

**NOTICE OF INTENT TO AMEND RULE OF THE GEORGIA STATE BOARD OF
DENTISTRY
RULE 150-5-.03 SUPERVISION OF DENTAL HYGIENISTS 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 150-5-.03 SUPERVISION OF DENTAL HYGIENISTS (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 September 15, 2017 at the Department of Community Health at 2 Peachtree Street, NW., 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 September 8, 2017. Written comments should be addressed to Executive Director of the Georgia State Board of Dentistry at 2 Peachtree Street NW., Atlanta, Georgia 30303 FAX:678-717-6435. You may email your comments to tbattle@dch.ga.gov.

The proposed rule amendments will be considered by the Georgia State Board of Dentistry at its meeting scheduled to begin at 10:05 AM on September 15, 2017 at the Department of Community Health at 2 Peachtree Street, NW., 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, 43-11-9, 43-11-74.

At its meeting on July 7, 2017, 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, 43-11-9 and 43-11-74. At its meeting on 7/7/2017, the Board also voted that it is not legal or feasible to meet the objectives of O.C.G.A §§43-11-7, 43-11-9 and 43-11-74 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 14th day of August, 2017.

Tanja D. Battle

Tanja D. Battle
Executive Director
Georgia Board of Dentistry

Posted: August 14th, 2017

**SYNOPSIS OF PROPOSED AMENDMENTS OF THE
GEORGIA STATE BOARD OF DENTISTRY
RULE 150-5-.03 SUPERVISION OF DENTAL HYGIENISTS.**

Purpose of rule: The purpose of this rule is to set forth requirements regarding supervision of dental hygienists.

Main Features: The main feature of this rule is to address supervision requirements in various practice settings.

**DIFFERENCES OF PROPOSED AMENDMENTS OF THE
GEORGIA STATE BOARD OF DENTISTRY
RULE 150-5-.03 SUPERVISION OF DENTAL HYGIENISTS.**

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

150-5-.03 Supervision of Dental Hygienists.

(1) Definitions.

(a) "Authorizing dentist" shall mean a dentist licensed to practice in Georgia who permits a dental hygienist to practice under general supervision.

(b) "Dental hygiene duties" and "dental hygiene services" shall mean those tasks which a dental hygienist may lawfully perform under O.C.G.A. §43-11-74 and this Rule.

(c) "Dental hygienist" means an individual licensed to practice dental hygiene in Georgia. ~~Any reference to a dental hygienist in this rule means a Georgia licensed dental hygienist.~~

(d) "Dental screening" means a visual assessment of the oral cavity without the use of x-rays, laboratory tests, or diagnostic models to determine if it appears that a more thorough clinical examination and diagnosis should be conducted by a licensed dentist.

(e) "Dentist" shall mean an individual licensed to practice dentistry in Georgia.

(f) "Direct supervision" means that a licensed dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the dental hygienist, and before dismissal of the patient, examines the patient.

(g) "General supervision" means that a licensed dentist has authorized the delegable duties of a dental hygienist but does not require that a licensed dentist be present when such duties are performed.

~~(2) Direct supervision as it pertains to procedures delegated to a dental hygienist shall mean that a dentist licensed in Georgia is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedures and remains in the dental office or treatment facility while the procedures are being performed by the dental hygienist and, before dismissal of the patient, examines the patient.~~

(2) No dentist shall be required to authorize a dental hygienist to perform dental hygiene duties under general supervision, and no part of this Rule shall be construed as to establish independent dental hygiene practice.

(3) A dental hygienist shall perform his or her duties only under the direct supervision of a duly licensed dentist who is licensed to practice in the sState of Georgia., except where otherwise provided in O.C.G.A. §43-11-74 and this rule.

(a) (4) The requirement of direct supervision shall not apply to:

(a) The educational training of dental hygiene students at an institution approved by the Board and the Commission on Dental Accreditation of the American Dental Association, or its successor agency.

(b) The requirement of direct supervision shall not apply to the performance of dental hygiene services duties at approved dental facilities of the Department of Public Health, county boards of health, or the Department of Corrections; or the performance of dental hygiene duties by personnel of the Department of Public Health or county boards of health at approved off-site locations. A supervising dentist shall assume responsibility for authorizing services that may be performed by dental hygienists as defined in subsections (5)(a) through (g) of this rule, at such locations, either in person, through video conferencing or by written standing orders or Department of Public Health, county boards of health, or the Department of Corrections protocols.

(c) Approved dental facilities of the Department of Public Health, county boards of health and Department of Corrections shall submit to the Board of Dentistry for approval written protocol which identifies how duties are delegated to dental hygienists. Changes to such approved protocol must be resubmitted to the Board of Dentistry for review and approval.

(d) The requirement of direct supervision shall not apply to (c) the performance of dental hygienists providing dental screenings in settings which include: schools; hospitals; and clinics; and state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; family violence shelters, as defined in O.C.G.A. §19-13-20; and free health clinics defined in O.C.G.A. §51-1-29.4. Other health fair settings must be pre-approved by the board.

1. School settings.

(i) School settings shall include only schools that are Title I schools under the federal Elementary and Secondary Education Act, schools in which at least 65% of the student population is eligible for free or reduced price lunch under federal guidelines, Head Start programs, and Georgia's Pre-K Program.

(ii) In school settings, a dental hygienist may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision, with written permission of the student's parent or guardian. A dental hygienist may also, without prior written permission of the student's parent or guardian, provide oral hygiene instruction and counseling.

(iii) A dental hygienist and the authorizing dentist shall maintain the confidentiality of any records related to services provided to a student under subparagraph (4)(c) in compliance with laws including without limitation the federal Family Education Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.

2. Other facilities including hospitals; nursing homes; long-term care facilities; rural health clinics; federally qualified health centers, health facilities operated by federal, state, county or local governments; hospices; family violence shelters as defined in O.C.G.A. §19-13-20; and free health clinics defined in O.C.G.A. §51-1-29.4.

(i) In the above referenced facilities, a licensed dental hygienist may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision.

3. A dental hygienist performing duties under subparagraphs (4)(c)(1.) or (4)(c)(2.) shall:

(i) Not perform any dental hygiene services on a patient that has dental pain or clearly visible evidence of widespread dental disease. The dental hygienist shall immediately refer such patient to the authorizing dentist for clinical examination and treatment. The licensed dental hygienist shall notate such patient's

file, and the patient shall not be eligible to receive dental hygiene services under subparagraphs (4)(c)(1.) or (4)(c)(2) until a dentist provides written authorization that such services may be performed on the patient.

(ii) Prior to providing any dental hygiene services, obtain, study, and comprehend the school's or facility's protocols and procedures regarding medical emergencies and implement and comply with such protocols and procedures if a medical emergency arises during the provision of dental hygiene services; and

(iii) Provide to each patient receiving such services written notice containing:

(I) The name and license number of the dental hygienist and the authorizing dentist;

(II) Any dental hygiene issues that the dental hygienist identified during the performance of dental hygiene duties. If dental hygiene services are not performed on a patient under subparagraph (4)(c)(3.)(i), the written notice shall include a statement that the patient is not eligible to receive dental hygiene services until a clinical examination is performed by a dentist, and a dentist provides written authorization that services may be performed;

(III) A statement advising each patient who receives dental hygiene services to seek a more thorough clinical examination by a dentist within 90 days, unless the authorizing dentist performed a clinical examination of the patient.

(iv) Make all reasonable efforts to provide such written notice as required in subparagraph (4)(c)(iii) to parents or legal guardians of minors or incapacitated adults who receive dental hygiene services and to the long-term care facility or nursing home for residents of such facilities who receive dental hygiene services, as applicable.

(v) Not charge a fee for a dental screening provided under subparagraph (4)(c), except where provided by an employee of the Department of Public Health or county boards of health. However, these fees must be paid directly to the Department of Public Health or that county board of health and not to the dental hygienist who performed the screening.

(vi) Not require a school or facility receiving dental hygiene services under subparagraphs (4)(c)(1.) and (4)(c)(2.) to purchase any equipment.

(5) General Supervision in a Private Office Setting.

(a) A dental hygienist may perform only the following functions under general supervision:

1. Application of sealants and oral prophylaxis and assessment;

2. Fluoride treatment;

3. Oral hygiene instruction and education; and

4. Exposure and processing of radiographs if provided for by specific standing orders of the authorizing dentist, including any protocols regarding urgent dental issues that arise.

(b) A dentist in a private dental office setting may authorize general supervision of a dental hygienist only upon meeting the following criteria:

1. A new patient of record must be clinically examined by the authorizing dentist during the initial visit;

2. A patient must be examined by the authorizing dentist at a minimum of twelve-month intervals; and

3. A patient must be notified in advance of the appointment that the patient will be treated by the dental hygienist under general supervision without the authorizing dentist being present or being examined by the authorizing dentist.

(6) A dental hygienist performing dental hygiene services under general supervision shall have at least two (2) years of experience in the practice of dental hygiene, shall be in compliance with the continuing education requirements under O.C.G.A. §43-11-73.1 and the cardiopulmonary

resuscitation certification requirements under O.C.G.A. §43-11-73, shall be licensed in good standing, and shall maintain coverage under a professional liability occurrence or claims insurance policy with a policy limit with a minimum of \$1,000,000.

(7) It shall be in the sole discretion of the authorizing dentist as to whether to require an initial examination of the patient prior to the performance by a dental hygienist of dental hygiene services under general supervision.

(8) A dentist may only authorize up to four dental hygienists total to provide dental hygiene services in any setting or number of settings at any one time. A dentist authorizing one or more dental hygienists to provide dental hygiene services under (4)(c)(1.) and (4)(c)(2.) shall practice dentistry and treat patients in a physical and operational dental office located in this State within 50 miles of the setting in which the dental hygiene services are to be provided under general supervision.

(9) Dental hygiene services provided by dental hygienists in mobile dental vans shall always be provided under direct supervision.

~~(4) No dentist shall supervise more practicing dental hygienists than he or she can safely and reasonably supervise in order to ensure that the health, safety, and welfare of patients are protected.~~

~~(5)~~(10) In addition to routine duties and the procedures of any of the operations or procedures authorized in O.C.G.A. §43-11-74, the following activities may be performed by a dental hygienist working under the direct supervision of a dentist:

(a) All the duties that are usually performed by a dental assistant pursuant to Title 43, Chapter 11, Article 4 of the Official Code of Georgia Annotated and Chapter 150-9 of the Rules of the Georgia Board of Dentistry, under the limitations and stipulations set forth in Title 43, Chapter 11, Article 3 of the Official Code of Georgia Annotated and Chapter 150-5 of the Rules of the Georgia Board of Dentistry.

(b) Take and mount oral x-rays;

(c) Apply medications and/or solutions approved by the Board and prescribed by the dentist that can be applied by methods approved by the Board, be that by irrigation, tray, or insertion of bioresorbable materials;

(d) Remove calcareous deposits, secretions, and stains from the surfaces of teeth. Ultrasonic technologies are authorized for use by dental hygienists;

(e) Utilize techniques and materials necessary for the application of sealant(s) to pits of and fissures of teeth;

(f) Perform root planning and curettage with hand instruments; and

(g) Perform periodontal probing.

~~(6)~~(11) Nothing in these rules shall be construed as authorizing dental hygienists to utilize other techniques in the course of the performance of their duties, otherwise authorized by these rules. Only dentists licensed by the Georgia Board of Dentistry shall be authorized to perform procedures involving laser technology which alters tissue, creates thermal effect, or is intended to cut, coagulate, photocoagulate, vaporize, or ablate essentially any soft or hard tissues of the body. Additionally, only dentists licensed by the Board shall be authorized to perform procedures utilizing air abrasive technology, which is normally intended for cavity preparation or enamel removal. This is to be distinguished from "micro etching" and "air polishing" technologies which are intended for stain removal and roughening the surfaces of enamel to enhance bonding, similar to acid etching, (i.e., Micro etching and air polishing are technologies authorized for use by dental hygienists).

Authority: O.C.G.A. §§43-11-7, 43-11-9, 43-11-74