

The Senate Committee on Health and Human Services offered the following substitute to HB 567:

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:

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 other reasonably pertinent information as prescribed by the  
56 board.

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

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

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

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

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

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

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

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

78 (A) Emergency evaluation;

79 (B) Rendering second opinions; and

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

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

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

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

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

96 (B) An in-person clinical examination shall be performed immediately prior to  
97 providing or authorizing services or treatments to patients that are not reversible or that  
98 otherwise result in increased risk to the patient. For ongoing dentist-patient  
99 relationships, dentists shall strongly encourage patients to be seen in person at least  
100 annually.

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

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

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

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

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

122 (7)(A) An authorizing dentist may only authorize up to four dental hygienists to  
123 perform the functions permitted in subsection (d) of this Code section at any one time.  
124 This requirement shall not apply to the performance of dental hygiene duties by  
125 personnel of the Department of Public Health or county boards of health.

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

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

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

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

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

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

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

- 149 (3) Require a school or facility receiving dental hygiene services provided pursuant to  
 150 subsection (h) or (i) of Code Section 43-11-74 to purchase any equipment to provide  
 151 dental care through teledentistry; or  
 152 (4) Expand the scope of practice for dental hygienists or establish independent dental  
 153 hygiene practice.  
 154 (g) The board shall promulgate rules and regulations that are reasonably necessary to  
 155 implement the provisions of this Code section."

156

**SECTION 2.**

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

160 "33-24-59.15.

161 (a) As used in this Code section:

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

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

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

173 ~~(3)~~(4) 'Dental benefit plan' means any individual or group plan, policy, contract, or  
 174 subscription agreement which includes or is for dental care services that is issued,

175 delivered, issued for delivery, or renewed in this state whether by a ~~health care~~ healthcare  
176 insurer, health maintenance organization, preferred provider organization, accident and  
177 sickness insurer, fraternal benefit society, ~~health care~~ healthcare plan, or any other person,  
178 firm, corporation, joint venture, or other similar business entity that pays for, purchases,  
179 or furnishes dental care services to patients, insureds, beneficiaries, or covered  
180 dependents in this state.

181 ~~(4)~~(5) 'Dental insurer' means any person, firm, corporation, joint venture, or other similar  
182 business entity that offers dental benefit plans in consideration of periodic payments.

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

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

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

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

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

201 (1) Exclude a service appropriately provided through teledentistry from coverage solely  
202 because the service is provided through teledentistry and is not provided through  
203 in-person consultation or contact between an authorizing dentist and a patient; or  
204 (2) Require its insureds to receive dental care through teledentistry in lieu of an  
205 in-person, clinical examination."

206 **SECTION 3.**

207 This Act shall become effective on January 1, 2026.

208 **SECTION 4.**

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