

The House Committee on Health and Human Services offers the following substitute to HB 521:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"43-11-53.

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

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

(2) 'Hosting entity' means:

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

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

(C) A for profit dental continuing education organization.

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

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

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

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

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

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

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

(A) Free and charitable dental events;

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

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

(3) The qualifying dentist or dental hygienist shall:

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

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

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

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

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

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

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

(2) Proof of current cardiopulmonary resuscitation certification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

143 **SECTION 2.**
144 All laws and parts of laws in conflict with this Act are repealed.

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