House Bill 1219 (COMMITTEE SUBSTITUTE)

By: Representatives Houston of the 170th, Jasperse of the 11th, Parrish of the 158th, Tankersley of the 160th, and Newton of the 123rd

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to dentists, dental hygienists, and dental assistants, so as to revise the composition of the Georgia Board of Dentistry; 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 1 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to dentists, dental hygienists, and dental assistants, is amended by revising Code Section 43-11-2, relating to creation of and composition of the Georgia Board of Dentistry, qualifications and voting rights of members, terms of office, vacancies, and enjoining violations as follows:

"43-11-2.

(a) A board to be known as the Georgia Board of Dentistry is created. The board shall consist of ~~11~~ 17 members to be appointed and commissioned by the Governor as provided in subsection (b) of this Code section.

(b)(1) ~~Nine~~ Thirteen members of the board shall be dentists and shall be appointed as follows: The members of the board who are dentists serving on July 1, 1981, shall continue to serve out their respective terms of office. As each such member's term of office subsequently expires, the Governor shall appoint a new member who shall be a practicing dentist licensed by this state. The Georgia Dental Association may, at each annual meeting, nominate four reputable practicing dentists for each expired or next expiring board member's term; and, from each group of four dentists so nominated, the Governor may appoint one as the new member of said board.

(2) ~~One member of the board shall be a dental hygienist who is not a dentist, who is a resident of this state, and who is a practicing dental hygienist in this state~~ Two members of the board shall be dental hygienists who are not dentists, who are residents of this state, and who are practicing dental hygienists in this state and shall be appointed by the Governor. No one shall be eligible as a dental hygienist member of the board unless he or she is a citizen of this state and has lawfully practiced as a dental hygienist for five or more years at the time of his or her appointment and is not financially interested in, nor connected with, any dental college or dental hygiene school. If such a member ceases to be a resident of this state or ceases practicing in this state, that position on the board shall be deemed vacated. The Georgia Dental Hygienists Association may nominate four reputable dental hygienists who are not dentists for each expired or expiring term; and, from each group of four dental hygienists so nominated, the Governor may appoint one as the new member of the board.

(3) One member of the board shall be a citizen of this state who is not a dentist or a dental hygienist and shall be appointed by the Governor.

(4) One member of the board shall be a resident of this state who has direct knowledge of the education of dental students in this state and shall be appointed by the Board of Regents of the University System of Georgia.

~~(4)~~(5) ~~Except as otherwise provided in paragraphs (6) and (7) of this subsection, the~~ The term of office of each member of the board shall be for five years and until the appointment and qualification of a successor.

~~(5)~~(6) Each vacancy on the board shall be filled by the Governor for the unexpired term in the same manner as the original appointment.

~~(6) The term of the initial member appointed pursuant to paragraph (2) of this subsection shall be for a term of two years beginning July 1, 1978, and ending June 30, 1980.~~

~~(7) The term of the initial member appointed pursuant to paragraph (3) of this subsection shall be for a term of four years beginning July 1, 1978, and ending June 30, 1982.~~

(c) No one shall be eligible as a dentist member of the board unless he or she is a citizen of this state and has lawfully engaged in the practice of dentistry for five or more years at the time of his or her appointment and is not financially interested in, nor connected with, any dental college.

(d)(1) The dental hygienist ~~member~~ members of the board may vote only on matters relating to dental hygiene, administration, and policy which do not directly relate to practical or scientific examination of dentists for licensing in this state.

(2) The citizen member of the board ~~who is not a dentist or dental hygienist~~ appointed pursuant to paragraph (3) of subsection (b) of this Code section may vote only on matters relating to administration and policy which do not directly relate to practical and scientific examination of dentists and dental hygienists for licensing in this state.

(e) The board may bring an action to enjoin any person, firm, partnership, corporation, or other entity who without being licensed or registered to do so by the board engages in or practices the profession of dentistry. The proceeding shall be filed in the county in which such person resides or, in the case of a firm, partnership, corporation, or other entity where the firm, partnership, corporation, or other entity maintains its principal office. Unless it shall be made to appear that such person, firm, partnership, corporation, or other entity so engaging in or practicing dentistry is licensed or registered, the injunction shall be issued,

and such person, firm, partnership, corporation, or other entity shall be perpetually enjoined from such activities throughout the state. It shall not be necessary in order to obtain the equitable relief provided in this subsection that the board allege and prove that there is no adequate remedy at law. It is declared that such unlicensed activities as are mentioned in this chapter are a menace and a nuisance dangerous to the public health, safety, and welfare.″

SECTION 2.

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