

House Bill 521 (COMMITTEE SUBSTITUTE)

By: Representatives Gaines of the 117<sup>th</sup>, Cooper of the 43<sup>rd</sup>, Pruett of the 149<sup>th</sup>, and Frye of the 118<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated,  
2 relating to licenses for the practice of dentistry, so as to authorize temporary, limited licenses  
3 for dentists and dental hygienists licensed in good standing in other states to provide free  
4 dental care to low-income patients in this state on a volunteer basis; to provide for  
5 definitions; to provide for requirements; to provide for applications; to provide for  
6 background checks; to provide for direct supervision; to provide for notice by the hosting  
7 entity; to provide for length of validity of licenses; to provide for liability; to provide for  
8 rules and regulations; to provide for related matters; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Article 2 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to  
13 licenses for the practice of dentistry, is amended by adding a new Code section to read as  
14 follows:

15 "43-11-53.

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

17 (1) 'Charitable dental event' means a board approved charitable dental clinic or board  
18 approved continuing education course for dentists or dental hygienists provided by a  
19 hosting entity meeting the requirements of this Code section in which all dental  
20 procedures and treatment are provided to low-income patients at no cost to the patients.

21 (2) 'Hosting entity' means:

22 (A) Any dental education school approved by the Commission on Dental Accreditation  
23 of the American Dental Association;

24 (B) A nonprofit dental or dental hygiene association or organization; or

25 (C) A for profit dental continuing education organization.

26 A hosting entity must be registered and authorized to conduct business in Georgia.

27 (3) 'Low-income' shall have the same meaning as in Code Section 31-8-192.

28 (4) 'Unrestricted' means that no restrictions have been placed on the applicant's license  
 29 by any state dental board, no sanctions or disciplinary actions have been imposed by any  
 30 state dental board on the applicant, and the applicant is not under probation or suspension  
 31 by any state dental board.

32 (b) The board may issue in its discretion a temporary, limited license to allow a qualifying,  
 33 non-Georgia licensed dentist or dental hygienist to engage in the lawful practice of  
 34 dentistry or dental hygiene in Georgia on a volunteer basis under the direct supervision of  
 35 a Georgia licensed dentist, provided that such treatment is rendered at charitable dental  
 36 events.

37 (c) In issuing such licenses, the board shall observe the following criteria:

38 (1) Dentists and dental hygienists practicing under this license shall only treat  
 39 low-income patients;

40 (2) Dentists and dental hygienists practicing under this license shall only treat  
 41 low-income patients at:

42 (A) Free and charitable dental events;

43 (B) Dental clinics located at sites approved by the Commission on Dental  
 44 Accreditation of the American Dental Association; or

45 (C) A private dental office owned by a Georgia licensed dentist in good standing with  
 46 the board; and

47 (3) The qualifying dentist or dental hygienist shall:

48 (A) Possess an unrestricted licensed to practice dentistry or dental hygiene in any  
 49 licensing jurisdiction in the United States and be in good standing with said licensing  
 50 jurisdiction;

51 (B)(i) Be retired from the practice of dentistry or dental hygiene and not currently  
 52 engaged in such practice either full time or part time and, prior to retirement,  
 53 maintained an unrestricted license to practice dentistry or dental hygiene in good  
 54 standing with the applicant's licensing jurisdiction; or

55 (ii) Possess a license issued by the board pursuant to Code Section 43-11-42; and

56 (C) Have been issued a license by a licensing jurisdiction following the successful  
 57 completion of a clinical licensing examination.

58 (d) A dentist or dental hygienist shall submit an application for a temporary, limited  
 59 license to the board at least 30 calendar days prior to the date on which the dentist or dental  
 60 hygienist seeks to practice dentistry or dental hygiene in this state pursuant to this Code  
 61 section and shall pay the applicable licensing fee to the board. The board shall not require  
 62 the passage of a jurisprudence examination on the laws of this state and rules and  
 63 regulations as they relate to the practice of dentistry or dental hygiene in this state, nor shall

64 it require the applicant to submit a statement from a physician attesting to the applicant's  
65 physical and mental capacity. The following documents shall be submitted with the  
66 application:

67 (1) Proof of good standing with the dentist's or dental hygienist's professional licensing  
68 board or, in the case of a retired dentist or dental hygienist, the date on which the dentist  
69 or dental hygienist surrendered his or her license to practice dentistry or dental hygiene  
70 and a sworn affidavit certifying that his or her license was in good standing on the date  
71 he or she surrendered the license;

72 (2) Proof of current cardiopulmonary resuscitation certification;

73 (3) A National Practitioner Data Bank report dated within four months of the submission  
74 date of the application; provided, however, that this shall not apply to applicants who  
75 graduated from dental school or dental hygiene school within the previous six months;

76 (4) Proof of current dental malpractice insurance and all coverage limits, if applicable;

77 (5) A certifying statement from the hosting entity of the charitable dental event that all  
78 dental procedures shall be performed on a free and uncompensated basis to low-income  
79 patients; and

80 (6) A statement from the applicant expressly agreeing that any violations of Georgia law  
81 and applicable board rules and regulations while engaging in the lawful practice of  
82 dentistry or dental hygiene under a license issued pursuant to this Code section shall be  
83 reported to that dentist's or dental hygienist's professional licensing board in his or her  
84 jurisdiction for enforcement and the imposition of sanctions as determined by such board.

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

91 (f)(1) Dentists or dental hygienists holding a license issued pursuant to this Code section  
92 shall be authorized to practice dentistry or dental hygiene at charitable dental events  
93 under the direct supervision of at least one Georgia licensed dentist in good standing who  
94 possesses an unrestricted license to practice dentistry in this state. However, no such  
95 Georgia licensed dentist shall be allowed to supervise more than four non-Georgia  
96 licensed dentists or four non-Georgia licensed dental hygienists at a charitable dental  
97 event pursuant to this Code section.

98 (2) Under no circumstances shall any dentists holding a license issued pursuant to this  
99 Code section be allowed to authorize the performance of dental hygiene functions under  
100 general supervision pursuant to Code Section 43-11-74.

101 (3) Licenses issued pursuant to this Code section shall be valid for no more than five  
 102 consecutive calendar days during a charitable dental event; provided, however, that a  
 103 license issued under this Code section to a dentist who also holds a dental faculty license  
 104 in good standing issued pursuant to Code Section 43-11-42 shall be valid for no more  
 105 than five nonconsecutive days.

106 (4) Dentists or dental hygienists holding a license issued pursuant to this Code section  
 107 shall be prohibited from applying for another license pursuant to this Code section for a  
 108 period of six months from the expiration date of the previous license issued by the board  
 109 pursuant to this Code section.

110 (5) If unforeseen circumstances beyond the reasonable control of a licensee under this  
 111 Code section prevents the licensee from participating in the charitable dental event, the  
 112 board shall have the authority to alter or amend the dates for which the license shall be  
 113 valid, provided that the license holder files a written petition to the board no more than  
 114 seven calendar days prior to the date of the subsequent charitable dental event.

115 (g) At least 60 calendar days prior to the date of the charitable dental event, the hosting  
 116 entity shall submit to the board:

117 (1) The name and business address of the hosting entity;

118 (2) Proof that the hosting entity is authorized to conduct business in the State of Georgia;

119 (3) Proof of the hosting entity's liability coverage, if applicable;

120 (4) Proof of the board's approval of the charitable dental event;

121 (5) The name, business address, and license number of each Georgia licensed dentist  
 122 supervising the licensees of the charitable dental event pursuant to this Code section;

123 (6) The name and business address of the Georgia licensed dentist or dental clinic  
 124 responsible for providing follow-up care to patients no less than 30 calendar days after  
 125 the date of the charitable dental event, and the name and business address of the  
 126 supervising Georgia licensed dentist, dental clinic, or hosting entity responsible for  
 127 maintaining patient records as prescribed by the board. Such information shall also be  
 128 provided in writing to all patients receiving dental treatment at the charitable dental  
 129 event; and

130 (7) Proof that the supervising dentist, dental clinic, or hosting entity possesses the  
 131 applicable permits required pursuant to Code Section 43-11-21 if conscious sedation is  
 132 to be administered or Code Section 43-11-21.1 if general anesthesia is to be administered  
 133 to patients at the charitable dental event.

134 (h)(1) Except as provided in paragraph (2) of this subsection, the liability of persons  
 135 practicing dentistry or dental hygiene under and in compliance with licenses issued  
 136 pursuant to this Code section and the liability of their employers for such practice shall  
 137 be governed by Code Section 51-1-29.1.

138 (2) The liability of persons practicing dentistry or dental hygiene pursuant to Article 8  
139 of Chapter 8 of Title 31 under and in compliance with licenses issued pursuant to this  
140 Code section shall be governed by the provisions of such article.  
141 (i) The board shall promulgate rules and regulations that are reasonably necessary to  
142 implement the provisions of this Code section."

143 **SECTION 2.**

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