

House Bill 521 (AS PASSED HOUSE AND SENATE)

By: Representatives Gaines of the 117th, Cooper of the 43rd, Pruett of the 149th, and Frye of the 118th

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 provide for related matters; to provide for an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

15 "43-11-53.

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

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

21 (2) 'Hosting entity' means:

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

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

25 (C) A for profit dental continuing education organization.

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

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

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

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

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

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

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

42 (A) Free and charitable dental events;

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

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

47 (3) The qualifying dentist or dental hygienist shall:

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

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

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

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

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

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

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

72 (2) Proof of current cardiopulmonary resuscitation certification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

138 (2) The liability of persons practicing dentistry or dental hygiene pursuant to Article 8
139 of Chapter 8 of Title 31 under and in compliance with licenses issued pursuant to this
140 Code section shall be governed by the provisions of such article.
141 (i) The board shall promulgate rules and regulations that are reasonably necessary to
142 implement the provisions of this Code section."

143 **SECTION 2.**

144 This Act shall become effective upon its approval by the Governor or upon its becoming law
145 without such approval.

146 **SECTION 3.**

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