

**NOTICE OF INTENT TO ADOPT RULE TO THE GEORGIA BOARD OF DENTISTRY RULES
CHAPTER 150-21, RULE 150-21-.02 CONDUCT OF THE 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-.02 CONDUCT OF THE 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/>.

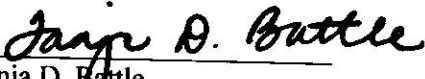
A public hearing is scheduled to begin at 12:00 PM on July 18, 2014 at the Department of Community Health at 2 Peachtree Street, NW., Atlanta, Georgia, 30303 to provide the public an opportunity to comment upon and provide input into the proposed rule. At the public hearing, anyone may present data, 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-.02 CONDUCT OF THE DEPOSITION**

Purpose of Rule: The purpose of this rule is to establish how witness testimony may be taken at a deposition.

Main Features: The main feature of this rule is to state how objections, errors, and irregularities will be deemed.

**PROPOSED RULE FOR THE GEORGIA BOARD OF DENTISTRY RULES
RULE 150-21-.02 CONDUCT OF THE DEPOSITION**

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

150-21-.02 Conduct of the Deposition

- (1) Examination and cross-examination of the witness shall proceed as would be permitted at the hearing and under those rules of evidence applicable to proceedings conducted pursuant to the Georgia Administrative Procedure Act. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally record the testimony of the witness. The testimony shall either be taken stenographically and shall be transcribed or shall be taken by video deposition. All objections made at the time of examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objections to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objection.
- (2) All errors and irregularities in the notice of taking testimony by deposition shall be deemed waived unless written objection thereto is served upon the Board prior to the deposition, unless the errors and irregularities in the notice prevented such advanced writing, in which case, such objection shall be made expeditiously and prior to the beginning of the deposition. Objections to taking testimony by depositions because of disqualification of the officer before whom it is to be taken shall be deemed waived unless made before the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.
- (3) Objections to the competency of a witness are not waived by failure to make them before or during the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time. Errors and irregularities occurring at the taking of the testimony in the manner of taking the deposition, in the form that the questions are answered, in the oath of affirmation, or in the conduct of the parties, and errors of any kind which might be obviated, removed or cured if properly presented, shall be deemed waived unless reasonable objection thereto is made at the deposition.
- (4) Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, certified, sealed, endorsed, transmitted, filed, or otherwise dealt with by the officer taking the testimony are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.
- (5) The transcript of the deposition or the video deposition must be certified by a court reporter in order to be accepted as evidence upon filing with the Board or its designee.

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