosure shall include this written disclosure form and any other such information provided in the patient's chart. If the laboratory disclosure form shows that any fixed or removable dental prosthetic device or appliance or any component part thereof is manufactured outside of the United States, the dentist shall provide a written disclosure of this fact to the patient prior to the dental treatment utilizing such dental prosthetic device or appliance.

(4) Each such written disclosure provided to the patient shall contain a statement that the patient understands that the dental prosthetic device was manufactured outside of the United States and that the patient agrees to the usage of the device or appliance.

(c) Disclosure shall be made by the laboratory on a form that contains, at a minimum, the following information for each prescribed restoration:

(1) The treating dentist's name and contact information;

(2) The laboratory's contact information, including the name of the technician or technicians that manufactured or oversaw the final production of the device or appliance;

(3) The patient's name or other identifying information as provided by the dentist, such as an identification number or a case number for the patient;

(4) Disclosure of any third-party manufacturer involved in the manufacturing process of the restoration, including the city, state, and country of such third party;

(5) A listing of patient contact materials used in the prescribed fixed or removable dental prosthetic device or appliance, including the lot number information for all patient contact materials, all certificates of authenticity that constitute each product manufactured, and the point of origin of manufacture of each dental prosthetic device or

appliance or any component part thereof. If a certificate of authenticity is not available from the dental material manufacturer or supplier to the dental laboratory for a particular patient contact material, the dental laboratory shall disclose, at a minimum, the brand name and product name of the material and core chemical composition of the material; and

(6) Attestation of the country of origin where the dental technological work was performed.

(d) The fraudulent or negligent failure of a dental laboratory to provide and ensure the accuracy of each product's material disclosure, certificates of authenticity, or point of origin at the time it is delivered to the prescribing dentist as required by this Code section shall be admissible evidence of a violation of this chapter and shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine not to exceed $1,000.00. A dental laboratory shall also be liable for damages caused by the fraudulent or negligent inaccuracies in the material disclosure, certificates of authenticity, or point of origin provided by the dental laboratory to the prescribing dentist.

(e) The Georgia Board of Dentistry shall be authorized pursuant to Code Section 43-11-47 to discipline a dentist for failing to comply with this Code section."

SECTION 2.

This Act shall become effective on January 1, 2013.

SECTION 3.

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