

The Senate Committee on Health and Human Services offered the following substitute to HB 521:

MOOT

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 amend Chapter 24A of Title 43 of the Official Code of Georgia
9 Annotated, relating to the practice of massage therapy, so as to revise a definition; to revise
10 a provision relating to continuing education requirements; to provide for related matters; to
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

17 "43-11-53.

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

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

23 (2) 'Hosting entity' means:

24 (A) Any dental or dental hygiene education school approved by the Commission on
25 Dental Accreditation of the American Dental Association;

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

- 27 (C) A for profit dental continuing education organization.
28 A hosting entity must be registered and authorized to conduct business in Georgia.
29 (3) 'Low-income' shall have the same meaning as in Code Section 31-8-192.
30 (4) 'Unrestricted' means that no restrictions have been placed on the applicant's license
31 by any state dental board, no sanctions or disciplinary actions have been imposed by any
32 state dental board on the applicant, and the applicant is not under probation or suspension
33 by any state dental board.
- 34 (b) The board may issue in its discretion a temporary, limited license to allow a qualifying,
35 non-Georgia licensed dentist or dental hygienist to engage in the lawful practice of
36 dentistry or dental hygiene in Georgia on a volunteer basis under the direct supervision of
37 a Georgia licensed dentist, provided that such treatment is rendered at charitable dental
38 events.
- 39 (c) In issuing such licenses, the board shall observe the following criteria:
- 40 (1) Dentists and dental hygienists practicing under this license shall only treat
41 low-income patients;
- 42 (2) Dentists and dental hygienists practicing under this license shall only treat
43 low-income patients at:
- 44 (A) Free and charitable dental events;
45 (B) Dental clinics located at sites approved by the Commission on Dental
46 Accreditation of the American Dental Association; or
47 (C) A private dental office owned by a Georgia licensed dentist in good standing with
48 the board; and
- 49 (3) The qualifying dentist or dental hygienist shall:
- 50 (A) Possess an unrestricted licensed to practice dentistry or dental hygiene in any
51 licensing jurisdiction in the United States and be in good standing with said licensing
52 jurisdiction;
- 53 (B)(i) Be retired from the practice of dentistry or dental hygiene and not currently
54 engaged in such practice either full time or part time and, prior to retirement,
55 maintained an unrestricted license to practice dentistry or dental hygiene in good
56 standing with the applicant's licensing jurisdiction; or
- 57 (ii) Possess a license issued by the board pursuant to Code Section 43-11-42; and
58 (C) Have been issued a license by a licensing jurisdiction following the successful
59 completion of a clinical licensing examination.
- 60 (d) A dentist or dental hygienist shall submit an application for a temporary, limited
61 license to the board at least 30 calendar days prior to the date on which the dentist or dental
62 hygienist seeks to practice dentistry or dental hygiene in this state pursuant to this Code
63 section and shall pay the applicable licensing fee to the board. The board shall not require

64 the passage of a jurisprudence examination on the laws of this state and rules and
65 regulations as they relate to the practice of dentistry or dental hygiene in this state, nor shall
66 it require the applicant to submit a statement from a physician attesting to the applicant's
67 physical and mental capacity. The following documents shall be submitted with the
68 application:

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

74 (2) Proof of current cardiopulmonary resuscitation certification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

140 (2) The liability of persons practicing dentistry or dental hygiene pursuant to Article 8
 141 of Chapter 8 of Title 31 under and in compliance with licenses issued pursuant to this
 142 Code section shall be governed by the provisions of such article.

143 (i) The board shall promulgate rules and regulations that are reasonably necessary to
 144 implement the provisions of this Code section."

145 **SECTION 2.**

146 Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to the practice
 147 of massage therapy, is amended by revising paragraph (4) of Code Section 43-24A-3,
 148 relating to definitions, as follows:

149 "(4) 'Board recognized massage therapy educational program' means an educational
 150 program located within or outside the State of Georgia that receives compensation for
 151 training two or more persons in massage therapy or its modalities, that has submitted an
 152 application and fee, which has been approved by the National Certification Board of
 153 Therapeutic Massage and Bodywork or an equivalent agency determined by the board,
 154 and which meets the standards for training and curriculum as set out by the board in its
 155 rules, including, but not limited to, standards for training and curriculum which are
 156 consistent with:

157 (A) The Nonpublic Postsecondary Education Commission as provided in Code Section
 158 20-3-250.4;

159 (B) A postsecondary institution of the Technical College System of Georgia that is
 160 accredited by the Commission on Colleges of the Southern Association of Colleges and
 161 Schools; or

162 (C) A postsecondary institution that is accredited by an accrediting agency recognized
 163 by the United States Department of Education and that is authorized or approved by a
 164 professional licensing board, department, or agency in another state, jurisdiction, or
 165 territory whose standards have been determined by the board to be equivalent to the
 166 Nonpublic Postsecondary Education Commission."

167 **SECTION 3.**

168 Said chapter is further amended by revising subsection (b) of Code Section 43-24A-20,
 169 relating to continuing education requirements, as follows:

170 "(b) Continuing education requirements or credits used for license renewal shall be
171 approved by the board and provided by an instructor approved by and in good standing
172 with the National Certification Board of Therapeutic Massage and Bodywork."

173

SECTION 4.

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