

**NOTICE OF INTENT TO ADOPT RULE TO THE GEORGIA BOARD OF DENTISTRY RULES
CHAPTER 150-21, RULE 150-21-.01 TAKING OF TESTIMONY BY DEPOSITION 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 Board of Dentistry (hereinafter "Board") proposes a new Rule to Georgia Board of Dentistry Rules: Rule 150-21-.01 TAKING OF TESTIMONY BY DEPOSITION (hereinafter "proposed rule").

This notice, together with an exact copy of the proposed rule and a synopsis of the rule, 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 proposed rule, and a synopsis of the proposed rule 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 Board of Dentistry's web page at <http://gbd.georgia.gov/>.

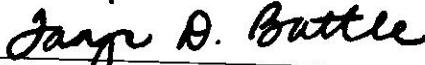
A public hearing is scheduled to begin at 12:00 PM on July 18, 2014 at the Department of Community Health at 2 Peachtree Street, NW., Atlanta, Georgia, 30303 to provide the public an opportunity to comment upon and provide input into the proposed rule. At the public hearing, anyone may present data, 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 may be received prior to July 11, 2014. Written comments should be addressed to Executive Director of the Georgia 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 will be considered by the Georgia Board of Dentistry at its meeting scheduled to begin at 12:05 PM on July 18, 2014 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 pursuant to authority contained in O.C.G.A §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-13, and 50-13-15.

At its meeting on March 14, 2014, the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7, 43-11-9. The formulation and adoption of this rule 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 17th day of June, 2014



Tanja D. Battle
Executive Director
Georgia Board of Dentistry

Posted: June 17, 2014

**SYNOPSIS OF PROPOSED RULE OF THE GEORGIA BOARD OF DENTISTRY RULES
CHAPTER 150-21, RULE 150-21-.01 *TAKING OF TESTIMONY BY DEPOSITION***

Purpose of Rule: The purpose of this rule is to permit the taking of testimony by deposition with permission from the Board or its designee.

Main Features: The main feature of this rule is to establish the form of the application required for the taking of testimony by deposition.

**PROPOSED RULE FOR THE GEORGIA BOARD OF DENTISTRY RULES
RULE 150-21-.01 *TAKING OF TESTIMONY BY DEPOSITION***

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

150-21-.01 Taking of Testimony by Deposition

(1) At anytime during the course of the proceeding, the Board or its designee may, in his discretion, permit the testimony of a witness to be taken by deposition. Application to take testimony by deposition shall be made in writing and shall be filed with the Executive Director of the Board and served upon all parties to the proceedings, including counsel for the Board.

(2) The application shall state the name and address of the witness, the subject matter concerning which the witness is expected to testify, the date, time and place of the proposed deposition, and the reason why the witness cannot appear and testify before the Board. The Board or its designee may, in his, her or its discretion, allow the application where the circumstances are such that the witness to be deposed cannot appear before the Board without substantial hardship to the deponent or to the parties to the case or that testimony by any other method will unduly delay expeditious completion of the proceedings. An application for the taking of testimony by deposition shall not be allowed if the deposition would result in any undue burden to another party or any undue delay of the proceedings. If the application is allowed, the Board or its designee should give notice of the taking of the testimony by deposition to all parties.

Authority: O.C.G.A §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-13, and 50-13-15.