

Senate Bill 248

By: Senators Seay of the 34th, Jones of the 10th, Davenport of the 44th and Butler of the 55th

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, dental hygienists, and dental assistants, so as to provide for the profession of dental
3 hygiene therapy; to provide for licensure of dental hygiene therapists; to provide for practice
4 agreements between a dental hygiene therapist and a primary supervising dentist to be
5 submitted and approved by the Georgia Board of Dentistry; to provide for scope of practice
6 of dental hygiene therapists; to provide for continuing education requirements; to provide for
7 the revocation of dental hygiene therapist licenses and other disciplinary actions by the
8 board; to provide for unlawful practices; to revise and provide certain definitions; to change
9 certain provisions relating to the composition of the board and the qualifications, voting
10 rights, and terms of office of its members; to change certain provisions relating to rules and
11 regulations of the board; to require the gathering of census data on practicing dental hygiene
12 therapists and a standard form for collection of such data; to change certain provisions
13 relating to training and affiliated sites, clinics, and licensure examination; to provide for the
14 issuance of a teacher's or instructor's license to a dental hygiene therapist; to change the
15 "Georgia Volunteers in Dentistry and Dental Hygiene Act" to include the issuance of special
16 licenses to dental hygiene therapists; to change certain provisions relating to applicability;
17 to provide that a dental assistant may assist a licensed dental hygiene therapist; to provide
18 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
19 purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **PART I**
22 **SECTION 1-1.**

23 Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dentists, dental
24 hygienists, and dental assistants, is amended by adding a new article to read as follows:

"ARTICLE 5

43-11-90.

(a) No person shall be issued a license to practice dental hygiene therapy unless:

(1) He or she has successfully completed a dental hygiene therapy education program that is:

(A) Accredited by the Commission on Dental Accreditation of the American Dental Association or a successor organization;

(B) A minimum of four semesters;

(C) Consistent with the model curriculum for educating dental hygiene therapists adopted by the American Association of Public Health Dentistry, or a successor organization; and

(D) Meets the requirements for dental hygiene therapy education programs adopted by the board;

(2) He or she has been awarded a Bachelor of Science degree in dental hygiene;

(3) He or she has passed a comprehensive clinical examination approved by the board and administered independently of an institution providing dental hygiene therapy education and has passed a jurisprudence examination on the laws of this state and rules and regulations related to the practice of dental hygiene therapy as established or approved by the board. The fees for such examinations shall be paid to the executive director and shall be in an amount established by the board through rules or regulations;

(4) He or she has completed 2,000 hours of supervised clinical practice under the supervision of a dentist licensed pursuant to this chapter and in conformity with rules and regulations adopted by the board, during which supervised clinical practice the applicant holds a provisional dental hygiene therapy license pursuant to Code Section 43-11-94. For purposes of meeting the requirements of this subparagraph, an applicant's hours of supervised clinical experience while enrolled in the four-semester dental hygiene therapist education program may be included;

(5) A dentist has submitted an application to obtain approval for the utilization of such individual as dental hygiene therapist pursuant to Code Section 43-11-91; provided, however, that the board may grant an inactive licensure status to a dental hygiene therapist who meets the other requirements of this subsection but for whom an application for the approval of the utilization of such individual has not been submitted or approved. At all times while providing patient services, a dental hygiene therapist shall have a practice agreement submitted by his or her primary supervising dentist and approved by the board pursuant to Code Section 43-11-91;

60 (6) He or she has fulfilled any other licensure requirements established by the board
61 through rules or regulations; and

62 (7) He or she has paid the application fee, the amount of which shall be established by
63 the board.

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

66 (c) All applications to the board for a license shall be made through the executive director,
67 who shall then submit all such applications to the board.

68 (d) An application for a license pursuant to this Code section shall constitute consent for
69 performance of a criminal background check. Each applicant who submits an application
70 to the board for licensure agrees to provide the board with any and all information
71 necessary to run a criminal background check, including but not limited to classifiable sets
72 of fingerprints. The applicant shall be responsible for all fees associated with the
73 performance of a background check.

74 (e) An applicant who fails the clinical examination required pursuant to paragraph (3) of
75 subsection (a) of this Code section twice shall not take the clinical examination again until
76 further education and training, as specified by the board in rules or regulations, are
77 obtained.

78 43-11-91.

79 (a) In order to obtain approval for the utilization of a dental hygiene therapist, whether the
80 utilization is in a private practice or through a public or private health care institution or
81 organization, the licensed dentist who will be responsible for the performance of such
82 dental hygiene therapist shall submit an application to the board which shall include:

83 (1) Evidence that the dental hygiene therapist is licensed pursuant to Code
84 Section 43-11-90;

85 (2) A practice agreement meeting the requirements of subsection (c) of this Code section;
86 and

87 (3) A fee, established by rules or regulations of the board; provided, however, that no fee
88 shall be required if the dental hygiene therapists is an employee of the state or a county
89 government.

90 (b) No primary supervising dentist shall have more than four dental hygiene therapists
91 licensed to him or her at a time; provided, however, that such primary supervising dentist
92 may supervise more than two dental hygiene therapists at any one time.

93 (c)(1) A dental hygiene therapist may practice only under the direct supervision of a
94 primary supervising dentist and through a written practice agreement that has been
95 approved by the board. Such practice agreement shall be in conformity with the legal

96 scope of practice provided in this Code section and shall outline the functions that the
97 dental hygiene therapist is authorized to perform. A dental hygiene therapist may
98 practice only under the standing order of a dentist, may provide only care that follows
99 written protocols, and may provide only services that the dental hygiene therapist is
100 authorized to provide by that dentist pursuant to the practice agreement.

101 (2) A practice agreement between a primary supervising dentist and a dental hygiene
102 therapist is required to include the following elements:

103 (A) The services and procedures and the practice settings for those services and
104 procedures that the dental hygiene therapist may provide, together with any limitations
105 on those services and procedures;

106 (B) Any age-specific and procedure-specific practice protocols, including case
107 selection criteria, assessment guidelines, and imaging frequency;

108 (C) Procedures to be used with patients treated by the dental hygiene therapist for
109 obtaining informed consent and for creating and maintaining dental records;

110 (D) A plan for review of patient records by the primary supervising dentist and the
111 dental hygiene therapist;

112 (E) A plan for managing medical emergencies in each practice setting in which the
113 dental hygiene therapist provides care;

114 (F) A quality assurance plan for monitoring care, including patient care review, referral
115 follow-up, and a quality assurance chart review;

116 (G) Protocols for administering and dispensing medications, including the specific
117 circumstances under which medications may be administered and dispensed;

118 (H) Criteria for providing care to patients with specific medical conditions or complex
119 medical histories, including requirements for consultation prior to initiating care; and

120 (I) Specific written protocols, including a plan for providing clinical resources and
121 referrals, governing situations in which the patient requires treatment that exceeds the
122 scope of practice or capabilities of the dental hygiene therapist.

123 (3) The primary supervising dentist shall accept responsibility for all authorized services
124 and procedures performed by the dental hygiene therapist pursuant to the practice
125 agreement. A dental hygiene therapist who provides services or procedures beyond those
126 authorized in the practice agreement shall be deemed to be in violation of this chapter.

127 (4) Revisions to the practice agreement must be documented in a new practice agreement
128 signed by the primary supervising dentist and the dental hygiene therapist and approved
129 by the board.

130 (5) A primary supervising dentist shall file a copy of the practice agreement with the
131 board, keep a copy for the dentist's own records, provide the dental hygiene therapist with
132 a copy, and make a copy available to patients of the dental hygiene therapist upon

133 request. The copy of the practice agreement in the records of the board shall be made
134 available to the public upon request.

135 43-11-92.

136 A dental hygiene therapist, while under the direct supervision of a dentist licensed in this
137 state, may provide the following care and services:

138 (1) Perform oral health assessments, pulpal disease assessments for primary and young
139 teeth, simple cavity preparations and restorations, and simple extractions;

140 (2) Prepare and place stainless steel crowns and aesthetic anterior crowns for primary
141 incisors and prepare, place, and remove space maintainers;

142 (3) Provide referrals;

143 (4) Administer local anesthesia and nitrous oxide analgesia;

144 (5) Perform preventive services;

145 (6) Conduct urgent management of dental trauma, perform suturing, and extract primary
146 teeth and perform nonsurgical extractions of periodontal diseased permanent teeth if
147 authorized in advance by the primary supervising dentist;

148 (7) Provide, dispense, and administer, within the parameters of the practice agreement
149 entered into pursuant to Code Section 43-11-91 and with the authorization of the primary
150 supervising dentist, anti-inflammatories, nonprescription analgesics, antimicrobials,
151 antibiotics, and anticaries materials;

152 (8) Administer radiographs;

153 (9) Supervise dental assistants and dental hygienists to the extent permitted in the
154 practice agreement entered into pursuant to Code Section 43-11-91, provided that a dental
155 hygiene therapist shall not supervise more than three dental assistants and two dental
156 hygienists in any one practice setting;

157 (10) Perform other related services and functions authorized by the primary supervising
158 dentist and for which the dental hygiene therapist is trained; and

159 (11) Perform any duties of a dental hygiene therapist as set forth in rules and regulations
160 adopted by the board.

161 43-11-93.

162 Every person licensed pursuant to this article shall display such license in a conspicuous
163 place in such person's principal place of business.

164 43-11-94.

165 (a) The board may issue a provisional dental hygiene therapy license to an applicant for
166 licensure under this article who has met the requirements of paragraphs (1) through (3) of
167 subsection (a) of Code Section 43-11-90.

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

170 (c) All applications to the board for a provisional license shall be made through the
171 executive director, who shall then submit all such applications to the board. The fee for
172 provisional licensure shall be paid to the executive director and shall be in an amount
173 established by the board.

174 (d) An applicant who has met the requirements of this Code section shall be granted a
175 provisional license to practice dental hygiene therapy, which shall be valid for two years
176 from the date it is issued and may be renewed subject to the approval of the board.

177 (e) Application for a provisional license under this Code section shall constitute consent
178 for performance of a criminal background check. Each applicant who submits an
179 application to the board for provisional licensure agrees to provide the board with any and
180 all information necessary to run a criminal background check, including but not limited to
181 classifiable sets of fingerprints. The applicant shall be responsible for all fees associated
182 with the performance of a background check.

183 43-11-95.

184 (a) Every person licensed by the board to practice dental hygiene therapy shall register
185 biennially on the renewal date set by the executive director and shall pay to the executive
186 director a registration fee which shall be set by the board. The board shall provide for
187 penalty fees for late registration.

188 (b) The failure to renew a license by the end of an established penalty period shall have
189 the same effect as a revocation of such license, subject to reinstatement only in the
190 discretion of the board. The board may restore and reissue a license to practice dental
191 hygiene therapy pursuant to this article under any terms or conditions that it may deem
192 appropriate.

193 (c) As a prerequisite for license renewal, dental hygiene therapists shall furnish
194 satisfactory evidence of current certification in cardiopulmonary resuscitation as may be
195 defined by rule or regulation of the board.

196 43-11-96.

197 (a) The board shall be authorized to require persons seeking renewal of a dental hygiene
198 therapy license under this article to complete board approved continuing education of not

199 less than 35 hours biennially. The board shall be authorized to approve courses offered by
200 institutions of higher learning, specialty societies, or professional organizations and to
201 designate the number of hours required and the category in which such hours should be
202 earned.

203 (b) The board shall be authorized to waive the continuing education requirement in cases
204 of hardship, disability, or illness or under such other circumstances as the board deems
205 appropriate.

206 (c) The board shall be authorized to promulgate rules and regulations to implement and
207 ensure compliance with the requirements of this Code section.

208 43-11-97.

209 The board shall have the authority to refuse to grant, to revoke, or to discipline the license
210 of any licensed dental hygiene therapist in this state based upon any ground or violation
211 enumerated in Code Section 43-11-47, in the same manner and to the same extent as such
212 Code section applies to licenses of dentists, unless the application of any such provision
213 would not be appropriate to the license of a dental hygiene therapist, in accordance with
214 the sanctions, standards, and procedures set forth in Code Section 43-11-47, or for violation
215 of any provision of this article or any other law, rule, or regulation relating to the practice
216 of dental hygiene therapy, in accordance with the sanctions, standards, and procedures set
217 forth in Code Section 43-11-47.

218 43-11-98.

219 This article shall not apply to licensed dentists, nor shall this article apply to physicians
220 licensed in this state in extracting teeth or performing surgical operations and in charging
221 therefor or to accredited schools of dentistry.

222 43-11-99.

223 Any person, firm, partnership, corporation, or other entity who practices dental hygiene
224 therapy in this state without obtaining a license to practice dental hygiene therapy from the
225 board shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine
226 of not less than \$500.00 nor more than \$1,000.00 or by imprisonment from two to five
227 years, or both."

228

PART II

229

SECTION 2-1.

230 Said chapter is further amended by revising Code Section 43-11-1, relating to definitions, to
 231 read as follows:

232 "43-11-1.

233 As used in this chapter, the term:

234 (1) 'Accredited dental college' and 'accredited dental school' or 'accredited school of
 235 dentistry' means a dental school, college, or university with an education program
 236 accredited by the Commission on Dental Accreditation of the American Dental
 237 Association or its successor agency.

238 (2) 'Accredited dental hygiene school' means a dental hygiene education program
 239 accredited by the Commission on Dental Accreditation of the American Dental
 240 Association or its successor agency.

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

244 (4) 'Board' means the Georgia Board of Dentistry.

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

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

259 (6.1) 'Executive director' means the executive director appointed by the board pursuant
 260 to Code Section 43-11-2.1.

261 (7) 'General anesthesia' means an induced state of depressed consciousness, or an
 262 induced state of unconsciousness, accompanied by partial or complete loss of protective
 263 reflexes, including the inability to continually and independently maintain an airway and

264 respond purposefully to physical stimulation or verbal command, and produced by a
 265 pharmacological or nonpharmacological method or combination thereof. For purposes
 266 of this chapter, 'general anesthesia' includes deep sedation.

267 (8) 'Instructor' means ~~either~~ a dentist, a dental hygiene therapist, or a dental hygienist
 268 whom the board has granted a teacher's or instructor's license pursuant to Code
 269 Section 43-11-42.

270 (8.1) 'Licensed dental hygiene therapist' means a dental hygiene therapist licensed and
 271 in good standing in this state pursuant to this chapter.

272 (9) 'Licensed dental hygienist' means a dental hygienist licensed and in good standing
 273 in this state pursuant to this chapter.

274 (10) 'Licensed dentist' means a dentist licensed and in good standing in this state
 275 pursuant to this chapter.

276 (10.1) 'Practice agreement' means a document signed by a primary supervising dentist
 277 and a dental hygiene therapist that outlines the functions that the dental hygiene therapist
 278 is authorized to perform.

279 (10.2) 'Primary supervising dentist' means the licensed dentist with whom the board
 280 licenses a dental hygiene therapist pursuant to a board approved practice agreement and
 281 who has the primary responsibility for supervising the practice of a dental hygiene
 282 therapist pursuant to the practice agreement entered into with such dental hygiene
 283 therapist.

284 (11) 'Training clinic' means a clinic operated as a nonprofit facility by an accredited
 285 dental college, advanced dental education program, accredited dental hygiene therapist
 286 school, or accredited dental hygiene school primarily to train students or residents of such
 287 college, program, or school."

288 **SECTION 2-2.**

289 Said chapter is further amended by revising Code Section 43-11-2, relating to the creation
 290 of and composition of board, qualifications and voting rights of members, terms of office,
 291 vacancies, and enjoining violations, as follows:

292 "43-11-2.

293 (a) A board to be known as the Georgia Board of Dentistry is created. The board shall
 294 consist of ~~11~~ 13 members to be appointed and commissioned by the Governor as provided
 295 in subsection (b) of this Code section.

296 (b)(1) Nine members of the board shall be dentists and shall be appointed as follows: The
 297 members of the board who are dentists serving on July 1, 1981, shall continue to serve
 298 out their respective terms of office. As each such member's term of office subsequently
 299 expires, the Governor shall appoint a new member who shall be a practicing dentist

300 licensed by this state. The Georgia Dental Association may, at each annual meeting,
 301 nominate four reputable practicing dentists for each expired or next expiring board
 302 member's term; and, from each group of four dentists so nominated, the Governor may
 303 appoint one as the new member of said board.

304 (1.1) Two members of the board shall be licensed dental hygiene therapists who are not
 305 dentists, who are residents of this state, and who are practicing dental hygiene therapists
 306 in this state and shall be appointed by the Governor. No one shall be eligible as a dental
 307 hygiene therapist member of the board unless he or she is a citizen of this state and is
 308 neither financially interested in nor connected with any dental college or dental hygiene
 309 therapist school. If such a member ceases to be a resident of this state or ceases
 310 practicing in this state, such position on the board shall be deemed vacated.

311 (2) One member of the board shall be a dental hygienist who is not a dentist or dental
 312 hygiene therapist, who is a resident of this state, and who is a practicing dental hygienist
 313 in this state and shall be appointed by the Governor. No one shall be eligible as a dental
 314 hygienist member of the board unless he or she is a citizen of this state and has lawfully
 315 practiced as a dental hygienist for five or more years at the time of his or her appointment
 316 and is ~~not~~ neither financially interested in; nor connected with; any dental college or
 317 dental hygiene school. If such a member ceases to be a resident of this state or ceases
 318 practicing in this state, ~~that~~ such position on the board shall be deemed vacated. The
 319 Georgia Dental Hygienists Association may nominate four reputable dental hygienists
 320 who are not dentists or dental hygiene therapists, for each expired or expiring term; and,
 321 from each group of four dental hygienists so nominated, the Governor may appoint one
 322 as the new member of the board.

323 (3) One member of the board shall be a citizen of this state who is not a dentist, a dental
 324 hygiene therapist, or a dental hygienist and shall be appointed by the Governor.

325 (4) Except as otherwise provided in paragraphs ~~(6)~~ and (5.1) through (7) of this
 326 subsection, the term of office of each member of the board shall be for five years and
 327 until the appointment and qualification of a successor.

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

330 (5.1) The term of the initial members appointed pursuant to paragraph (1.1) of this
 331 subsection shall be for a term of two years beginning July 1, 2016, and ending
 332 June 30, 2018.

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

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

337 (c) No one shall be eligible as a dentist member of the board unless he or she is a citizen
 338 of this state and has lawfully engaged in the practice of dentistry for five or more years at
 339 the time of his or her appointment and is ~~not~~ neither financially interested in; nor connected
 340 with; any dental college.

341 (d)(1) The dental hygiene therapist member of the board may vote only on matters
 342 relating to dental hygiene therapy, administration, and policy which do not directly relate
 343 to practical or scientific examination of dentists or dental hygienists for licensing in this
 344 state.

345 ~~(1)(2)~~ (2) The dental hygienist member of the board may vote only on matters relating to
 346 dental hygiene, administration, and policy which do not directly relate to practical or
 347 scientific examination of dentists or dental hygiene therapists for licensing in this state.

348 ~~(2)(3)~~ (3) The citizen member of the board who is not a dentist, dental hygiene therapist, or
 349 dental hygienist may vote only on matters relating to administration and policy which do
 350 not directly relate to practical and scientific examination of dentists, dental hygiene
 351 therapists, and dental hygienists for licensing in this state.

352 (e) The board may bring an action to enjoin any person, firm, partnership, corporation, or
 353 other entity who without being licensed or registered to do so by the board engages in or
 354 practices the profession of dentistry. The proceeding shall be filed in the county in which
 355 such person resides or, in the case of a firm, partnership, corporation, or other entity where
 356 the firm, partnership, corporation, or other entity maintains its principal office. Unless it
 357 shall be made to appear that such person, firm, partnership, corporation, or other entity so
 358 engaging in or practicing dentistry is licensed or registered, the injunction shall be issued,
 359 and such person, firm, partnership, corporation, or other entity shall be perpetually enjoined
 360 from such activities throughout the state. It shall not be necessary in order to obtain the
 361 equitable relief provided in this subsection that the board allege and prove that there is no
 362 adequate remedy at law. It is declared that such unlicensed activities as are mentioned in
 363 this chapter are a menace and a nuisance dangerous to the public health, safety, and
 364 welfare."

365 **SECTION 2-3.**

366 Said chapter is further amended by revising Code Section 43-11-9, relating to rules and
 367 regulations affecting dental hygienists, dental assistants, or other persons, as follows:

368 "43-11-9.

369 In order to protect and promote the public health and welfare of the citizens of this state,
 370 the board shall prescribe by rule or regulation those acts, services, procedures, and
 371 practices which may be performed by dental hygiene therapists, dental hygienists, dental
 372 assistants, or other persons at the direction of and under the supervision of a licensed

373 dentist and shall impose such requirements and restrictions, including the degree of
 374 supervision required, on the performance thereof by such dental hygiene therapists, dental
 375 hygienists, dental assistants, and other persons as it shall deem necessary and proper."

376

SECTION 2-4.

377 Said chapter is further amended by revising Code Section 43-11-11, relating to gathering of
 378 census data on practicing dentists and dental hygienists and standard form for collection of
 379 such data, as follows:

380 "43-11-11.

381 (a) The board shall gather census data on each dentist, dental hygiene therapist, and dental
 382 hygienist in this state. Such census data shall be obtained from each dentist, dental hygiene
 383 therapist, and dental hygienist as part of the license renewal process on a biennial basis.
 384 Renewal of a license shall be contingent on completion and provision of a census
 385 questionnaire to the board. Failure by a licensee to submit the census questionnaire shall
 386 authorize the board to refuse to grant a license renewal, revoke a license, or discipline a
 387 licensee under Code Section 43-11-47.

388 (b) The board shall by regulation establish a standard form for the collection of census
 389 data. Such form and the census data obtained shall be available for dissemination to any
 390 member of the public.

391 (c) The standard form shall at a minimum request the following information from dentists
 392 renewing their license:

393 (1) The dentist's age and gender;

394 (2) Each location identified by ZIP Code in which the dentist operates a private dental
 395 practice or practices dentistry;

396 (3) Whether the dentist is a specialist and the specialty in which the dentist is engaged;
 397 and

398 (4) Whether the dentist practices dentistry full time, which shall mean 30 or more hours
 399 per week, or part time, which shall mean less than 30 hours per week.

400 (d) The standard form shall at a minimum request the following information from dental
 401 hygiene therapists renewing their license:

402 (1) The dental hygiene therapist's age and gender;

403 (2) Each location identified by ZIP Code in which the dental hygiene therapist provides
 404 treatment services; and

405 (3) Whether the dental hygiene therapist provides treatment full time, which shall mean
 406 30 or more hours per week, or part time, which shall mean less than 30 hours per week.

407 ~~(d)~~(e) The standard form shall at a minimum request the following information from dental
 408 hygienists renewing their license:

- 409 (1) The dental hygienist's age and gender;
- 410 (2) Each location identified by ZIP Code in which the dental hygienist provides
- 411 treatment services; and
- 412 (3) Whether the dental hygienist provides treatment full time, which shall mean 30 or
- 413 more hours per week, or part time, which shall mean less than 30 hours per week."

414 **SECTION 2-5.**

415 Said chapter is further amended by revising Code Section 43-11-20, relating to training and

416 affiliated sites, clinics, and licensure examination, as follows:

417 "43-11-20.

418 (a) Nothing in this chapter shall prohibit accredited dental colleges or advanced dental

419 education programs from maintaining on-campus training clinics and affiliated sites for the

420 purpose of educational training of dental students or dental residents approved by the board

421 under the supervision of licensed dentists or instructors; nor shall this chapter prevent

422 licensed dental practitioners of other states and countries from giving clinics before any

423 dental society or association of this state whose objects are the advancement and

424 improvement of dentistry as a science.

425 (b) Nothing in this chapter shall prevent:

426 (1) Students ~~students~~ of accredited dental colleges or residents in advanced dental

427 education programs in this state from engaging in activities otherwise defined as the

428 practice of dentistry, provided that ~~said~~ such students work under the direct supervision

429 and responsibility of a licensed dentist or instructor as a part of a training clinic;

430 (2) Students of accredited dental hygiene therapy schools in this state from engaging in

431 activities otherwise defined as the practice of dental hygiene therapy, provided that such

432 students work under the direct supervision and responsibility of a licensed dentist or

433 dental hygiene therapist as a part of an on-campus training clinic or at affiliated sites

434 approved by such schools, colleges, or programs and the board for the purpose of

435 educational training; or

436 (3) Students ~~nor shall this chapter prevent students~~ of accredited dental hygiene schools

437 in this state from engaging in activities otherwise defined as the practice of dental

438 hygiene, provided that ~~said~~ such students work under the direct supervision and

439 responsibility of a licensed dentist or dental hygienist as a part of an on-campus training

440 clinic or at affiliated sites approved by ~~said~~ such schools, colleges, or programs and the

441 board for the purpose of educational training.

442 (c) Nothing in this chapter shall prevent said accredited schools or colleges of dentistry,

443 dental hygiene therapy, or dental hygiene or advanced dental education programs from

444 establishing and collecting charges for services rendered by training students or residents

445 under the supervision of a licensed dentist, licensed dental hygiene therapist, licensed
 446 dental hygienist, or instructor. These charges shall not exceed charges made by similar
 447 dental schools and colleges and advanced dental education programs located within the
 448 United States.

449 ~~(c)~~(d) Nothing in this chapter shall be construed to prohibit the administration of a board
 450 approved clinical licensure examination as a prerequisite for licensure as a dentist, dental
 451 hygiene therapist, or dental hygienist in this state.

452 (e) Nothing in this chapter shall prevent the conducting of a Georgia clinical licensure
 453 examination by a board approved examiner who is licensed as a dentist, dental hygiene
 454 therapist, or dental hygienist in another jurisdiction. Nothing in this chapter shall prevent
 455 the taking of a Georgia clinical licensure examination by an individual who is eligible to
 456 apply for licensure as a dentist, dental hygiene therapist, or dental hygienist in this state."

457 SECTION 2-6.

458 Said chapter is further amended by revising Code Section 43-11-42, relating to reciprocity
 459 and criminal background checks, as follows:

460 "43-11-42.

461 (a) The board may issue, in its discretion, without examination, a teacher's or instructor's
 462 license to a dental hygienist who has graduated from a school or college approved by the
 463 board and accredited by the Commission on Dental Accreditation of the American Dental
 464 Association (ADA) or its successor agency, if any, for the sole purpose of teaching or
 465 instructing, in an accredited dental hygiene school in this state, those procedures and
 466 services recognized in this state to be within the scope of practice of such person's
 467 professional license.

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

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

- 481 (ii) Successful completion at an accredited dental school or college approved by the
482 board of at least a two-year advanced education program in one of the dental
483 specialties recognized by the American Dental Association (ADA) or in an advanced
484 dental education program in general dentistry; or
- 485 (iii) Successful completion of at least two one-year advanced dental education
486 programs in general dentistry at an accredited dental school or college approved by
487 the board; or
- 488 (iv) Successful completion of a one-year program in operative dentistry at a dental
489 school or college approved by the board and a one-year advanced dental education
490 program in general dentistry at an accredited dental school or college approved by the
491 board; and
- 492 (B) Certification by the dean of the accredited dental school where such supplementary
493 program was taken that the candidate has achieved the same level of didactic and
494 clinical competency as expected of a graduate of the school receiving a doctor of dental
495 surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree.
- 496 (2) The board may establish by rule or regulation the requirements for documentation of
497 an applicant's educational and personal qualifications for licensure.
- 498 (3) In order to be granted a license under this subsection, all applicants must pass a
499 jurisprudence examination on the laws of this state and rules and regulations as they
500 relate to the practice of dentistry as established or approved by the board, which shall be
501 administered in the English language.
- 502 (a.2) The board may issue, in its discretion, without examination, a teacher's or instructor's
503 license to a dental hygiene therapist who has graduated from a school or college approved
504 by the board and accredited by the Commission on Dental Accreditation of the American
505 Dental Association (ADA) or its successor agency, if any, for the sole purpose of teaching
506 or instructing, in an accredited dental hygiene therapy school in this state, those procedures
507 and services recognized in this state to be within the scope of practice of such person's
508 professional license.
- 509 (b) The board may issue, in its discretion, without examination, a license to dentists for the
510 sole purpose of practicing public health dentistry in an official state or a local health
511 department or to render dental services to patients in state operated eleemosynary or
512 correctional institutions, provided that these dentists possess a license in another state, are
513 in good standing in said state, and have graduated from an accredited dental college. Such
514 license shall be considered to be a temporary license which shall be valid for a period to
515 be established by board rule.
- 516 (c) The cost of such teacher's, instructor's, or temporary public health license shall be
517 established by the board.

518 (d) Any license issued or considered for issuance under this Code section shall be subject
519 to the provisions set forth in Code Section 43-11-47.

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

526 SECTION 2-7.

527 Said chapter is further amended by revising Code Section 43-11-52, relating to volunteers
528 in dentistry and dental hygiene, special licensing, and construction, as follows:

529 "43-11-52.

530 (a) This Code section shall be known and may be cited as the 'Georgia Volunteers in
531 Dentistry and Dental Hygiene Act.'

532 (b) Notwithstanding any other provision of law, the board shall issue a special license to
533 qualifying dentists, dental hygiene therapists, and dental hygienists under the terms and
534 conditions set forth in this Code section and pursuant to requirements which may be set
535 forth in the rules and regulations of the board. The special license shall only be issued to
536 a person who:

537 (1) Is retired from the practice of dentistry, dental hygiene therapy, or dental hygiene and
538 not currently engaged in such practice either full time or part time and has, prior to
539 retirement, maintained full unrestricted licensure in good standing in dentistry, dental
540 hygiene therapy, or dental hygiene in any state; or

541 (2) Is currently licensed to practice dentistry, dental hygiene therapy, or dental hygiene
542 in any licensing jurisdiction in the United States and whose license is unrestricted and in
543 good standing.

544 As used in this subsection, the term 'unrestricted' means that no restrictions have been
545 placed on the applicant's license by any board, no sanctions or disciplinary actions have
546 been imposed by any board on the applicant, and the applicant is not under probation or
547 suspension by any board.

548 (c) The special licensee shall be permitted to practice dentistry, dental hygiene therapy, or
549 dental hygiene only in the noncompensated employ of public agencies or institutions, not
550 for profit agencies, not for profit institutions, nonprofit corporations, or not for profit
551 associations which provide dentistry, dental hygiene therapy, or dental hygiene services
552 only to indigent patients in areas which are underserved by dentists, dental hygiene
553 therapists, or dental hygienists or critical need population areas of the state, as determined

554 by the board, or pursuant to Article 8 of Chapter 8 of Title 31. The practice of dental
 555 hygiene by a dental hygienist awarded a special license under this Code section shall be
 556 governed by Code Section 43-11-74. The practice of dental hygiene therapy by a dental
 557 hygiene therapist awarded a special license under this Code section shall be governed by
 558 Article 5 of this chapter.

559 (d) The person applying for the special license under this Code section shall submit to the
 560 board a notarized statement from the employing agency, institution, corporation,
 561 association, or health care program on a form prescribed by the board, whereby he or she
 562 agrees unequivocally not to receive compensation for any dentistry, dental hygiene therapy,
 563 or dental hygiene services he or she may render while in possession of the special license.

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

566 (f) If, at the time application is made for the special license, the dentist, dental hygiene
 567 therapist, or dental hygienist is not in compliance with the continuing education
 568 requirements established by the board for dentists, dental hygiene therapists or dental
 569 hygienists in this state, the dentist, dental hygiene therapist, or dental hygienist may be
 570 issued a nonrenewable temporary license to practice for six months provided the applicant
 571 is otherwise qualified for such license.

572 (g)(1) Except as provided for in paragraph (2) of this subsection, the liability of persons
 573 practicing dentistry, dental hygiene therapy, or dental hygiene under and in compliance
 574 with a special license issued under this Code section and the liability of their employers
 575 for such practice shall be governed by Code Section 51-1-29.1.

576 (2) The liability of persons practicing dentistry, dental hygiene therapy, or dental hygiene
 577 pursuant to Article 8 of Chapter 8 of Title 31 under and in compliance with a special
 578 license issued under this Code section shall be governed by the provisions of such article.

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

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

586 **SECTION 2-8.**

587 Said chapter is further amended by revising Code Section 43-11-75, relating to applicability
 588 of Article 3, relating to dental hygienists, as follows:

589 "43-11-75.

590 This article shall not apply to licensed dentists or to licensed dental hygiene therapists, nor
 591 shall this article apply to physicians licensed in this state in extracting teeth or performing
 592 surgical operations and in charging therefor or to accredited schools of dentistry."

593 **SECTION 2-9.**

594 Said chapter is further amended by revising Code Section 43-11-80, relating to acts, services,
 595 practices, and procedures authorized relative to dental assistants, as follows:

596 "43-11-80.

597 (a) A dental assistant is one, other than a licensed dentist, licensed dental hygiene
 598 therapist, or licensed dental hygienist, who is employed to assist a licensed dentist or
 599 licensed dental hygiene therapist by performing those acts, services, practices, and
 600 procedures as may be prescribed by rule or regulation of the board.

601 (b) After meeting such additional education and training requirements as the board may
 602 require by rule or regulation, a dental assistant may perform such other acts, practices,
 603 services, or procedures, under the direct supervision of a licensed dentist or licensed dental
 604 hygiene therapist, which the board may prescribe by rule or regulation."

605 **SECTION 2-10.**

606 Said chapter is further amended by revising Code Section 43-11-81, relating to direct
 607 supervision required relative to dental assistants, as follows:

608 "43-11-81.

609 Dental assistants shall perform their duties only under the direct, personal supervision of
 610 a licensed dentist or a licensed dental hygiene therapist. No dental assistant shall practice
 611 dentistry, dental hygiene therapy, dental hygiene, or do any kind of dental work other than
 612 those acts, services, procedures, and practices prescribed by rule or regulation of the
 613 board."

614 **SECTION 2-11.**

615 Said chapter is further amended by revising Code Section 43-11-82, relating to exceptions
 616 to application of Article 4, relating to dental assistants, as follows:

617 "43-11-82.

618 This article shall not apply to licensed dentists, dental hygiene therapists, or dental
 619 hygienists, nor shall this article apply to physicians licensed in this state in extracting teeth
 620 or performing surgical operations and in charging therefor or to accredited schools of
 621 dentistry."

622

PART III

623

SECTION 3-1.

624 This Act shall become effective on July 1, 2016.

625

SECTION 3-2.

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