

The House Committee on Health and Human Services offers the following substitute to HB 684:

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 Medicaid and medicare patients; to provide for related matters; to provide an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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 in
22 safety net settings and for underserved and needy populations. It is further the intent of the
23 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.

SECTION 2.

25
26 Article 3 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to
27 dental hygienists, is amended by revising Code Section 43-11-74, relating to direct
28 supervision requirements, scope of duties, and exceptions to required supervision for dental
29 screenings, as follows:

30 "43-11-74.

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

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

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

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

55 (d.1) The requirement of direct supervision shall not apply to the performance of dental
56 hygiene duties at approved safety net settings, including nonprofit clinics, long-term care
57 facilities, federally qualified health centers, and school settings, or at other safety net
58 settings approved by the board if authorized by a licensed dentist; provided, however, that
59 no dentist shall be required to authorize a dental hygienist or dental hygienists to perform
60 dental hygiene duties pursuant to this subsection. School settings shall include only
61 schools that are Title I schools under the federal Elementary and Secondary Education Act.

62 schools in which at least 65 percent of the student population is eligible for free or reduced
63 price lunch under federal guidelines, and Head Start programs. A dental hygienist may be
64 authorized to perform any dental hygiene duties that a dental hygienist is authorized to
65 perform under the direct supervision of a dentist as such duties existed pursuant to board
66 rules on December 31, 2015, if specifically authorized by the dentist; provided, however,
67 that the minimum authorized dental hygiene duties shall include dental health education,
68 nutritional counseling, demonstration of oral hygiene technique, prophylaxis, sealant,
69 topical anesthesia, fluoride, and root planning. An authorizing dentist shall not be required
70 to be present when dental hygiene duties are performed pursuant to this subsection, but it
71 shall be in the sole discretion of the authorizing dentist as to whether or not to require an
72 initial examination of the patient prior to the performance of dental hygiene services. Any
73 dentist authorizing a dental hygienist to perform dental hygiene duties pursuant to this
74 subsection shall maintain a physical and operational dental practice in this state which shall
75 be located within 100 miles of the approved safety net setting where the dental hygiene
76 services will be performed and shall be in good standing. Any dental hygienist performing
77 dental hygiene services pursuant to this subsection shall have at least two years of
78 experience in the practice of dental hygiene, shall be in compliance with continuing
79 education requirements pursuant to Code Section 43-11-73.1 and cardiopulmonary
80 resuscitation certification requirements contained in Code Section 43-11-73, and shall be
81 licensed in good standing. A dentist may only authorize up to four dental hygienists to
82 provide dental hygiene services pursuant to this subsection at any one time. Any safety net
83 setting shall contain proper dental equipment, mobile or fixed, for dental hygienists to
84 properly perform duties, which shall include portable suction for dental hygiene services
85 provided in a long-term care facility; provided, however, that this shall not be construed
86 to require any safety net setting to purchase any equipment. A dental hygienist who
87 performs dental hygiene duties pursuant to this subsection shall provide written notice to
88 each patient containing: (1) the name of the dental hygienist and the authorizing dentist;
89 (2) any dental hygiene issues that the dental hygienist identified during the performance
90 of dental hygiene duties; and (3) a statement advising each patient who receives dental
91 hygiene services to seek a more thorough examination by a dentist within 90 days, unless
92 the authorizing dentist performed an initial examination of the patient. Such written notice
93 shall be provided to parents of children who receive dental hygiene services pursuant to
94 this subsection and to the long-term care facility for residents of such facilities who receive
95 dental hygiene services pursuant to this subsection. In school settings, the school shall
96 obtain parental consent prior to the performance of any dental hygiene services pursuant
97 to this subsection. Dental hygienists performing dental hygiene duties pursuant to this

98 subsection shall maintain professional liability insurance and provide proof of such
 99 insurance to the board in accordance with board rules.

100 (d.2) The requirement of direct supervision shall not apply to the performance of dental
 101 hygiene duties by a dental hygienist for a medicare or Medicaid patient, including pediatric
 102 patients and pregnant mothers, of a licensed dentist who accepts medicare or Medicaid for
 103 such patient if authorized by such dentist. With respect to such medicare or Medicaid
 104 patients of the licensed, supervising dentist, the board shall have the authority to
 105 promulgate rules and regulations establishing the appropriate degree of supervision over
 106 dental hygienists performing duties pursuant to this subsection. A Medicaid patient shall
 107 only be eligible to receive dental hygiene services twice in one year pursuant to this Code
 108 section without having a more thorough examination performed by a dentist.

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

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

117 (3) Each person who receives a dental screening pursuant to this subsection, or the parent
 118 or legal guardian if the person is a minor, must be informed in writing of the purpose and
 119 limitations of a dental screening and advised to seek a more thorough examination by a
 120 dentist to determine whether or not problems exist that might not be discovered in a
 121 screening. There shall be no fees charged for providing a dental screening pursuant to
 122 this subsection except for dental screenings provided by employees of the Department of
 123 Public Health or county boards of health. These fees must be paid directly to that
 124 department or county board of health and not to the individual who performs the dental
 125 screening."

126 **SECTION 3.**

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

128 **SECTION 4.**

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