

The Senate committee on Health and Human Services offered the following substitute to SB 248:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated,
2 relating to dental hygienists, so as to provide for delegable services and procedures that may
3 be performed by dental hygienists; to provide for legislative findings and intent; to revise
4 provisions regarding direct supervision of dental hygienists by dentists in safety net settings
5 and for pediatric Medicaid and medicare patients; to provide for related matters; to provide
6 an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8
9 (a) The General Assembly finds that:

10 (1) Statistics show that nearly one-third of older adults have untreated tooth decay and
11 nearly 25 percent of adults ages 65 to 74 have severe gum disease;

12 (2) Professional preventative hygiene services can help prevent such conditions before
13 they begin;

14 (3) Preventative care is the most cost-effective care that can be delivered to the public;

15 (4) In 2009, 60,000 Georgians sought emergency dental care at Grady Memorial
16 Hospital at a cost of \$25 million; and

17 (5) One hundred eighteen of 159 counties in Georgia are considered dental health
18 professional shortage areas, meaning there are not enough dentists in those areas to meet
19 the dental care needs of the public, resulting in people seeking emergency care for dental
20 issues.

21 (b) It is the intent of the General Assembly to increase access to preventative dental care
22 in safety net settings and for underserved and needy populations. It is further the intent of
23 the General Assembly that the rules and regulations promulgated by the Georgia Board of
24 Dentistry pursuant to this Act effectuate this purpose to the greatest extent allowable.

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SECTION 2.

Article 3 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dental hygienists, is amended by revising Code Section 43-11-74, relating to direct supervision requirements, scope of duties, and exceptions to required supervision for dental screenings, as follows:

"43-11-74.

(a) Dental hygienists shall perform their duties only under the direct supervision of a ~~licensed~~ dentist licensed in this state. No dental hygienist shall diagnose, prescribe, determine the initial dosage, or increase the initial dosage of nitrous oxide, practice dentistry, or do any kind of dental work other than to remove calcareous deposits, secretions, and stains from the surfaces of the teeth, to apply ordinary wash or washes of a soothing character, and to perform those acts, services, procedures, and practices which the board ~~shall prescribe~~ has determined are delegable as prescribed by rule or regulation. ~~The board shall not delegate to dental hygienists the authority to administer local anesthesia, except that this restriction shall automatically expire July 1, 1992.~~

(b) After meeting such additional education and training requirements as the board may require by rule or regulation, a dental hygienist may perform such other acts, practices, services, or procedures under the direct supervision of a licensed dentist, which the board may prescribe by rule or regulation subject, however, to the limitations set forth in subsection (a) of this Code section.

(c) The requirement of direct supervision shall not apply to the educational training of dental hygiene students at an institution approved by the board and the Commission on Dental Accreditation of the American Dental Association, or its successor agency, when such instruction is carried out under such degree of supervision by a licensed dentist as the board may prescribe by rule or regulation.

(d) The requirement of direct supervision shall not apply to the performance of dental hygiene duties at approved dental facilities of the Department of Public Health, county boards of health, or the Department of Corrections. The board shall provide by rule or regulation for criteria for approval of such facilities and for the appropriate degree of supervision by a licensed dentist over dental hygienists performing duties in such facilities.

(d.1) The requirement of direct supervision shall not apply to the performance of dental hygiene duties at approved safety net settings, including nonprofit clinics, long-term care facilities, federally qualified health centers, and school based health centers, or at other safety net settings approved by the board if authorized by a dentist licensed in this state. Dental hygienists may perform such procedures in approved safety net settings that a dentist licensed in this state has delegated to be performed in accordance with board rules and regulations, but such dentist shall not be required to be present when such procedures

62 are performed; provided, however, that this shall not prevent such delegating dentist, in his
63 or her discretion, to require an initial examination of the patient prior to the performance
64 of dental hygiene services. Dental hygienists shall use proper dental equipment to properly
65 perform duties as reasonably determined by the board. A dental hygienist who performs
66 dental hygiene duties pursuant to this subsection without direct supervision or without a
67 prior examination by a licensed dentist shall advise each person who receives such services
68 to seek a more thorough examination by a dentist within 45 days of receiving such dental
69 hygiene services. Dental hygienists performing dental hygiene duties pursuant to this
70 subsection shall maintain professional liability insurance and provide proof of such
71 insurance to the board in accordance with board rules.

72 (d.2) The requirement of direct supervision shall not apply to the performance of dental
73 hygiene duties by a dental hygienist for a Medicare or Medicaid patient, including pediatric
74 patients and pregnant mothers, of a dentist licensed in this state who accepts Medicare or
75 Medicaid for such patient if authorized by such dentist. The board shall provide by rule
76 or regulation for the appropriate degree of supervision by a licensed dentist over dental
77 hygienists performing duties pursuant to this subsection.

78 (d.3) Any primary, supervising Georgia-licensed dentist acting pursuant to this Code
79 section shall maintain a physical and operational dental practice in the State of Georgia
80 which shall be located within 100 miles of the approved safety net setting where the
81 nondirect supervised cleaning is to take place.

82 (d.4) A dentist licensed in this state acting pursuant to subsection (d.1) of this Code section
83 shall not delegate more than eight dental hygienists to perform hygiene duties at approved
84 safety net settings.

85 (e)(1) As used in this subsection, the term 'dental screening' means a visual assessment
86 of the oral cavity without the use of X-rays, laboratory tests, or diagnostic models to
87 determine if it appears that a more thorough examination and diagnosis should be
88 conducted by a dentist.

89 (2) The requirement of direct supervision shall not apply to the performance of dental
90 hygienists providing dental screenings in settings which include schools, hospitals, and
91 clinics and state, county, local, and federal public health programs. Other health fair
92 settings must be preapproved by the board.

93 (3) Each person who receives a dental screening pursuant to this subsection, or the parent
94 or legal guardian if the person is a minor, must be informed in writing of the purpose and
95 limitations of a dental screening and advised to seek a more thorough examination by a
96 dentist to determine whether or not problems exist that might not be discovered in a
97 screening. There shall be no fees charged for providing a dental screening pursuant to
98 this subsection except for dental screenings provided by employees of the Department of

99 Public Health or county boards of health. These fees must be paid directly to that
100 department or county board of health and not to the individual who performs the dental
101 screening."

102 **SECTION 3.**

103 This Act shall become effective on January 1, 2017.

104 **SECTION 4.**

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