

House Bill 1219 (AS PASSED HOUSE AND SENATE)

By: Representatives Houston of the 170<sup>th</sup>, Jasperse of the 11<sup>th</sup>, Parrish of the 158<sup>th</sup>, Tankersley of the 160<sup>th</sup>, and Newton of the 123<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to dentists, dental hygienists, and dental assistants, so  
3 as to revise the composition of the Georgia Board of Dentistry; to provide for related matters;  
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 1 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to  
8 general provisions relative to dentists, dental hygienists, and dental assistants, is amended  
9 by revising Code Section 43-11-2, relating to creation of and composition of the Georgia  
10 Board of Dentistry, qualifications and voting rights of members, terms of office, vacancies,  
11 and enjoining violations as follows:

12 "43-11-2.

13 (a) A board to be known as the Georgia Board of Dentistry is created. The board shall  
14 consist of ~~11~~ 17 members to be appointed and commissioned by the Governor as provided  
15 in subsection (b) of this Code section.

16 (b)(1) ~~Nine~~ Thirteen members of the board shall be dentists and shall be appointed as  
17 follows: The members of the board who are dentists serving on July 1, 1981, shall  
18 continue to serve out their respective terms of office. As each such member's term of  
19 office subsequently expires, the Governor shall appoint a new member who shall be a  
20 practicing dentist licensed by this state. The Georgia Dental Association may, at each  
21 annual meeting, nominate four reputable practicing dentists for each expired or next  
22 expiring board member's term; and, from each group of four dentists so nominated, the  
23 Governor may appoint one as the new member of said board.

24 ~~One member of the board shall be a dental hygienist who is not a dentist, who is a~~  
25 ~~resident of this state, and who is a practicing dental hygienist in this state~~ Two members  
26 of the board shall be dental hygienists who are not dentists, who are residents of this state,  
27 and who are practicing dental hygienists in this state and shall be appointed by the  
28 Governor. No one shall be eligible as a dental hygienist member of the board unless he  
29 or she is a citizen of this state and has lawfully practiced as a dental hygienist for five or  
30 more years at the time of his or her appointment and is not financially interested in, nor  
31 connected with, any dental college or dental hygiene school. If such a member ceases to  
32 be a resident of this state or ceases practicing in this state, that position on the board shall  
33 be deemed vacated. The Georgia Dental Hygienists Association may nominate four  
34 reputable dental hygienists who are not dentists for each expired or expiring term; and,  
35 from each group of four dental hygienists so nominated, the Governor may appoint one  
36 as the new member of the board.

37 (3) One member of the board shall be a citizen of this state who is not a dentist or a  
38 dental hygienist and shall be appointed by the Governor.

39 (4) One member of the board shall be a resident of this state who has direct knowledge  
40 of the education of dental students in this state and shall be appointed by the Board of  
41 Regents of the University System of Georgia.

42 ~~(4)(5)~~ Except as otherwise provided in paragraphs (6) and (7) of this subsection, the The  
43 term of office of each member of the board shall be for five years and until the  
44 appointment and qualification of a successor.

45 ~~(5)(6)~~ Each vacancy on the board shall be filled by the Governor for the unexpired term  
46 in the same manner as the original appointment.

47 ~~(6)~~ The term of the initial member appointed pursuant to paragraph (2) of this subsection  
48 shall be for a term of two years beginning July 1, 1978, and ending June 30, 1980.

49 ~~(7)~~ The term of the initial member appointed pursuant to paragraph (3) of this subsection  
50 shall be for a term of four years beginning July 1, 1978, and ending June 30, 1982.

51 (c) No one shall be eligible as a dentist member of the board unless he or she is a citizen  
52 of this state and has lawfully engaged in the practice of dentistry for five or more years at  
53 the time of his or her appointment and is not financially interested in, nor connected with,  
54 any dental college.

55 (d)(1) The dental hygienist ~~member~~ members of the board may vote only on matters  
56 relating to dental hygiene, administration, and policy which do not directly relate to  
57 practical or scientific examination of dentists for licensing in this state.

58 (2) The citizen member of the board ~~who is not a dentist or dental hygienist~~ appointed  
59 pursuant to paragraph (3) of subsection (b) of this Code section may vote only on matters  
60 relating to administration and policy which do not directly relate to practical and  
61 scientific examination of dentists and dental hygienists for licensing in this state.

62 (e) The board may bring an action to enjoin any person, firm, partnership, corporation, or  
63 other entity who without being licensed or registered to do so by the board engages in or  
64 practices the profession of dentistry. The proceeding shall be filed in the county in which  
65 such person resides or, in the case of a firm, partnership, corporation, or other entity where  
66 the firm, partnership, corporation, or other entity maintains its principal office. Unless it  
67 shall be made to appear that such person, firm, partnership, corporation, or other entity so  
68 engaging in or practicing dentistry is licensed or registered, the injunction shall be issued,

69 and such person, firm, partnership, corporation, or other entity shall be perpetually enjoined  
70 from such activities throughout the state. It shall not be necessary in order to obtain the  
71 equitable relief provided in this subsection that the board allege and prove that there is no  
72 adequate remedy at law. It is declared that such unlicensed activities as are mentioned in  
73 this chapter are a menace and a nuisance dangerous to the public health, safety, and  
74 welfare."

75 **SECTION 2.**

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