

Senate Bill 12

By: Senators Unterman of the 45th, Seay of the 34th, Hufstetler of the 52nd, and Kirk of the 13th

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 authorize licensed dental hygienists to perform certain
3 functions under general supervision; to provide for legislative findings and intent; to provide
4 for criteria; to require professional liability insurance by licensed dental hygienists
5 performing under general supervision; to provide for definitions; to provide for intent; to
6 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
7 other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 (a) The General Assembly finds that:

11 (1) Statistics show that nearly one-third of older adults have untreated tooth decay and
12 nearly 25 percent of adults ages 65 to 74 have severe gum disease. Statistics also show
13 that more than 50 percent of lower income children in Georgia do not have adequate
14 access to dental care, putting them at significant risk of developing tooth decay and other
15 oral health conditions;

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

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

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

21 (5) Of Georgia's 159 counties, 118 are considered dental health professional shortage
22 areas, meaning there are not enough licensed dentists in those areas to meet the dental
23 care needs of the public, resulting in individuals seeking emergency care for dental
24 issues.

25 (b) It is the intent of the General Assembly to increase access to preventative dental care
26 in safety net settings and for underserved and needy populations. It is further the intent of

27 the General Assembly that the rules and regulations promulgated by the Georgia Board of
 28 Dentistry pursuant to this Act effectuate this purpose to the greatest extent allowable.

29 **SECTION 2.**

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

34 "43-11-74.

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

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

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

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

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

63 (2) The requirement of direct supervision shall not apply to the performance of licensed
 64 dental hygienists providing dental screenings in settings which include: schools;
 65 hospitals; and clinics; and state, county, local, and federal public health programs;
 66 volunteer community health settings; senior centers; and battered women's shelters as
 67 defined by the board. Other health fair settings must be preapproved by the board.

68 (3) Each person who receives a dental screening pursuant to this subsection, or the parent
 69 or legal guardian if the person is a minor, must be informed in writing of the purpose and
 70 limitations of a dental screening and advised to seek a more thorough examination by a
 71 licensed dentist to determine whether or not problems exist that might not be discovered
 72 in a screening. There shall be no fees charged for providing a dental screening pursuant
 73 to this subsection except for dental screenings provided by employees of the Department
 74 of Public Health or county boards of health. These fees must be paid directly to that
 75 department or county board of health and not to the individual who performs the dental
 76 screening.

77 (f)(1) In a private dental office setting, a licensed dental hygienist may only perform the
 78 following functions under general supervision:

- 79 (A) Oral prophylaxis and assessment;
- 80 (B) Fluoride treatment;
- 81 (C) Oral hygiene instruction and education; and
- 82 (D) Exposure and processing of radiographs as directed by standard office protocol.

83 (2) A licensed dentist in a private dental office setting may authorize general supervision
 84 of a licensed dental hygienist only upon meeting the following criteria:

- 85 (A) A new patient of record must be clinically examined by the authorizing licensed
 86 dentist during the initial visit;
- 87 (B) A patient must be examined by the authorizing licensed dentist at a minimum of
 88 twelve-month intervals; and
- 89 (C) A patient must be notified in advance of the appointment that he or she will be
 90 treated by the licensed dental hygienist under general supervision without the
 91 authorizing licensed dentist being present or being examined by the authorizing
 92 licensed dentist.

93 (g) In school settings, licensed dental hygienists may apply topical fluoride and may
 94 perform the application of sealants and oral prophylaxis under general supervision, with
 95 written permission of the student's parent or guardian. Licensed dental hygienists may also,
 96 without prior written permission of the student's parent or guardian, provide oral hygiene
 97 instruction and counseling.

98 (h) In hospitals, nursing homes, long-term care facilities, rural and community clinics,
 99 health facilities operated by federal, state, county, or local governments, hospices, and in

100 bona fide charitable institutions, licensed dental hygienists may apply topical fluoride and
101 perform the application of sealants and oral prophylaxis under general supervision.
102 Treatment may not occur in these settings unless emergency care is available within the
103 facility. A licensed dental hygienist who performs dental hygiene duties pursuant to this
104 subsection shall provide written notice to each patient containing: (1) the name of the
105 licensed dental hygienist and the authorizing licensed dentist; (2) any dental hygiene issues
106 that the licensed dental hygienist identified during the performance of dental hygiene
107 duties; and (3) a statement advising each patient who receives dental hygiene services to
108 seek a more thorough examination by a licensed dentist within 90 days, unless the
109 authorizing licensed dentist performed an initial examination of the patient. Such written
110 notice shall be provided to parents of children who receive dental hygiene services pursuant
111 to this subsection and to the long-term care facility for residents of such facilities who
112 receive dental hygiene services pursuant to this subsection. It shall be in the sole discretion
113 of the authorizing licensed dentist as to whether or not to require an initial examination of
114 the patient prior to the performance of dental hygiene services pursuant to this subsection.

115 (i)(1) Any licensed dental hygienist performing dental hygiene services under general
116 supervision pursuant to this Code section shall have at least two years of experience in
117 the practice of dental hygiene, shall be in compliance with continuing education
118 requirements pursuant to Code Section 43-11-73.1 and cardiopulmonary resuscitation
119 certification requirements contained in Code Section 43-11-73, and shall be licensed in
120 good standing.

121 (2) Licensed dental hygienists practicing under general supervision shall maintain
122 professional liability insurance in accordance with board rules and regulations.

123 (j)(1) No licensed dentist shall be required to authorize a licensed dental hygienist or
124 dental hygienists to perform dental hygiene duties pursuant to subsection (f), (g), or (h)
125 of this Code section.

126 (2) A licensed dentist may only authorize up to four licensed dental hygienists to provide
127 dental hygiene services pursuant to subsection (f), (g), or (h) of this Code section at any
128 one time.

129 (k) As used in this Code section the term:

130 (1) 'Direct supervision' means that a licensed dentist is on-site, personally diagnoses the
131 condition to be treated, personally authorizes the procedure, and before the dismissal of
132 the patient, personally evaluates the performance of the licensed dental hygienist. This
133 requirement does not mandate that a licensed dentist be present at all times, but he or she
134 must be on the premises actually involved in supervision and control.

135 (2) 'General supervision' means that a licensed dentist has authorized the delegable duties
136 of a licensed dental hygienist but does not require that a licensed dentist be present when
137 such duties are performed.

138 (1) This Code section is not intended to establish independent dental hygiene practice."

139 **SECTION 3.**

140 This Act shall become effective on January 1, 2018.

141 **SECTION 4.**

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