

**NOTICE OF INTENT TO AMEND RULE OF THE GEORGIA STATE BOARD OF
DENTISTRY
RULE 150-7-.04 DENTAL PROVISIONAL LICENSURE BY CREDENTIALS. AND NOTICE OF
PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Dentistry (hereinafter "Board") proposes amendments to Georgia Board of Dentistry Rule 150-7-.04 DENTAL PROVISIONAL LICENSURE BY CREDENTIALS (hereinafter "proposed amendments").

This notice, together with an exact copy of the rule including the proposed amendments and a synopsis of the rule including the proposed amendments, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the rule including the proposed amendments, and a synopsis of the rule including the proposed amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Department of Community Health at 2 Peachtree Street, NW, Atlanta, Georgia, 30303. These documents will also be available for review on the Georgia State Board of Dentistry's web page at <http://gbd.georgia.gov/>.

A public hearing is scheduled to begin at 10:00 AM on March 13, 2020 at the Department of Community Health at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia, 30303 to provide the public an opportunity to comment upon and provide input into the proposed amendments. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received prior to March 6, 2020. Written comments should be addressed to Executive Director of the Georgia State Board of Dentistry at 2 Peachtree Street NW, 6th Floor, Atlanta, Georgia 30303. You may email your comments to tbattle@dch.ga.gov.

The proposed rule amendments will be considered by the Georgia State Board of Dentistry during its meeting scheduled to begin at 10:05 AM on March 13, 2020 at the Department of Community Health at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia, 30303. According to the Department of Law, State of Georgia, the Georgia State Board of Dentistry has the authority to adopt the proposed rule amendments pursuant to authority contained in O.C.G.A §§ 43-11-7, 43-11-40, and 43-11-41.

At its meeting on July 12, 2019, the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7 and 43-11-9.

At its meeting on 7/12/2019, the Board also voted that it is not legal or feasible to meet the objectives of O.C.G.A §§43-11-7 and 43-11-9 to adopt or implement differing actions for businesses as listed at O.C.G.A§ 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these amendments will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of dentistry.

For further information, contact the Board office at 404-651-8000.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 10th day of February 2020.

Tanja D. Battle
Tanja D. Battle
Executive Director
Georgia Board of Dentistry

Posted: Feb. 10 _____, 2020

**SYNOPSIS OF PROPOSED AMENDMENTS OF THE
GEORGIA STATE BOARD OF DENTISTRY
RULE 150-7-.04 DENTAL PROVISIONAL LICENSURE BY CREDENTIALS.**

Purpose of rule: The purpose of this amendment is to provide clarity regarding when the Board may, in its discretion, waive a specific human subject clinical abilities testing requirement.

Main Features: The main feature of this amendment is to provide the criteria that will be used by the Board to determine when a waiver of such requirement may or may not be appropriate.

**DIFFERENCES OF PROPOSED AMENDMENTS OF THE
GEORGIA STATE BOARD OF DENTISTRY
RULE 150-7-.04 DENTAL PROVISIONAL LICENSURE BY CREDENTIALS.**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

150-7-.04 Dental Provisional Licensure by Credentials.

(1) For purposes of this rule:

(a) "State" includes Washington D.C. and all U.S. territories.

(b) "Provisional Licensure by Credentials" means a license to practice dentistry in the State of Georgia granted to individuals licensed to practice dentistry in another state who have not met all of the requirements for a dental license by examination but who have met equivalent requirements for the practice of dentistry as set forth in O.C.G.A. § 43-11-41 and by board rule.

(c) "Full-Time Clinical Practice" means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the hands-on treatment of patients. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. Neither clinical practice through training programs nor during periods of residency qualifies as full-time clinical practice. Whether apart of or separate from the training or residency program, no clinical practice while participating in or enrolled in any training or residency program shall be considered for the purposes of this rule.

(d) "Active Dental License" means a license to practice dentistry held by an individual.

(e) "Full-Time Clinical Faculty Practice" means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the teaching of clinical dental skills at an ADA-accredited dental school/program. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. For any time periods during which the applicant is participating in or enrolled in any training or residency program, the teaching of clinical skills shall not be considered for the purposes of this rule.

(2) Only those applicants licensed and currently engaged in full-time clinical practice, as defined in subsection (1)(c) of this rule, in a state that has a credentialing law similar to the licensure by credentials law in Georgia will be considered by the board for a provisional license by credentials. Applicants from states not issuing licenses by credentials are ineligible.

(3) As set forth in O.C.G.A. § 43-11-41, an applicant for a provisional license by credentials must also meet the following requirements:

- (a) Must have an active dental license in good standing from another state.
- (b) Must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (A.D.A.) or its successor agency.
- (c) Applicants must have been in full-time clinical practice, as defined in subsection (1)(c) of this rule; full-time faculty as defined in subsection (1)(e) of this rule; or a combination of both for each of the five years immediately preceding the date of the application.
- (d) Candidates convicted of a misdemeanor involving moral turpitude or dealing with the administering, dispensing or taking of drugs including, but not limited to controlled substances, are not eligible.
- (e) Those applicants who have received a doctoral degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, must provide the following in order to complete their application:

1. Certified copy of the applicant's testing results showing passage of all sections with a score of 75 or higher or its equivalent score on a clinical examination administered by the board or a testing agency designated and approved by the board.

- (i) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

2. Show passage with a score of 75 or higher on a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be administered in the English language.
3. Proof of current CPR certification;
4. Copies of any and all National Practitioner's Data Bank reports pertaining to the applicant;
5. Official transcripts under seal from a school or university from which the applicant received a doctorate in dentistry;
6. National Board scores showing passage of all sections of the examination with a score of 75 or higher;
7. Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dentistry;
8. Furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.
9. In accordance with O.C.G.A. § 50-36-1, all applicants applying for licensure must submit an Affidavit Regarding Citizenship and submit a copy of secure and verifiable documentation supporting the Affidavit with an application.

(4) Those applicants who have received a doctoral degree in dentistry from a dental school not accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, in addition to the information required in subsection (3)(a), (c), and (d) of this rule must also provide the following in order to complete their application:

- (a) Proof of successful completion at an ADA-accredited dental school approved by the board of the last two years of a pre-doctoral program as a full-time student under the

conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law, and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and

(b) Certification by the dean of the accredited dental school where the applicant took the required supplementary program specified in O.C.G.A. § 43-11-41(a) setting forth that the applicant has achieved the same level of didactic and clinical competency as expected of a graduate of the school and that the student has completed the last two years of a pre-doctoral program under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law.

(5) A certification letter from a dental board or regional testing agency of a passing score of 75 or higher on each section of a clinical licensure examination substantially equivalent to the clinical licensure examination required in Georgia and which was administered by the dental board or its designated testing agency. A certification letter from the applicant's dental school is not acceptable. Sections of clinical licensure examinations that include slot preparations of restorative dentistry shall not be deemed substantially equivalent to the sections of clinical licensure examinations required in Georgia. Such scores shall neither be accepted nor recognized by the Board.

(a) Such certification shall state that the examination included procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:

1. periodontics, human subject clinical abilities testing;
2. endodontics, clinical abilities testing;
3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;
4. anterior class III composite preparation and restoration, human subject clinical abilities testing;
5. crown preparation, clinical abilities testing;
6. prosthetics, written or clinical abilities testing;
7. oral diagnosis, written or clinical abilities testing; and
8. oral surgery, written or clinical abilities testing.

(b) Evaluations of restorative dentistry from slot preparations shall not meet the requirements of (5)(a).

(c) The Board, in its discretion, may waive a specific human subject clinical abilities testing requirement if:

1. An applicant represents himself or herself as a specialist and qualifies for such title under Rule 150-11-.01,
2. The applicant's clinical examination did not include human subject clinical abilities testing in the area of his or her specialty, and
3. The applicant has practiced in that specialty for at least 10 years.

(e) In addition to the foregoing requirements to be eligible for licensure consideration by credentials, a license examination after January 1, 1998 shall include:

1. anonymity between candidates and examination raters;
2. standardization and calibration of raters; and
3. a mechanism for post exam analysis.

(~~d~~e) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

(~~e~~f) All applicants must show passage of a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examinations shall be administered in the English language.

(6) Active duty military dentists on federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

(7) Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in state and meets all other requirements as set forth in this rule.

(8) An active duty military dentist or contract employee on a Georgia federal installation who applies for licensure by credentials must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must include but not be limited to the applicant's general service record, any complaint or disciplinary action as well as continuing education that the credentialing candidate may have obtained.

(9) For the first five biennial renewal periods, the holder of a dental provisional license by credentials must attest to the fact that he or she has maintained full-time clinical practice in the State of Georgia as defined in subsection (1)(c) of this rule.

(10) The Board shall have the authority to refuse to grant a provisional license by credentials to an applicant, or to revoke the provisional license by credentials to a dentist licensed by the Board, or to discipline a dentist holding a provisional license by credentials in accordance with the provisions of O.C.G.A. §§ 43-1-19, 43-11-47.

(11) Upon receipt of license, the applicant by credentials must establish active practice in this State within two years of receiving such license or the license shall be automatically revoked. "Active practice" shall mean a minimum of 500 hours for each full twelve (12) month period of licensure in the hands-on treatment of patients.

Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-40, 43-11-41, 43-11-42, and 50-36-1