

House Bill 441

By: Representatives Dempsey of the 13<sup>th</sup>, Hawkins of the 27<sup>th</sup>, Hatchett of the 155<sup>th</sup>,  
Anulewicz of the 42<sup>nd</sup>, Mathis of the 149<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 dentists, dental hygienists, and dental assistants, so as to authorize and regulate teledentistry  
3 in this state by licensed dentists pursuant to permits issued by the Georgia Board of  
4 Dentistry; to provide for definitions; to provide for the issuance and renewal of permits for  
5 teledentistry; to provide for an exemption; to provide for conditions for such permit; to  
6 provide for authorized practices; to provide for a referred dentist; to provide for ownership  
7 of documents; to provide for a limited number of dental auxiliaries to perform teledentistry;  
8 to require health insurers to cover dental care provided through teledentistry; to prohibit  
9 health insurers from requiring covered persons to obtain dental care through teledentistry;  
10 to provide for enforcement by the Commissioner of Insurance regarding insurance coverage  
11 of teledentistry; to provide for the Georgia Board of Dentistry to promulgate rules and  
12 regulations; to provide for dental assistants to perform coronal polishing under direct  
13 supervision; to provide for related matters; to provide an effective date; to repeal conflicting  
14 laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 441

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**SECTION 1.**

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Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dentists, dental hygienists, and dental assistants, is amended in Article 2, relating to licenses for the practice of dentistry, by adding a new Code section to read as follows:

"43-11-54.

(a) As used in this Code section, the term:

(1) 'Authorizing dentist' means a licensed dentist in good standing and practicing in the State of Georgia who holds a current, valid teledentistry permit issued by the board pursuant to this Code section.

(2) 'Care management organization' shall have the same meaning as in Code Section 33-24-59.24.

(3) 'Dental auxiliary' means a licensed dental hygienist or an expanded duties dental assistant.

(4) 'Dental hygienist' means a licensed dental hygienist in good standing who meets the requirements to perform the specific dental hygiene functions permitted under general supervision under Code Section 43-11-74.

(5) 'Digital scan' means a computer generated replica of the hard and soft tissues of the oral cavity created with digital technology and enhanced digital photography.

(6) 'Direct supervision' shall have the same meaning as in Code Section 43-11-74.

(7) 'Expanded duties dental assistant' means a dental assistant who has met the additional education and training requirements established by the board pursuant to subsection (b) of Code Section 43-11-80 to perform such other acts, practices, services, or procedures.

(8) 'General supervision' shall have the same meaning as in Code Section 43-11-74.

(9) 'Health insurance plan' shall have the same meaning as in Code Section 33-24-59.24.

(10) 'Health insurer' shall have the same meaning as in Code Section 33-24-59.24.

41 (11) 'Referred dentist' means a licensed dentist practicing in Georgia who has a written  
42 agreement with an authorizing dentist to provide in-person dental treatment to patients  
43 receiving dental care through a teledentistry interaction under this Code section.

44 (12) 'Store and forward technologies' means technologies that allow for the electronic  
45 transmission of dental and health information, including images, photographs,  
46 documents, and health histories, through a secure communication system.

47 (13) 'Synchronous, real-time communication' means a live, two-way interaction between  
48 an authorizing dentist and a patient or applicable dental auxiliary permitted under this  
49 Code section using audiovisual telecommunications technology but shall not constitute  
50 direct supervision for the purposes of Code Section 43-11-74 and the practice of dentistry  
51 in this state.

52 (14) 'Teledentistry' means the delivery of dental care through the use of synchronous,  
53 real-time communication in conjunction with and supported by store and forward  
54 technologies under the general supervision of the authorizing dentist when dental care is  
55 provided to a patient physically located at a site in this state that is different from the site  
56 where the authorizing dentist is physically located. A teledentistry interaction shall not  
57 constitute or be considered the equivalent of an in-person, clinical examination by a  
58 licensed dentist.

59 (b)(1) No licensed dentist in this state shall provide dental care through teledentistry  
60 unless such dentist has been issued a permit by the board under the conditions specified  
61 in this Code section. Such permit shall be subject to biennial renewal at the time the  
62 dentist is required to renew his or her license to practice dentistry.

63 (2) Notwithstanding the provisions of paragraph (1) of this subsection, a teledentistry  
64 permit shall not be required for a licensed dentist who only provides dental care to  
65 patients in a private dental office and does not authorize any dental auxiliaries to perform  
66 dental care outside of such private dental office when such dentist receives a digital  
67 photograph or audio or video communication from the cellphone of a patient of record

68 for the purpose of evaluating a dental emergency or providing palliative care until the  
69 patient can be treated by such dentist. Such dentist shall not charge the patient for such  
70 emergency evaluation or palliative care.

71 (c) A licensed dentist who wishes to provide dental care through teledentistry pursuant to  
72 this Code section shall apply to the board for a teledentistry permit. No permit shall be  
73 issued or renewed under this Code section unless the licensed dentist:

74 (1) Submits an application under oath on a form prescribed by the board;

75 (2) Pays the applicable initial issuance or renewal fee as established by the board;

76 (3) Provides written documentation evidencing that such licensed dentist has established  
77 a referral relationship with a referred dentist who practices dentistry and treats patients  
78 in a physical and operational dental office located in this state within 50 miles of the  
79 setting where the teledentistry interaction will occur; and

80 (4) Provides any other pertinent information as prescribed by the board.

81 (d) Subject to the conditions specified in subsection (e) of this Code section, an  
82 authorizing dentist possessing a teledentistry permit under this Code section shall only be  
83 authorized to:

84 (1) Authorize a licensed dental hygienist to perform the specific dental hygiene functions  
85 permitted under general supervision in accordance with the requirements of Code  
86 Section 43-11-74, except as otherwise provided in paragraph (1) of subsection (e) of this  
87 Code section;

88 (2) Prescribe a medication that is not a controlled substance for a patient receiving dental  
89 care through a teledentistry interaction, unless a teledentistry permit is not required  
90 pursuant to paragraph (2) of subsection (b) of this Code section;

91 (3) Authorize the performance of digital scans; provided, however, that only a licensed  
92 dentist, licensed dental hygienist, or expanded duties dental assistant possessing the  
93 requisite education and training prescribed by the board shall be permitted to perform  
94 digital scans for use in teledentistry; and

95 (4) Authorize the use of store and forward technologies to transmit patient records,  
96 images, digital scans, X-rays, and other relevant health information between the  
97 authorizing dentist and dental auxiliary for the purposes of evaluating a patient's oral  
98 health condition and authorizing the performance of dental care permitted under this  
99 Code section. The authorizing dentist shall be the custodian of all patient records for the  
100 purposes of this Code section unless the patient is treated by a referred dentist. In such  
101 instance, the referred dentist shall be the custodian of the patient's records associated with  
102 the dental care the referred dentist provides to the patient, and such referred dentist shall  
103 furnish copies of these records to the authorizing dentist.

104 (e) An authorizing dentist shall be subject to the following conditions when providing  
105 dental care through teledentistry as authorized in subsection (d) of this Code section:

106 (1) Teledentistry services shall be consistent with how dental treatment is provided in  
107 person and shall adhere to the standards of appropriate patient care required in other  
108 dental care settings, including, but not limited to, appropriate patient examination, the  
109 taking and review of X-rays, and review of a patient's medical and dental history;  
110 provided, however, that X-rays taken for the purpose of a teledentistry interaction under  
111 this Code section shall only be taken by a licensed dentist or by a licensed dental  
112 hygienist practicing under direct supervision of the authorizing dentist or during a  
113 synchronous, real-time communication involving the authorizing dentist, dental hygienist,  
114 and patient;

115 (2)(A) As part of the initial consultation with all new patients, the authorizing dentist  
116 shall establish a bona fide dentist-patient relationship by reviewing the patient's medical  
117 and dental history and verifying the patient's identity and physical location to ensure the  
118 patient is physically located in this state when dental care is provided and shall obtain  
119 the requisite consent from a parent or guardian if the patient is a minor.

120 (B) Prior to practicing and authorizing teledentistry pursuant to this Code section in  
121 board approved dental facilities and offsite locations of the Department of Public

122 Health, county boards of health, or the Department of Corrections; Title I schools under  
123 the federal Elementary and Secondary Education Act; schools in which at least 65  
124 percent of the student population is eligible for free or reduced price lunch under  
125 federal guidelines; Head Start programs; Georgia's Pre-K Program; hospitals; nursing  
126 homes; long-term care facilities; rural health clinics; federally qualified health centers;  
127 health facilities operated by federal, state, county, or local governments; hospices;  
128 family violence shelters as defined in Code Section 19-13-20; and free health clinics  
129 as defined in Code Section 51-1-29.4, the authorizing dentist shall perform the initial  
130 consultation with the patient through an in-person, clinical examination of the patient  
131 or through synchronous, real-time communication involving the authorizing dentist, the  
132 applicable dental auxiliary permitted under this Code section, and the patient.

133 (C) Prior to practicing and authorizing teledentistry in all other settings in this state  
134 under this Code section, the authorizing dentist shall perform the initial consultation  
135 with the patient in person, which shall include a clinical examination of the patient, and  
136 such in-person clinical examination shall be performed at a minimum of every 12  
137 months by the authorizing dentist;

138 (3) The authorizing dentist shall prepare a written authorization, which shall be given to  
139 the patient and included in the patient's record, providing the name and license number  
140 of the authorizing dentist and the name and license number of any dental auxiliaries  
141 treating the patient during the teledentistry interaction, as well as any other information  
142 the authorizing dentist or board deem appropriate;

143 (4) Prior to each teledentistry interaction, informed consent shall be obtained from the  
144 patient explaining the alternatives to and the capabilities and limitations of teledentistry,  
145 which shall include a written statement advising that a teledentistry interaction is not  
146 equivalent to an in-person, clinical examination, and that the authorizing dentist will not  
147 be physically present during the delivery of dental care. Such informed consent shall also  
148 be documented and included in the patient's record;

149 (5) The authorizing dentist shall provide dental services through teledentistry only if  
150 such dental services are appropriate for the patient, as determined by such authorizing  
151 dentist;

152 (6)(A) The authorizing dentist shall provide the name, license number, office mailing  
153 address, and office phone number of the referred dentist to the patient after each  
154 teledentistry interaction.

155 (B) The referred dentist shall be available to treat all dental emergencies and provide  
156 all necessary dental care, as determined by and in consultation with the authorizing  
157 dentist.

158 (C) The authorizing dentist shall submit updated documentation to the board regarding  
159 any changes to the referral relationship within 30 days of any such changes.

160 (D) Documentation of a referral relationship shall not be required for the issuance of  
161 a teledentistry permit if the authorizing dentist will also be providing in-person dental  
162 care;

163 (7)(A) An authorizing dentist may only authorize up to four licensed dental hygienists  
164 and up to four expanded duties dental assistants to perform the functions permitted in  
165 subsection (d) of this Code section at any one time.

166 (B) Any licensed dental hygienist performing the functions permitted in subsection (d)  
167 of this Code section via teledentistry shall have at least two years of experience in the  
168 practice of dental hygiene, shall be in compliance with continuing education  
169 requirements pursuant to Code Section 43-11-73.1 and cardiopulmonary resuscitation  
170 certification requirements contained in Code Section 43-11-73, and shall be licensed  
171 in good standing.

172 (C) Licensed dental hygienists practicing under general supervision via teledentistry  
173 pursuant to this Code section shall maintain professional liability insurance in  
174 accordance with board rules and regulations;

175 (8) No authorizing dentist or dental auxiliary shall attempt to waive liability for  
176 teledentistry services in advance of delivering such services, and no authorizing dentist  
177 or dental auxiliary shall attempt to prevent a patient from filing any complaint with any  
178 governmental agency or authority relating to the provision of dental care through  
179 teledentistry; and

180 (9) The authorizing dentist shall ensure that the use of teledentistry complies with the  
181 privacy and security requirements of the federal Health Insurance Portability and  
182 Accountability Act of 1996, as well as those of Chapter 33 of Title 31.

183 (f) A permit issued under this Code section may be revoked or not renewed if the board  
184 determines that the dentist holding such permit is not in compliance with any requirement  
185 of this Code section. The board shall provide notice and opportunity for hearing under  
186 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' in any case in which  
187 it revokes or refuses to renew a permit, provided that summary action regarding such  
188 permit shall be authorized under Code Section 50-13-18.

189 (g) Nothing in this Code section shall be construed to:

190 (1) Require a licensed dentist in this state to practice teledentistry;

191 (2) Require a licensed dentist to authorize a licensed dental hygienist or expanded duties  
192 dental assistant to perform the functions permitted in this Code section via teledentistry;

193 (3) Require a school or facility receiving dental hygiene services provided pursuant to  
194 subsection (h) or (i) of Code Section 43-11-74 to purchase any equipment to provide  
195 dental care through teledentistry; or

196 (4) Expand the scope of practice for dental hygienists or establish independent dental  
197 hygiene practice.

198 (h)(1) Any health insurance plan issued, amended, or renewed on or after January 1,  
199 2024, between a health insurer, contracted vendor thereof, or a care management  
200 organization and a healthcare provider for the provision of healthcare services to a plan



201 enrollee shall provide coverage for the cost of dental care provided through teledentistry  
202 as directed through regulations promulgated by the Department of Insurance.

203 (2) A health insurer, contracted vendor thereof, or care management organization shall  
204 not exclude a service appropriately provided through teledentistry from coverage solely  
205 because the service is provided through teledentistry and is not provided through  
206 in-person consultation or contact between an authorizing dentist and a patient.

207 (3) No health insurer, contracted vendor thereof, or care management organization shall  
208 impose any annual or lifetime dollar maximum on coverage for teledentistry services,  
209 other than an annual or lifetime dollar maximum that applies in the aggregate to all items  
210 and services covered under the patient's policy, or impose upon any patient receiving  
211 benefits pursuant to this Code section any copayment, coinsurance, or deductible  
212 amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation  
213 or maximum for benefits or services, that is not equally imposed upon all terms and  
214 services covered under the patient's health insurance policy.

215 (4) No health insurer, contracted vendor thereof, or care management organization shall  
216 require its insureds to receive dental care through teledentistry in lieu of an in-person,  
217 clinical examination.

218 (5) The Commissioner of Insurance shall have all powers of enforcement and sanction  
219 with respect to violations of this subsection by any health insurer, contracted vendor  
220 thereof, or care management organization as provided in Title 33.

221 (i) The board shall promulgate rules and regulations that are reasonably necessary to  
222 implement the provisions of this Code section."

223 **SECTION 2.**

224 Said chapter is further amended in Code Section 43-11-74, relating to required direct  
225 supervision, scope of duties, and exceptions to required supervision for dental screenings,  
226 by revising subsection (n) as follows:

227 "(n) Dental assistants may ~~use rubber cup prophylaxis~~ perform coronal polishing on a patient  
228 ~~with primary dentition~~ under the direct supervision of a licensed dentist in accordance with  
229 any guidelines or rules established by the board. Dental assistants shall meet any  
230 education, training, or other requirements as established by the board."

231 **SECTION 3.**

232 This Act shall become effective on January 1, 2024.

233 **SECTION 4.**

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