

House Bill 567 (COMMITTEE SUBSTITUTE)

By: Representatives Dempsey of the 13th, Hatchett of the 155th, Hawkins of the 27th, Buckner of the 137th, and Taylor of the 173rd

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 and regulate teledentistry
3 by licensed dentists in this state; to provide for definitions; to provide for exemptions and
4 conditions; to provide for authorized practices; to provide for a referred dentist; to provide
5 for ownership of documents; to provide for a limited number of dental hygienists to perform
6 teledentistry under certain conditions; to provide for rules and regulations; to amend Article 1
7 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general
8 provisions of insurance, so as to allow for coverage of dental services provided through
9 teledentistry; to provide for related matters; to provide an effective date; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

H. B. 567 (SUB)

16 "43-11-54.

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

18 (1) 'Authorizing dentist' means a dentist licensed by and in good standing with the board
19 and practicing in the State of Georgia.

20 (2) 'Dental hygienist' means a licensed dental hygienist in good standing with the board
21 who meets the requirements to perform the specific dental hygiene functions permitted
22 under general supervision under Code Section 43-11-74.

23 (3) 'Digital scan' means a computer generated replica of the hard and soft tissues of the
24 oral cavity created with digital technology and enhanced digital photography.

25 (4) 'Direct supervision' shall have the same meaning as set forth in Code Section
26 43-11-74.

27 (5) 'General supervision' shall have the same meaning as set forth in Code Section
28 43-11-74.

29 (6) 'Referred dentist' means a dentist licensed by and in good standing with the board
30 practicing in this state to provide in-person dental treatment to patients receiving dental
31 care through a teledentistry interaction under this Code section.

32 (7) 'Store and forward technologies' means technologies that allow for the electronic
33 transmission of dental and health information, including images, photographs,
34 documents, and health histories, through a secure communication system.

35 (8) 'Synchronous, real-time communication' means a live, two-way interaction between
36 the authorizing dentist and a dental hygienist or patient permitted under this Code section
37 using audiovisual telecommunications technology but shall not constitute direct
38 supervision for the purposes of Code Section 43-11-74 and the practice of dentistry in this
39 state.

40 (9) 'Teledentistry' means the delivery of dental care through the use of synchronous,
41 real-time communication in conjunction with and supported by store and forward
42 technologies under the general supervision of the authorizing dentist when dental care is

43 provided to a patient physically located at a site in this state that is different from the site
44 where the authorizing dentist is physically located. A teledentistry interaction shall not
45 constitute or be considered the equivalent of an in-person, clinical examination by a
46 licensed dentist.

47 (b) No licensed dentist in this state shall provide dental care through teledentistry except
48 under the conditions specified in this Code section.

49 (c) A licensed dentist who intends to provide dental care through teledentistry pursuant to
50 this Code section shall notify the board of such intent and provide written documentation
51 evidencing that such dentist has:

52 (1) A physical office for the provision of dental services in this state; and

53 (2) Established a referral relationship with a referred dentist who practices dentistry and
54 treats patients in a physical and operational dental office located in this state.

55 Such dentist shall provide any other pertinent information as prescribed by the board.

56 (d) Subject to the conditions specified in subsection (e) of this Code section, an
57 authorizing dentist shall only be allowed to:

58 (1) Authorize a dental hygienist to perform the specific dental hygiene functions
59 permitted under general supervision in accordance with the requirements of Code Section
60 43-11-74, except as otherwise provided in paragraph (1) of subsection (e) of this Code
61 section;

62 (2) Prescribe a medication that is not a controlled substance for a patient receiving dental
63 care through a teledentistry interaction;

64 (3) Authorize the performance of digital scans by a dentist or dental hygienist;

65 (4) Authorize the use of store and forward technologies to transmit patient records,
66 images, digital scans, X-rays, and other relevant health information between the
67 authorizing dentist and a dental hygienist for the purposes of evaluating a patient's oral
68 health condition and authorizing the performance of dental care permitted under this
69 Code section. The authorizing dentist shall be the custodian of all patient records for the

70 purposes of this Code section unless the patient is treated by a referred dentist. In such
71 instance, the referred dentist shall be the custodian of the patient's records associated with
72 the dental care the referred dentist provides to the patient, and such referred dentist shall
73 furnish copies of these records to the authorizing dentist;

74 (5) Provide consultation to another provider regarding the patient's care; and

75 (6) Provide the following teledentistry services that are appropriately delivered without
76 an in-person clinical examination:

77 (A) Emergency evaluation;

78 (B) Rendering second options; and

79 (C) Assessment, diagnosis, consultation, treatment, and monitoring of a patient.

80 Teledentistry services described in this paragraph do not include orthodontics, delivering
81 of dental appliances, or the supervision of a dental hygienist.

82 (e) Authorizing and referring dentists as well as those acting under their supervision shall
83 be subject to the following conditions when providing dental care through teledentistry as
84 authorized in subsection (d) of this Code section:

85 (1) Teledentistry services shall be consistent with how dental treatment is provided in
86 person and shall adhere to the standards of appropriate patient care required in other
87 dental care settings, including, but not limited to, appropriate patient examination, the
88 taking and review of X-rays, and review of a patient's medical and dental history;

89 (2)(A) Initial consultations with new patients may be conducted via teledentistry,
90 provided that the authorizing dentist establishes a bona fide dentist-patient relationship
91 by reviewing the patient's medical and dental history and verifying the patient's identity
92 and physical location to ensure the patient is physically located in this state when dental
93 care is provided and shall obtain the requisite consent from a parent or guardian if the
94 patient is a minor.

95 (B) An in-person clinical examination shall be performed immediately prior to
96 providing or authorizing services or treatments to patients that are not reversible or that

97 otherwise result in increased risk to the patient as set forth in regulations by the board.
98 For ongoing dentist-patient relationships, dentists shall strongly encourage patients to
99 be seen in person at least annually.

100 (3) The authorizing dentist shall prepare a written authorization, which shall be given to
101 the patient and included in the patient's record, providing the name and license number
102 of the authorizing dentist and the name and license number of the dental hygienist
103 treating the patient during the teledentistry interaction, as well as any other information
104 the authorizing dentist or board deems appropriate;

105 (4) Prior to each teledentistry interaction, informed consent shall be obtained from the
106 patient, or from the parent or guardian if the patient is a minor, explaining the alternatives
107 to and the capabilities and limitations of teledentistry, which shall include a written
108 statement advising that a teledentistry interaction is not equivalent to an in-person clinical
109 examination and that the authorizing dentist shall not be physically present during the
110 delivery of dental care. Such informed consent shall also be documented and included
111 in the patient's record;

112 (5) The authorizing dentist shall provide dental services through teledentistry only if
113 such dental services are appropriate for the patient, as determined by such authorizing
114 dentist;

115 (6)(A) The authorizing dentist shall provide the name, license number, office mailing
116 address, and office phone number of the referred dentist to the patient after each
117 teledentistry interaction.

118 (B) The referred dentist shall accept a referral to treat all dental emergencies and
119 provide all necessary dental care, as determined by and in consultation with the
120 authorizing dentist.

121 (7)(A) An authorizing dentist may only authorize up to four dental hygienists to
122 perform the functions permitted in subsection (d) of this Code section at any one time.

123 (B) A dental hygienist performing the functions permitted in subsection (d) of this
124 Code section via teledentistry shall have at least two years of experience in the practice
125 of dental hygiene, shall be in compliance with continuing education requirements
126 pursuant to Code Section 43-11-73.1 and cardiopulmonary resuscitation certification
127 requirements contained in Code Section 43-11-73, and shall be licensed in good
128 standing.

129 (C) A dental hygienist practicing under general supervision via teledentistry pursuant
130 to this Code section shall maintain professional liability insurance in accordance with
131 board rules and regulations; provided, however, that this subparagraph shall not apply
132 to an entity covered under sovereign immunity;

133 (8) No authorizing dentist or dental hygienist shall attempt to waive liability for
134 teledentistry services in advance of delivering such services, and no authorizing dentist
135 or dental hygienist shall attempt to prevent a patient from filing any complaint with any
136 governmental agency or authority relating to the provision of dental care through
137 teledentistry; and

138 (9) The authorizing dentist shall ensure that the use of teledentistry complies with the
139 privacy and security requirements of the federal Health Insurance Portability and
140 Accountability Act of 1996, in effect on January 1, 2025, as well as those of Chapter 33
141 of Title 31.

142 (f) Nothing in this Code section shall be construed to:

143 (1) Require a licensed dentist in this state to practice teledentistry;

144 (2) Require a licensed dentist to authorize a dental hygienist to perform the functions
145 permitted in this Code section via teledentistry;

146 (3) Require a school or facility receiving dental hygiene services provided pursuant to
147 subsection (h) or (i) of Code Section 43-11-74 to purchase any equipment to provide
148 dental care through teledentistry; or

- 149 (4) Expand the scope of practice for dental hygienists or establish independent dental
 150 hygiene practice.
 151 (g) The board shall promulgate rules and regulations that are reasonably necessary to
 152 implement the provisions of this Code section."

153 **SECTION 2.**

154 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
 155 general provisions of insurance, is amended by revising Code Section 33-24-59.15 as
 156 follows:

157 "33-24-59.15.

158 (a) As used in this Code section:

159 (1) 'Care management organization' shall have the same meaning as set forth in Code
 160 Section 33-21A-2.

161 ~~(1)~~(2) 'Covered dental services' means dental care services for which a reimbursement
 162 is available under a covered person's dental benefit plan, or for which a reimbursement
 163 would be available but for the application of contractual limitations such as deductibles,
 164 copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency
 165 limitations, alternative benefit payments, or any other limitation.

166 ~~(2)~~(3) 'Covered person' means any subscriber, enrollee, member, beneficiary, or
 167 participant, or his or her dependent, for whom benefits are payable when that covered
 168 person receives dental care services rendered or authorized by a dentist licensed under
 169 Chapter 11 of Title 43.

170 ~~(3)~~(4) 'Dental benefit plan' means any individual or group plan, policy, contract, or
 171 subscription agreement which includes or is for dental care services that is issued,
 172 delivered, issued for delivery, or renewed in this state whether by a ~~health care~~ healthcare
 173 insurer, health maintenance organization, preferred provider organization, accident and
 174 sickness insurer, fraternal benefit society, ~~health care~~ healthcare plan, or any other person,

175 firm, corporation, joint venture, or other similar business entity that pays for, purchases,
176 or furnishes dental care services to patients, insureds, beneficiaries, or covered
177 dependents in this state.

178 ~~(4)~~(5) 'Dental insurer' means any person, firm, corporation, joint venture, or other similar
179 business entity that offers dental benefit plans in consideration of periodic payments.

180 (b) No contract between a dental insurer and a dentist shall require a dentist to accept an
181 amount set by the dental insurer as payment for dental care services that are not covered
182 dental services under the covered person's dental benefit plan.

183 (c) A dental insurer or other person or entity providing third-party administrator services
184 shall not make available any providers in its dentist network to a plan that sets dental fees
185 for any services except covered services.

186 (d) A dental insurer shall not draft, publish, disseminate, or circulate explanation of benefit
187 forms that include language which directly or indirectly implies that a dentist may or
188 should extend discounts to patients for noncovered dental services. Statements by a dental
189 insurer which are prohibited by this Code section include but are not limited to, 'Our
190 members value the services you provide and we encourage you to continue extending the
191 discount on noncovered services.

192 (e) Any dental benefit plan issued, amended, or renewed on or after January 1, 2026,
193 between a dental insurer, contracted vendor thereof, or a care management organization
194 and a healthcare provider for the provision of healthcare services to a plan enrollee may
195 provide coverage for the cost of dental care provided through teledentistry as directed
196 through regulations promulgated by the Commissioner.

197 (f) A dental insurer, contracted vendor thereof, or care management organization shall not:

198 (1) Exclude a service appropriately provided through teledentistry from coverage solely
199 because the service is provided through teledentistry and is not provided through
200 in-person consultation or contact between an authorizing dentist and a patient; or

