Rules and Regulations of the State of Georgia

Department 150 RULES OF GEORGIA BOARD OF DENTISTRY

Current through Rules and Regulations filed through November 2, 2022

Table of Contents

ADMINISTRATIVE HISTORY
Chapter 150-1. ORGANIZATION.
- Rule 150-1-.01. Organization of Board.
- Rule 150-1-.02. Officers.
- Rule 150-1-.03. Meetings.

Chapter 150-2. ORGANIZATION - ADDENDUM.
- Rule 150-2-.01. Correspondence: Grades.
- Rule 150-2-.02. Complaints.
- Rule 150-2-.03. Repealed.
- Rule 150-2-.04. Repealed.
- Rule 150-2-.05. Repealed.
- Rule 150-2-.06. Repealed.

Chapter 150-3. LICENSE REQUIREMENTS.
- Rule 150-3-.01. Examination for Dental Licensure.
- Rule 150-3-.02. License Issuance.
- Rule 150-3-.03. Repealed.
- Rule 150-3-.04. Applications.
- Rule 150-3-.05. Renewal and Reinstatement.
- Rule 150-3-.06. Duplicate Licenses.
- Rule 150-3-.07. Inactive Licensure Status.
- Rule 150-3-.08. CPR Requirements for Dentists.
- Rule 150-3-.09. Continuing Education for Dentists.

Rule 150-3-.10. Continuing Education for Volunteer Licenses.
Chapter 150-4. INVESTIGATIONS.
Rule 150-4-.01. Investigations.
Chapter 150-5. DENTAL HYGIENE.
Rule 150-5-.01. Dental Hygiene.
Rule 150-5-.02. Qualifications for Dental Hygienists.
Rule 150-5-.03. Supervision of Dental Hygienists.
Rule 150-5-.04. CPR Requirements for Dental Hygienists.
Rule 150-5-.05. Requirements for Continuing Education for Dental Hygienists.
Rule 150-5-.06. Temporary Permits for Dental Hygienists.
Chapter 150-6. PRESCRIPTION REQUIREMENTS.
Rule 150-6-.01. Laboratory Records.
Chapter 150-7. OTHER LICENSES.
Rule 150-7-.01. Public Health License.
Rule 150-7-.02. Faculty Licenses.
Rule 150-7-.03. Volunteers in Dentistry.
Rule 150-7-.04. Dental Provisional Licensure by Credentials.
Rule 150-7-.05. Dental Hygiene Provisional Licensure by Credentials.
Rule 150-7-.06. Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members.
Chapter 150-8. UNPROFESSIONAL CONDUCT.
Rule 150-8-.01. Unprofessional Conduct Defined.
Rule 150-8-.02. Fee Splitting.
Rule 150-8-.03. Repealed.
Rule 150-8-.04. Animals.
Chapter 150-9. DELEGATED DUTIES.
Rule 150-9-.01. General Duties of Dental Assistants.
Rule 150-9-.02. Expanded Duties of Dental Assistants.
Rule 150-9-.03. Prohibited Use of Technologies by Dental Assistants.
Chapter 150-10. ADVERTISING.
Rule 150-10-.01. Fraudulent, Misleading or Deceptive Advertising.
Rule 150-10-.02. Repealed.
Chapter 150-11. SPECIALTIES.
Rule 150-11-.01. Specialties.
Rule 150-11-.02. Repealed.
Chapter 150-12. FEES.
Rule 150-12-.01. Fees.
Rule 150-12-.02. Bad Checks.

Chapter 150-13. SEDATION PERMITS.
Rule 150-13-.01. Conscious Sedation Permits.
Rule 150-13-.02. Deep Sedation/General Anesthesia Permits.
Rule 150-13-.03. Renewal of Conscious Sedation and Deep Sedation/ General Anesthesia Permits.
Chapter 150-14. DENTAL APPLICANCES, CAPS, COVERINGS, PROSTHESES AND COSMETIC COVERINGS.
Rule 150-14-.01. Definitions.
Rule 150-14-.02. Fabrication of Dental Appliances, Caps, Coverings, Prostheses and Cosmetic Coverings is Practice of Dentistry.
Rule 150-14-.03. Responsibility of Licensed Dentist.
Rule 150-14-.04. Administration of Injectable Pharmacologics.
Chapter 150-15. GENERAL INFORMATION.
Rule 150-15-.01. Scope and Application of These Rules.
Rule 150-15-.02. Docket.
Rule 150-15-.03. Office Hours.
Rule 150-15-.04. Communications.
Rule 150-15-.05. Date of Filing.
Rule 150-15-.06. Computation of Time.
Rule 150-15-.07. Extension of Times.
Rule 150-15-.08. Signatures.
Rule 150-15-.09. Ex-parte Communication.
Rule 150-15-.10. Petition for Promulgation, Amendment, or Repeal of Rules.
Chapter 150-16. PLEADINGS.
Rule 150-16-.01. Initial Pleading.
Rule 150-16-.02. Answer.
Rule 150-16-.03. Replies.
Rule 150-16-.04. Amendments.
Rule 150-16-.05. Date of Filing.
Chapter 150-17. MOTIONS AND PRE-HEARING PROCEDURES.
Rule 150-17-.01. Motions: Written and Oral.
Rule 150-17-.02. More Definite Statement.
Rule 150-17-.03. General Procedures.
Rule 150-17-.04. Witness Lists and Respondent Statements.
Rule 150-17-.05. Pre-Hearing Discovery.
Chapter 150-18. SERVICE.
Rule 150-18-.01. By the Board.
Rule 150-18-.02. Service On All Parties.
Rule 150-18-.03. To Party's Attorney.

Rule 150-18-.04. Filing of Pleading.
Chapter 150-19. INTERVENTION.
Rule 150-19-.01. Intervention.
Chapter 150-20. EVIDENCE; SUBPOENAS.
Rule 150-20-.01. Evidence on Hearings.
Rule 150-20-.02. Evidence on Motions.
Rule 150-20-.03. Objections and Exceptions.
Rule 150-20-.04. Subpoena.
Chapter 150-21. TAKING OF TESTIMONY BY DEPOSITION OR INTERROGATORY.
Rule 150-21-.01. Taking of Testimony by Deposition.
Rule 150-21-.02. Conduct of the Deposition.
Rule 150-21-.03. Taking of Testimony by Interrogatory.
Rule 150-21-.04. Taking of Testimony by Telephone.
Chapter 150-22. HEARINGS.
Rule 150-22-.01. Notice of Hearing.
Rule 150-22-.02. Conduct of the Hearing.
Chapter 150-23. CONSOLIDATION.
Rule 150-23-.01. Consolidation.
Chapter 150-25. DEFAULT ON OBLIGATIONS.
Rule 150-25-.01. Federal Student Loan Default.
Chapter 150-24. BRIEFS AND POST-HEARING PROCEDURE.
Rule 150-24-.01. Briefs.
Rule 150-24-.02. Filing of Documents Subsequent to Hearing.
Rule 150-24-.03. Motion to Reopen Hearing.
Rule 150-24-.04. Review of Initial Decision.
Rule 150-24-.05. Rehearing.
Rule 150-24-.06. Appeals of Final Decisions.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 150-1 entitled "Organization", 150-2 entitled "Organization - Addendum", 150-3 entitled "License Requirements", 150-4 entitled "Legal Aid - Investigation", 150-5 entitled "Dental Hygiene", 150-6 entitled "Prescription Requirements", 150-7 entitled "Public Health License", 150-8 entitled "Ethics" have been adopted. Filed and effective June 30, 1965.

Rules 150-3-.01, .02, and 150-5-.02 have been amended. Filed March 26, 1969; effective April 15, 1969.

Rule 150-3-.01 has been amended. Filed January 26, 1970; effective February 15, 1970.

Rules 150-3-.01 and 150-5-.02 have been amended. Filed October 13, 1970; effective November 2, 1970.

Rule 150-3-.03 has been amended. Filed January 25, 1972; effective February 14, 1972.

Rule 150-1-.01 has been repealed and a new Rule adopted. Rule 150-3-.03 has been amended. Filed May 21, 1973; effective June 10, 1973.

Rule 150-5-.03 has been repealed and a new Rule adopted. Chapter 150-9 entitled "Expanded Duties" has been adopted. Filed June 26, 1973; effective July 16, 1973.

Rule 150-3-.01 has been amended. Filed July 5, 1974; effective July 25, 1974.

Rule 150-3-.03 has been amended. Rule 150-3-.04 has been repealed and a new Rule adopted.

Rule 150-5-.04 has been adopted. Filed August 11, 1975; effective August 31, 1975.

Rule 150-2-.06 has been adopted. Filed September 13, 1976; effective October 3, 1976.

Rule 150-3-.01 has been amended. Filed March 3, 1977; effective March 23, 1977.

Rules 150-1-.01, .02, .03, 150-2-.01, .03, .04, .05, 150-3-.01, .03, 150-5-.01 has been amended. Rule 150-5-.02 has been repealed and a new Rule adopted. Chapter 150-10 entitled "Corporate Name/ Trade Name" has been adopted. Filed September 24, 1979; effective October 14, 1979.

Chapters 150-2 and 150-3 have been repealed and new Chapters adopted. Rules 150-4-.01, 150-5-.02, .03, 150-9-.01, 150-10-.01 have been amended. Rule 150-5-.04 has been repealed. Chapters 150-11 entitled "Specialties", 150-12 entitled "Fees" have been adopted. Filed May 5, 1982; effective May 25, 1982.

Rules 150-8-.02, 150-10-.02, 150-11-.02 have been adopted. Filed October 29, 1982; effective November 18, 1982.

Rule 150-8-.02 has been amended. Filed July 20, 1983; effective August 9, 1983.

Rules 150-3-.01 and 150-4-.01 have been amended. Filed November 20, 1984; effective December 10, 1984.

Rules 150-5-.03 and 150-9-.01 have been amended. Filed July 2, 1985; effective July 22, 1985.

Rule 150-12-.01 has been repealed and a new Rule adopted. Filed November 12, 1985; effective December 2, 1985.

Rule 150-3-.06 has been adopted. Rule 150-11-.01 has been amended. Filed September 5, 1986; effective September 25, 1986.

Rule 150-3-.01 has been repealed and a new Rule adopted. Rule 150-6-.01 has been amended. Filed February 5, 1988; effective February 25, 1988.

Rule 150-3-.03 has been repealed and a new Rule adopted. Rules 150-3-.07 and 150-5-.04 have been adopted. Rule 150-5-.02 has been amended. Filed September 27, 1988; effective October 17, 1988.

Rules 150-3-.06, .07, 150-5-.04 have been amended. Rules 150-7-.01 and 150-9-.01 have been repealed and new Rules adopted. Chapter 150-13 entitled "Sedation Permits" has been adopted. Filed October 25, 1989; effective November 14, 1989.

Rule 150-3-.01 has been amended. Filed December 20, 1989; effective January 9, 1990.

Rule 150-9-.01 has been amended. Filed June 27, 1990; effective July 17, 1990.

Rule 150-3-.01 has been amended. Filed May 9, 1991; effective May 29, 1991.

Emergency Rule 150-3-0.1-.08 adopted. Filed August 27, 1991; effective August 23, 1991, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule

covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted to protect the health, safety and welfare of patients from transmission of Human Immunodeficiency Virus and Hepatitis B Virus during exposure prone invasive procedures. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 150-12-.01 has been repealed and a new Rule adopted. Filed October 23, 1991; effective November 12, 1991.

Rule 150-9-.01 has been amended. Filed November 7, 1991; effective November 27, 1991.

Rule 150-8-.03 has been adopted. Filed January 24, 1992; effective February 13, 1992.

Rules 150-3-.08 and 150-5-.05 were adopted. Filed March 4, 1992; effective March 24, 1992.

Rules 150-3-.01, 150-8-.03 and 150-11-.01 have been amended; Rules 150-5-.06 and 150-9-.02 have been adopted; Rule 150-9-.01 has been repealed and a new Rule adopted. Filed September 2, 1992; effective September 22, 1992.

Chapter 150-3 has been repealed and a new Chapter adopted. Rule 150-5-.02 has been amended. Filed February 2, 1993; effective February 22, 1993.

Rules 150-3-.01, 150-5-.03, .06 have been amended. Filed September 15, 1993; effective October 5, 1993.

Rules 150-3-.09 and 150-5-.03 have been amended. Rule 150-9-.03 has been adopted. Filed November 7, 1994; effective November 27, 1994.

Rule 150-12-.01 has been amended. Filed October 18, 1995; effective November 7, 1995.

Chapters 150-1, 150-2, 150-3, 150-4, 150-6, 150-7, 150-8, 150-9, 150-10 and 150-13 have been amended. Filed October 29, 1996; effective November 18, 1996.

Rules 150-3-.08, .09 have been repealed and new Rules adopted. Rule 150-8-.01 has been amended. Filed December 29, 1998; effective January 18, 1999.

Rules 150-5-.01, .03, .04, .05 have been repealed and new Rules adopted. Filed February 1, 1999; effective February 21, 1999.

Rules 150-9-.01 to .03 have been repealed and new Rules adopted. Chapter 150-11 has been repealed and a new Chapter adopted. Filed April 20, 1999; effective May 10, 1999.

Rule 150-3-.05 has been repealed and a new Rule adopted. Filed May 25, 1999; effective June 14, 1999.

Rules 150-5-.04, .05 have been repealed and new Rules adopted. Filed July 22, 1999; effective August 11, 1999.

Chapter 150-10 has been repealed by House Bill 295 on April 13, 1999. Filed July 28, 1999; effective August 17, 1999.

Rule 150-8-.01 has been amended. Rule 150-3-.07 has been repealed and a new Rule adopted.

Rule 150-7-.02 has been adopted. Filed September 13, 1999; effective October 3, 1999.

Rule 150-3-.05 has been amended. Filed August 25, 2000; effective September 14, 2000.

Rules 150-3-.01 and 150-5-.02 have been amended. Filed December 28, 2000; effective January 17, 2001.

Rules 150-3-.08 and 150-5-.04 have been repealed and new Rules adopted. Filed February 15, 2001; effective March 7, 2001.

Rule 150-9-.02 has been repealed and a new Rule adopted. Filed May 17, 2001; effective June 6, 2001.

Rules 150-1-.03, 150-5-.01, .02, .03, 150-9-.03, 150-11-.02, 150-13-.01 have been amended.

Rules 150-13-.02, .03 have been adopted. Filed January 10, 2002; effective January 30, 2002.

Rule 150-2-.01 has been repealed and a new Rule adopted. Filed August 6, 2002; effective August 26, 2002.

Rules 150-2-.03, 150-5-.03, .06, and 150-9-.01 have been repealed and new Rules adopted. Chapter 150-10 entitled "Advertising" has been adopted. Rule 150-11-.02 has been repealed. Filed January 31, 2003; effective February 20, 2003.

Rules 150-3-.05 and .07 have been amended. Filed February 18, 2003; effective March 10, 2003.

Rule 150-11-.01 has been amended. Filed February 20, 2003; effective March 12, 2003.

Rule 150-7-.03 has been adopted. Filed February 24, 2003; effective March 16, 2003.

Rules 150-3-.01, 150-3-.09, 150-5-.03, 150-5-.05, 150-7-.02 and 150-8-.01 have been repealed and new Rules adopted. Filed July 28, 2003; effective August 17, 2003.

Rules 150-3-.09, 150-5-.04, and .05 have been repealed and new Rules adopted. Filed January 13, 2004; effective February 2, 2004.

Rules 150-3-.09 and 150-5-.05 have been amended. Rule 150-8-.01 has been repealed and a new Rule adopted. Filed March 15, 2004; effective April 4, 2004.

Rule 150-3-.01 has been repealed and a new Rule adopted. Filed January 26, 2005; effective February 15, 2005.

Rules 150-3-.04 and .08 have been repealed and new Rules adopted. Rule 150-3-.09 has been amended. Filed January 27, 2005; effective February 16, 2005.

Rules 150-5-.02 and 150-7-.03 have been repealed and new Rules adopted. Rules 150-7-.04 and .05 have been adopted. Filed January 28, 2005; effective February 17, 2005.

Rule 150-11-.01 has been amended. Rules 150-12-.01, 150-13-.01 and .02 have been repealed and new Rules adopted. Filed January 31, 2005; effective February 20, 2005.

Rule 150-9-.02 has been repealed and a new Rule adopted. Filed February 2, 2005; effective February 22, 2005.

Rules 150-5-.02, 150-7-.02, and 150-9-.02 have been repealed and new Rules adopted. Filed May 20, 2005; effective June 9, 2005.

Rules 150-7-.01 and .05 have been repealed and new Rules adopted. Filed May 25, 2005; effective June 14, 2005.

Rule 150-3-.03 has been repealed. Filed June 14, 2005; effective July 4, 2005.

Rules 150-3-.05, 150-5-.03, 150-7-.03, 150-13-.01, and .02 have been repealed and new Rules adopted. Rule 150-7-.01 has been amended. Filed September 14, 2005; effective October 4, 2005.

Rules 150-3-.01 and 150-5-.02 have been amended. Filed November 7, 2005; effective November 27, 2005.

Rule 150-3-.01 has been repealed and a new Rule adopted. Filed March 22, 2006; effective April 11, 2006.

Rules 150-5-.02 and 150-9-.03 have been amended. Filed July 18, 2006; effective August 7, 2006.

Rules 150-3-.01, 150-5-.06, and 150-8-.01 have been repealed and new Rules adopted. Filed September 18, 2006; effective October 8, 2006.

Rule 150-5-.03 has been repealed and a new Rule adopted. Filed January 25, 2007; effective February 14, 2007.

Rule 150-7-.04 has been repealed and a new Rule adopted. Rule 150-7-.05 has been amended. Chapter 150-14 entitled "Dental Appliances, Caps, Coverings, Prostheses and Cosmetic Coverings" has been adopted. Filed May 14, 2007; effective June 3, 2007.

Rules 150-3-.09 and 150-5-.05 have been amended. Filed September 10, 2007; effective September 30, 2007.

Rules 150-7-.04 and .05 have been repealed and new Rules adopted. Filed September 30, 2008; effective October 20, 2008.

Rule 150-5-.02 has been repealed and a new Rule adopted. Filed January 23, 2009; effective February 12, 2009.

Rule 150-9-.02 has been repealed and a new Rule adopted. Filed March 10, 2009; effective March 30, 2009.

Rules 150-3-.01 and .09 have been amended. Filed June 8, 2009; effective June 28, 2009.

Rule 150-5-.05 has been repealed and a new Rule adopted. Filed July 29, 2009; effective August 18, 2009.

Rule 150-13-.01 has been repealed and a new Rule adopted. Rule 150-13-.02 has been amended. Filed February 18, 2010; effective March 10, 2010.

Rules 150-3-.01, 150-7-.02, and .04 have been repealed and new Rules adopted. Filed April 20, 2010; effective May 10, 2010.

Rule 150-7-.04 has been repealed and a new Rule adopted. Filed June 25, 2010; effective July 15, 2010.

Rules 150-7-.02 and 150-13-.03 have been repealed and new Rules adopted. Rule 150-8-.02 has been adopted. Rule 150-13-.01 paragraph (6) has been amended, and paragraph (6) (d) has been adopted. Rule 150-13-.02 paragraph (3) has been amended, and paragraph (3) (a) has been adopted. Filed November 16, 2010; effective December 6, 2010.

Rule 150-3-.01 has been repealed and a new Rule adopted. Filed January 11, 2011; effective January 31, 2011.

Rule 150-3-.09 amended. F. Jan. 10, 2012; eff. Jan. 30, 2012.

Rule 150-9-.02 repealed and readopted. F. Mar. 27, 2012; eff. Apr. 16, 2012.

Rule 150-5-.03 Amended. F. Mar. 27, 2012; eff. Apr. 16, 2012.

Rule 150-14-.04 adopted. F. Jun. 19, 2012; eff. Jul. 9, 2012.

Rule 150-3-.04 and 150-7-.03 amended. F. Dec. 4, 2012; eff. Dec. 24, 2012.

Rule 150-9-.01 amended. F. Jan. 7, 2013; eff. Jan. 27, 2013.

Rule 150-3-.01 amended. F. Apr. 16, 2013; eff. May 6, 2013.

Rule 150-9-.01 amended. F. Apr. 17, 2013; eff. May 7, 2013.

Rules 150-3-.02, 150-3-.08, 150-5-.04, 150-13-.03 amended. F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 150-12-.01 amended. F. Oct. 21, 2013; eff. Nov. 10, 2013.

Rule 150-3-.07 amended. F. Nov. 18, 2013; eff. Dec. 8, 2013.

Rule 150-3-.04 amended. F. Dec. 6, 2013; eff. Dec. 26, 2013.

Rules 150-3-.09, 150-5-05 amended. F. Jan. 21, 2014; eff. Feb. 10, 2014.

Chapters 150-15 entitled "General Information," 150-16 entitled "Pleadings," 150-17 entitled "Motions and Pre-Hearing Procedures," 150-18 entitled "Service," 150-19 entitled "Intervention," 150-20 entitled "Evidence; Subpoenas," 150-21 entitled "Taking of Testimony by Deposition or Interrogatory," 150-22 entitled "Hearings," 150-23 entitled "Consolidation," 150-24 entitled "Briefs and Post-Hearing Procedure" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rules 150-2-.03 and .04 repealed. Rules 150-3-.06, .07, .08, .09, 150-5-.04 and .05 amended. Rule 150-12-.02 adopted. F. Sep. 3, 2014; eff. Sep. 23, 2014.

Rule 150-4-.01 amended. F. Oct. 1, 2014; eff. Oct. 21, 2014.

Rule 150-5-.02 amended. F. Oct. 7, 2014; eff. Oct. 27, 2014.

Rules 150-3-.04, 150-3-.09, 150-6-.01, 150-7-.04, 150-13-.02 amended. F. Jan. 15, 2015; eff. Feb. 4, 2015.

Rule 150-7-.04 amended. Rule 150-8-.04 adopted. F. June 29, 2015; eff. July 19, 2015.

Chapters 150-25 entitled "Default on Obligations" adopted. F. Sep. 18, 2015; eff. Oct. 8, 2015.

Rules 150-3-.09, 150-5-.05, 150-7-.03 amended. Rule 150-3-.10 adopted. F. Feb. 5, 2016; eff. Feb. 25, 2016.

Rule 150-7-.06 adopted. F. June 1, 2017; eff. June 21, 2017.

Rules 150-2-.02, 150-3-.01 amended. F. Aug. 24, 2017; eff. Sep. 13, 2017.

Rule 150-7-.05 amended. F. Dec. 22, 2017; eff. Jan. 11, 2018.

Rule 150-5-.03 amended. F. Mar. 2, 2018; eff. Mar. 22, 2018.

Rules 150-7-.04, 150-8-.01, 150-9-.01, 150-9-.02 amended. F. May. 2, 2018; eff. May. 22, 2018.

Rule 150-3-.09 amended. F. July 25, 2018; eff. Aug. 14, 2018.

Rule 150-7-.03 amended. F. Sep. 10, 2020; eff. Sep. 30, 2020.

Rule 150-3-.01 amended. F. Sep. 29, 2020; eff. Oct. 19, 2020.

Rule 150-3-.01, correction of non-substantive typographical error on SOS Rules and Regulations website, "*(6) In determining whether an applicant has met the requirements for licensure, the board will only consider:"* corrected to "*(7) In determining whether an applicant has met the requirements for licensure, the board will only consider:"*, duplicate paragraph number (i.e., number "(6)") corrected to reflect Rule as originally filed by Agency on September 29, 2020. Effective October 19, 2020.

Rule 150-5-.03 amended. F. Dec. 14, 2021; eff. Jan. 3, 2022.

Chapter 150-1. ORGANIZATION.

Rule 150-1-.01. Organization of Board.

The Georgia Board of Dentistry shall consist of eleven members, nine of whom shall be dentists licensed in Georgia, one a hygienist licensed in Georgia and one a citizen who is neither a dentist nor a hygienist. The Board shall elect from its members a president and such other officers as it may see fit.

Cite as Ga. Comp. R. & Regs. R. 150-1-.01
Authority: O.C.G.A. Sec. 43-11-2.
History. Original Rule entitled "Organization of Board" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. May 21, 1973; eff. June 10, 1973.
Amended: F. Sept. 24, 1979; effective Oct. 14, 1979.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.

Rule 150-1-.02. Officers.

(1) At its annual June meeting, the Board shall elect its officers for the next year. The term of official service shall be for one (1) year, and until successors are elected. Officers of the Board shall consist of a President and Vice President.

(2) The Board, in its discretion, may instruct its Executive Director to carry on and transact such business as may be referred to said Executive Director by the Board.

Cite as Ga. Comp. R. & Regs. R. 150-1-.02
Authority: O.C.G.A. Sec. 43-11-3.
History. Original Rule entitled "Officers" adopted. F. and eff. June 30, 1965.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.

Rule 150-1-.03. Meetings.

The Georgia Board of Dentistry shall conduct meetings as may be required and necessary.

Cite as Ga. Comp. R. & Regs. R. 150-1-.03
Authority: O.C.G.A. Sec. 43-11-4.
History. Original Rule entitled "Meetings" adopted. F. and eff. June 30, 1965.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.

Chapter 150-2. ORGANIZATION - ADDENDUM.

Rule 150-2-.01. Correspondence: Grades.

(1) All correspondence relating to Board matters should be forwarded to the Board office.

(2) Board Members may not disclose grades to applicants or to any other persons inquiring on the applicant's behalf.

Cite as Ga. Comp. R. & Regs. R. 150-2-.01
Authority: O.C.G.A. Secs. 43-11-7, 43-11-8.
History. Original Rule entitled "Joint Secretary" adopted. F. and eff. June 30, 1965.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Repealed: New Rule entitled "Correspondence: Grades" adopted. F. May 5, 1982; eff. May 25, 1982.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. Aug. 6, 2002; eff. Aug. 26, 2002.

Rule 150-2-.02. Complaints.

All complaints must be made in writing to the Georgia Board of Dentistry. Unless otherwise ordered by a court of competent jurisdiction or pursuant to a vote of the Board consistent with applicable state and federal law, neither the Board nor any of its members or administrative staff shall divulge the source from which information is received that relates to an actual or alleged infraction of the dental or dental hygiene laws.

Cite as Ga. Comp. R. & Regs. R. 150-2-.02
Authority: O.C.G.A. § 43-11-7.
History. Original Rule entitled "Correspondence: Grades" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Complaints" adopted. F. May 5, 1982; eff. May 25, 1982.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: F. Aug. 24, 2017; eff. Sept. 13, 2017.

Rule 150-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 150-2-.03
Authority: O.C.G.A. § 43-11-7.
History. Original Rule entitled "Complaints" adopted. F. and eff. June 30, 1965.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Repealed: New Rule entitled "A.D.A. Directory" adopted. F. May 5, 1982; eff. May 25, 1982.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. Jan. 31, 2003; eff. Feb. 20, 2003.
Repealed: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Rule 150-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 150-2-.04
Authority: O.C.G.A. § 43-11-7.
History. Original Rule entitled "Grades and Applications" adopted. F. and eff. June 30, 1965.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Repealed: New Rule entitled "Procedural Rules" adopted. F. May 5, 1982; eff. May 25, 1982.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Rule 150-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 150-2-.05
Authority: Ga. L. 1976, pp. 484-503.
History. Original Rule entitled "A.D.A. Directory" adopted. F. and eff. June 30, 1965.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Repealed: F. May 5, 1982; eff. May 25, 1982.

Rule 150-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 150-2-.06
Authority: Ga. L. 1976, Act. No. 972; Ga. L. 1964, pp. 338, 341.
History. Original Rule entitled "Procedural Rules" adopted. F. Sept. 13, 1976; eff. Oct. 3, 1976.
Repealed: F. May 5, 1982; eff. May 25, 1982.

Chapter 150-3. LICENSE REQUIREMENTS.

Rule 150-3-.01. Examination for Dental Licensure.

(1) Each candidate submitting an application for a dental license must have passed all sections of the National Board Theory Examinations - Part I and Part II with a score of 75 or higher or have a passing score on the Integrated National Board Dental Exam. The President of the Georgia Board of Dentistry may appoint one or more members of the Board to proctor the National Dental Board Examinations held in Georgia.

(2) Each candidate for a license to practice dentistry must pass with a score of 75 or higher a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be in the English language. The score will be valid for one year.

(3) Each candidate for a license to practice dentistry must pass all sections with a score of 75 or higher on any clinical examination administered by the Georgia Board of Dentistry, or a testing agency designated and approved by the Board. Such examination shall be in the English language.

(4) Any candidate who fails one or two sections of any clinical examination or any combination of one, two, or three sections of the clinical examination, three times must take a remedial course of study designated and pre-approved by the board.

   (a) Once the candidate shows written proof of successful completion of the approved course of study, the Board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the board.

   (b) After a fourth failure of one or more sections of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.

(5) Any candidate who fails three or more sections of any clinical examination three times must successfully complete a one-year American Dental Association-accredited course of study pre-approved by the board.

   (a) Once the candidate provides written proof of successful completion of this one-year course of study, the board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the Georgia Board.

   (b) After a fourth failure of one or more sections of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.

(6) For purposes of this rule, failure of the completed curriculum integrated format type examination shall only be counted as one (1) examination failure. The final section/sections failed with the curriculum integrated format type examination will be applicable to sections (4) and (5) of this rule.

(7) In determining whether an applicant has met the requirements for licensure, the board will only consider:

(a) The examination given by the Georgia Board of Dentistry prior to February 22, 1993.

(b) Results from the Southern Regional Testing Agency (SRTA) that were attained between February 22, 1993 and December 31, 2005; to include SRTA retake examination results until December 31, 2006.

(c) Results from the American Board of Dental Examiners (ADEX) examination as uniformly administered by the Central Regional Dental Testing Service (CRDTS) and the Northeast Regional Board of Dental Examiners (NERB) that were attained between January 1, 2006 and June 30, 2009.

(d) Results from the Central Regional Dental Testing Service (CRDTS) examination or any other testing agency designated and approved by the Board attained subsequent to June 30, 2009. Results from the retake examinations administered by the Northeast Regional Board of Dental Examiners (NERB) or the Central Regional Dental Testing Service (CRDTS) are accepted through June 30, 2010. Such retakes must be from initial examinations taken prior to June 30, 2009 and must include at least one successful score from Parts II, III, IV or V.

(e) Results from the American Board of Dental Examiners, Inc. (ADEX) dental examination as uniformly administered by a testing agency approved by the Board beginning January 1, 2021.

(f) Regional examinations must include procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:

1. periodontics, human subject clinical abilities testing;

2. endodontics, clinical abilities testing;

3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;

4. anterior class III composite preparation and restoration, human subject clinical abilities testing;

5. crown preparation, clinical abilities testing;

6. prosthetics, written or clinical abilities testing;

7. oral diagnosis, written or clinical abilities testing; and

8. oral surgery, written or clinical abilities testing.

(g) Examination scores from slot preparations of restorative dentistry shall neither be accepted nor recognized by the Board.

(8) Each candidate for Georgia licensure must furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

(9) The Board may hold other examinations as may be required and necessary.

Cite as Ga. Comp. R. & Regs. R. 150-3-.01
Authority: O.C.G.A. §§ 43-11-7, 43-11-20, 43-11-40, 43-11-41.
History. Original Rule entitled "Examinations" adopted. F. and eff. June 30, 1965.
Amended: F. Mar. 26, 1969; eff. Apr. 15, 1969.
Amended: F. Jan. 26, 1970; eff. Feb. 15, 1970.
Amended: F. Oct. 13, 1970; eff. Nov. 2, 1970.
Amended: F. July 5, 1974; eff. July 25, 1974.
Amended: F. Mar. 3, 1977; eff. Mar. 23, 1977.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Amended: F. May 5, 1982; eff. May 25, 1982.
Amended: F. Nov. 20, 1984; eff. Dec. 10, 1984.
Repealed: New Rule of same title adopted. F. Feb. 5, 1988; eff. Feb. 25, 1988.
Amended: F. Dec. 20, 1989; eff. Jan. 9, 1990.
Amended: F. May 9, 1991; eff. May 29, 1991.
Amended: F. Sept. 2, 1992; eff. Sept. 22, 1992.
Amended: F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Sept. 15, 1993; eff. Oct. 5, 1993.
Amended: Rule retitled "Examination for Dental Licensure". F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: F. Dec. 28, 2000; eff. Jan. 17, 2001.
Repealed: New Rule of same title adopted. F. July 28, 2003; eff. August 17, 2003.
Repealed: New Rule of same title adopted. F. Jan. 26, 2005; eff. Feb. 15, 2005.
Amended: F. Nov. 7, 2005; eff. Nov. 27, 2005.
Repealed: New Rule of same title adopted. F. Mar. 22, 2006; eff. Apr. 11, 2006.
Repealed: New Rule of same title adopted. F. Sept. 18, 2006; eff. Oct. 8, 2006.
Amended: F. June 8, 2009; eff. June 28, 2009.
Repealed: New Rule of same title adopted. F. Apr. 20, 2010; eff. May 10, 2010.
Repealed: New Rule of same title adopted. F. Jan. 11, 2011; eff. Jan. 31, 2011.
Amended: F. Apr. 16, 2013; eff. May 6, 2013.
Amended: F. Aug. 24, 2017; eff. Sept. 13, 2017.
Amended: F. Sep. 29, 2020; eff. Oct. 19, 2020.
Note: Correction of non-substantive typographical error on SOS Rules and Regulations website, "(6) In determining whether an applicant has met the requirements for licensure, the board will only consider:" corrected to "(7) In determining whether an applicant has met the requirements for licensure, the board will only consider:", duplicate paragraph number (i.e., number "(6)") corrected to reflect Rule as originally filed by Agency on September 29, 2020. Effective October 19, 2020.

Rule 150-3-.02. License Issuance.

An applicant for dental licensure is eligible to apply for a license upon proof of successful completion of the requirements in 150-3-.01 and upon payment of a licensure fee to the Department of Community Health in an amount established by the Board.

Cite as Ga. Comp. R. & Regs. R. 150-3-.02
Authority: O.C.G.A §§ 43-11-2.1; 43-11-7; 43-11-9; 43-11-40.
History. Original Rule entitled "Examinations Addendum" adopted. F. and eff. June 30, 1965.
Amended: F. Mar. 26, 1969; eff. Apr. 15, 1969.
Amended: F. May 5, 1982; eff. May 25, 1982.
Repealed: New Rule entitled "License Issuance" adopted. F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 150-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 150-3-.03
Authority: O.C.G.A. Secs. 43-11-7, 43-11-8, 43-11-40.
History. Original Rule entitled "Applications" adopted. F. and eff. June 30, 1965.
Amended: F. Jan. 25, 1972; eff. Feb. 14, 1972.
Amended: F. May 21, 1973; eff. June 10, 1973.
Amended: F. Aug. 11, 1975; eff. Aug. 31, 1975.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Amended: F. May 5, 1982; eff. May 25, 1982.
Repealed: New Rule of same title adopted. F. Sept. 27, 1988; eff. Oct. 17, 1988.
Repealed: New Rule entitled "Examinations Addendum" adopted. F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: F. June 14, 2005; eff. July 4, 2005.

Rule 150-3-.04. Applications.

(1) An applicant for dental licensure must provide the board with the following items: Those applicants who have received a doctoral degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, if any, must provide the following in order to complete their application.

(a) Certified copy of the applicant's testing results showing passage of all sections with a score of 75 or higher on a clinical examination administered by the board or a testing agency designated and approved by the board.

(b) Proof of current CPR certification;

(c) Copies of any and all National Practitioner's Data Bank reports pertaining to the applicant;

(d) An official transcript under seal issued by the appropriate authority (along with a verified translation into English, if necessary), from the school or university from which the applicant received his or her doctoral degree in dentistry;

(e) National Board Scores verifying passage of all parts with a minimal acceptable grade of 75.

(f) Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dentistry. Such license shall be unencumbered by past, present or pending disciplinary action.

(g) Furnish a criminal background check. The applicant shall be responsible for all fees associated with the performance of a background check.

(2) In addition to the requirements in Section (1), those applicants who have received a doctoral degree in dentistry from a dental school not accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, if any, must provide the following in order to complete their application.

(a) Proof of successful completion at an ADA-accredited dental school approved by the board of the last two years of a pre-doctoral program as a full-time student under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law, and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and

(b) A certification from the dean of the accredited dental school where the applicant took the required supplementary program specified in O.C.G.A. Sec. 43-11-40(a)(1)(A), 43-11-40(a)(1)(A) and (B) setting forth that the applicant has achieved the same level of didactic and clinical competency as expected of a graduate of the dental school and that the student has completed the last two years of a pre-doctoral program under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law.

(c) An official transcript under seal from the accredited dental school showing all courses taken during the supplementary program required pursuant to O.C.G.A. Sec. 43-11-40(a)(1)(A).

(3) All applicants must show passage of all sections with a score of 75 or higher on a clinical examination administered by the board or testing agency designated and approved by the board and a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examinations shall be administered in the English language.

(4) In accordance with O.C.G.A. § 50-36-1, all applicants applying for licensure must submit an Affidavit Regarding Citizenship and submit a copy of secure and verifiable documentation supporting the Affidavit with his or her application.

Cite as Ga. Comp. R. & Regs. R. 150-3-.04
Authority: O.C.G.A §§ 43-11-2.1, 43-11-7, 43-11-40, 50-36-1.
History. Original Rule entitled "Renewals" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 11, 1975; eff. Aug. 31, 1975.
Repealed: New Rule entitled "Reinstatement" adopted. F. May 5, 1982; eff. May 25, 1982.
Repealed: New Rule entitled "Applications" adopted. F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. Jan. 27, 2005; eff. Feb. 16, 2005.
Amended: F. Dec. 4, 2012; eff. Dec. 24, 2012.
Amended: F. Dec. 6, 2013; eff. Dec. 26, 2013.
Amended: F. Jan. 15, 2015; eff. Feb. 4, 2015.

Rule 150-3-.05. Renewal and Reinstatement.

(1) Licenses shall expire at the close of December 31 in all odd-numbered years, and shall be administratively revoked for failure to renew on July 1 of the following even-numbered year. Fees for license renewal shall be assessed as set forth in Rule 150-12-.01. Licenses, which have been administratively revoked, shall be reinstated only in the discretion of the Board upon completion of a reinstatement application.

(2) Any service member as defined in O.C.G.A. § 15-12-1 whose license to practice dentistry or dental hygiene expired while serving on active duty outside the state shall be permitted to practice dentistry or dental hygiene in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service members commanding officer to waive any charges.

(3) For all instances in which the license in question was revoked for reasons other than the failure to renew, a minimum of two (2) years shall pass from the date of the revocation of license before the Board will consider an application for its reinstatement.

(4) In the event that an application for reinstatement of a license is denied, the Board will consider a subsequent reinstatement application no sooner than one (1) year from the date that the previous application was denied.

(5) As a condition precedent to the reinstatement of a revoked license, the Board may, in its discretion, impose any remedial requirements deemed necessary before an individual may resume the practice of dentistry or dental hygiene. After five (5) years have passed

without the applicant being actively engaged in the practice of dentistry or dental hygiene, the Board may, in its discretion, require passage of an examination administered by the Georgia Board of Dentistry or a Regional Testing Agency designated and approved by the Board. In addition, the Board may require documentation from a physician or physicians licensed in the State of Georgia that establishes to the satisfaction of the Board that the applicant is able to practice with reasonable skill and safety to patients.

Cite as Ga. Comp. R. & Regs. R. 150-3-.05
Authority: O.C.G.A Secs. 15-12-1, 43-1-31, 43-11-7, 43-11-8, 43-11-40, 43-11-47.
History. Original Rule entitled "Reinstatement" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Duplicate Licenses" adopted. F. May 5, 1982; eff. May 25, 1982.
Repealed: New Rule entitled "Reinstatement" adopted. F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule entitled "Renewal and Reinstatement" adopted. F. May 25, 1999; eff. June 14, 1999.
Amended: F. Aug. 25, 2000; eff. Sept. 14, 2000.
Amended: F. Feb. 18, 2003; eff. Mar. 10, 2003.
Repealed: New Rule of same title adopted. F. Sept. 14, 2005; eff. Oct. 4, 2005.

Rule 150-3-.06. Duplicate Licenses.

Duplicate licenses will be issued in accordance with the fee schedule set forth in Rule 150-12-.01.

Cite as Ga. Comp. R. & Regs. R. 150-3-.06
Authority: O.C.G.A §§ 43-1-7, 43-1-22, 43-11-2.1, 43-11-7, 43-11-43.
History. Original Rule entitled "Duplicate Licenses" adopted. F. and eff. June 30, 1965.
Repealed: F. May 5, 1982; eff. May 25, 1982
Amended: New Rule entitled "Inactive Licensure Status" adopted. F. Sept. 5, 1986; eff. Sept. 25, 1986.
Amended: F. Oct. 25, 1989; eff. Nov. 14, 1989.
Repealed: New Rule entitled "Duplicate Licenses" adopted. F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Rule 150-3-.07. Inactive Licensure Status.

(1) A licensee may apply for inactive licensure status under the following conditions:

(a) A dentist or dental hygienist who holds an active license in the state of Georgia may apply to the Board for inactive status by submitting the required for m and paying the proper fee

(b) A licensee granted inactive status is exempt from the payment of the biennia l renewal fee and continuing education requirement.

(c) A person holding an inactive license may not practice dentistry or dental hygiene in this state.

(d) A dentist or dental hygienist holding an inactive license may apply for reinstatement by following the Board's reinstatement policy.

(2) For the purposes of O.C.G.A. § 43-11-47(a)(7)(A), a licensee on inactive status is not licensed to practice dentistry in Georgia.

Cite as Ga. Comp. R. & Regs. R. 150-3-.07
Authority: O.C.G.A §§ 43-1-7, 43-1-22, 43-11-2.1, 43-11-7.
History. Original Rule entitled "CPR Requirements for Dentists" adopted. F. Sept. 27, 1988; eff. Oct. 17, 1988.
Amended: F. Oct. 25, 1989; eff. Nov. 14, 1989.
Repealed: New Rule entitled "Inactive Licensure Status" adopted. F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. Sept. 13, 1999; eff. Oct. 3, 1999.
Amended: F. Feb. 18, 2003; eff. Mar. 10, 2003.
Amended: F. Nov. 18, 2013; eff. Dec. 8, 2013.
Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Rule 150-3-.08. CPR Requirements for Dentists.

Dentists shall maintain at all times during licensure and shall furnish to the Board, upon request, current certification in one and two rescuer CPR and management of obstructed airway for adults, children and infants as taught by the American Heart Association, the American Red Cross, American Safety & Health Institute, the National Safety Council, EMS Safety Services, or other such agencies approved by the Board. Current certification is also a condition for license renewal. Failure to maintain current CPR certification may serve as grounds to deny the renewal of a license and may also result in disciplinary action against the licensee. In response to an audit request, a dentist shall be required to produce proof of CPR certification during the biennium for which the audit is being conducted.

Cite as Ga. Comp. R. & Regs. R. 150-3-.08
Authority: O.C.G.A. §§ 43-11-7, 43-11-40, 43-11-41, 43-11-42, 43-11-46.
History. Original Rule entitled "Unprofessional Conduct Defined" adopted as ER. 150-3-0.1-.08. F. Aug. 27, 1991; eff. Aug. 23, 1991, the date of adoption.
Amended: New Rule entitled "Requirements for Continuing Education for Dentists" adopted. F. Mar. 4, 1992; eff. Mar. 24, 1992.
Repealed: New Rule entitled "CPR Requirements for Dentists" adopted. F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. Dec. 29, 1998; eff. Jan. 18, 1999.
Repealed: New Rule of same title adopted. F. Feb. 15, 2001; eff. Mar. 7, 2001.
Repealed: New Rule of same title adopted. F. Jan. 27, 2005; eff. Feb. 16, 2005.
Amended: F. Oct. 15, 2013; eff. Nov. 4, 2013.
Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Rule 150-3-.09. Continuing Education for Dentists.

(1) Dentists licensed to practice in the state of Georgia shall maintain and furnish to the Board, upon request, official documentation of having completed a minimum of forty (40) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dentist for at least three (3) years following the end of the biennium during which the course as taken.

(a) Compliance with all continuing education requirements is a condition for license renewal. Failure to complete all hours of mandatory continuing education shall serve as grounds to deny the renewal of a license and may also result in disciplinary action being taken against a licensee.

(b) Upon its own motion, the Board may at any time randomly select a percentage of actively licenses dentists for the purpose of auditing their compliance with the continuing education requirements of the Board. Those licensees selected for an audit shall submit official documentation of their compliance within thirty (30) days of receipt of the audit letter. Failure to respond to an audit request in a timely manner shall be grounds for disciplinary action against a licensee.

(c) The continuing education requirements shall not apply to dentists whose licenses are on inactive status.

(d) The continuing education requirements shall apply within the first biennium that a dentist is licensed in Georgia. However, in order to meet the continuing education requirements during the first biennium, a newly licensed dentist may submit as their continuing education hours proof of dental coursework taken within the previous two (2) years of the date of the renewal application from a university or other institution accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency. Following the first biennium that a dentist is licensed in Georgia such licensees shall comply with the continuing education requirements set forth in Rule 150-3-.09(2) and (3).

(e) The continuing education requirements for dentists holding volunteer licenses may be satisfied by compliance with this rule, or they may alternatively be satisfied by compliance with Rule 150-3-.10.

(2) Coursework, including home study courses, sponsored or approved by the following recognized organizations will be accepted:

(a) American Dental Association/American Dental Hygienists association, and their affiliate associations and societies;

(b) Academy of General Dentistry;

(c) National Dental Association and its affiliate societies;

(d) Colleges, and universities and institutions with programs in dentistry and dental hygiene that are accredited by the Commission on Dental Accreditation of the American Dental Association when the professional continuing education course is held under the auspices of the school of dentistry or school of dental hygiene;

(e) CPR courses offered by the American Red Cross, the American Heart Association, the American Safety and Health Institute, the National Safety Council, EMS Safety Services, or other such agencies approved by the Board.

(f) National and State Associations and/or societies of all specialties in dentistry recognized under Georgia law;

(g) Veterans Administration Dental Department;

(h) Armed Forces Dental Department;

(i) Georgia Department of Public Health;

(j) American Medical Association, the National Medical Association and its affiliate associations and societies;

(k) Hospitals accredited by the Joint Commission on Accreditation of Hospital Organizations (JCAHO).

(3) Course content:

(a) All courses must reflect the professional needs of the dentist in providing quality dental health care to the public;

(b) At least thirty (30) hours of the minimum requirement shall be clinical courses in the actual delivery of dental services to the patient or to the community;

(c) Four (4) credit hours for successful completion of the CPR course required by Georgia law may be used to satisfy continuing education requirements per renewal period;

(d) Effective for the 2019 renewal year, one (1) hour of the minimum requirement shall include the impact of opioid abuse and/or the proper prescription writing and use of opioids in dental practice;

(e) Up to fifteen (15) hours of continuing education per year may be obtained by assisting the Board with administering the clinical licensing examination. These hours shall be approved by the Continuing Education Committee of the Georgia Board of Dentistry and need not be sponsored by any agency listed in 150-3-.09(2);

(f) Eight (8) hours per biennium may be obtained by assisting the board with investigations of licensees. This may include consultant review on behalf of the Georgia Board of Dentistry and peer reviews completed by committees of the Georgia Dental Association but shall be limited to two (2) hours for each case reviewed. These hours shall be approved by the Continuing Education Committee of the Georgia Board of Dentistry and need not be sponsored by any agency listed in 150-3-.09(2);

(g) Up to ten (10) hours of continuing education per year may be obtained by teaching clinical dentistry or dental hygiene at any ADA-approved educational facility. These hours shall be awarded in writing by the course director at the facility and approved by the Continuing Education Committee of the Georgia Board of Dentistry;

(h) Up to ten (10) hours of continuing education per biennium may be obtained by providing, uncompensated dental care at a public agency or institution, not for profit agency, not for profit institution, nonprofit corporation or not for profit association which provides dentistry services to indigent patients;

(i) Up to twenty (20) hours of continuing education per biennium may be obtained by members of the Georgia Board of Dentistry for member service, where one continuing education hour is credited for each five hours of Board service provided.

(4) Criteria for receiving credit for attending an approved continuing education course:

(a) Credit hours are not retroactive or cumulative. All credit hours must be received during the two (2) year period to which they are applied;

(b) One credit hour for each hour of course attendance will be allowed;

(c) Only twelve hours of credit will be accepted per calendar day;

(d) Effective January 1, 2008, at least twenty (20) of the required forty (40) hours of credit must be acquired in person at an on-site course or seminar; you are not allowed to acquire all CE hours through on-line courses, electronic means, journal studies, etc.

(5) Criteria for receiving credit for teaching an approved continuing education course:

(a) Credit hours for teaching an approved course must be obtained and used during the biennium that the approved course is taught;

(b) A dentist who teaches an approved continuing education course is eligible to receive two (2) credit hours for each hour of course work that he or she presents at a particular course. Credit will be given for teaching a particular course on one

occasion. A maximum of ten (10) credit hours per biennium may be obtained by a dentist by whom an approved continuing education course is taught;

(c) Only continuing education courses sponsored by organizations designated in Rule 150-3.09(2) will be considered for credit pursuant to this subsection of the rule.

(d) In the event that an audit is conducted of the continuing education hours of a dentist who has taught a course approved by a recognized organization, the following information shall be required to document the dentist's role in presenting a continuing education course:

(i) Documentation from an approved provider verifying that the dentist presented an approved continuing education course;

(ii) Documentation from an approved provider reflecting the content of the course;

(iii) Documentation from an approved provider specifying the list of materials used as a part of the course; and

(iv) Documentation from an approved provider verifying the hours earned and the dates and times that the course in question was given.

(e) In the event that an approved continuing education course is taught by more than one dentist, continuing education credit will be given for those portions of coursework for which the dentist is directly involved and primarily responsible for the preparation and presentation thereof. Continuing education credit will not be available to a dentist whose participation in preparing and presenting an approved course is not readily identifiable.

(6) Criteria for receiving credit for providing uncompensated indigent dental care.

(a) Up to ten (10) hours of continuing education per biennium may be obtained by providing, uncompensated dental care at a public agency or institution, not for profit agency, not for profit institution, nonprofit corporation or not for profit association which provides dentistry services to indigent patients.

(b) Dentists may receive one hour of continuing education for every four hours of indigent dental care the dentist provides, up to ten (10) hours. Such continuing education credits will be applied toward the dentist's clinical courses.

(c) All credit hours must be received during the two (2) year renewal period;

(d) All appropriate medical/dental records must be kept;

(e) Dentists shall at all times be required to meet the minimal standards of acceptable and prevailing dental practice in Georgia;

(f) The Board shall have the right to request the following:

1. Documentation from the organization indicating that the dentist provided the dental services;

2. Documentation from the organization that it provided medical and/or dental services to the indigent and/or those making up the underserved populations;

3. Notarized verifications from the organization documenting the dentist's agreement not to receive compensation for the services provided;

4. Documentation from the organization detailing the actual number of hours spent providing said services; and

5. Documentation from the dentist and/or organization verifying the services provided.

(7) Effective January 1, 2012, dentists may receive continuing education credit for dental coursework taken during a residency program from a university or other institution accredited by the Commission on Dental Accreditation of the American Dental Association. Such coursework must have been taken during the current license renewal period.

(1) Submission of a copy of the certificate of completion of program showing dates of completion is sufficient proof of coursework.

(2) One (1) credit hour equals one (1) continuing education credit.

Cite as Ga. Comp. R. & Regs. R. 150-3-.09
Authority: O.C.G.A. §§ 43-11-7, 43-11-40, 43-11-46, 43-11-46.1.
History. Original Rule entitled "Requirements for Continuing Education for Dentists" adopted. F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Nov. 7, 1994; eff. Nov. 27, 1994.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. Dec. 29, 1998; eff. Jan. 18, 1999.
Repealed: New Rule of same title adopted. F. July 28, 2003; eff. August 17, 2003.
Repealed: New Rule of same title adopted. F. Jan. 13, 2004; eff. Feb. 2, 2004.
Amended: Rule retitled "Continuing Education for Dentists". F. Mar. 15, 2004; eff. Apr. 4, 2004.
Amended: F. Jan. 27, 2005; eff. Feb. 16, 2005.
Amended: F. Sept. 10, 2007; eff. Sept. 30, 2007.
Amended: F. June 8, 2009; eff. June 28, 2009.
Amended: F. Jan. 10, 2012; eff. Jan. 30, 2012.
Amended: F. Jan. 21, 2014; eff. Feb. 10, 2014.
Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.
Amended: F. Jan. 15, 2015; eff. Feb. 4, 2015.
Amended: F. Feb. 5, 2016; eff. Feb. 25, 2016.

Amended: F. July 25, 2018; eff. August 14, 2018.

Rule 150-3-.10. Continuing Education for Volunteer Licenses.

(1) A dentist licensed to practice in the State of Georgia as a volunteer shall maintain and furnish to the Board, upon request, official documentation of having completed a minimum of forty (40) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dentist for at least three (3) years following the end of the biennium during which the course as taken.

(a) A dentist holding a volunteer license in the State of Georgia may complete his or her continuing education requirements in the manner described in Rule 150-3-.09; or alternatively, a dentist holding a volunteer license may complete his or her continuing education requirements in the manner described in this Rule. Should a dentist holding a volunteer license choose to meet his or her continuing education requirements in the manner described in this Rule, all forty (40) hours of continuing education must be clinical.

(b) A dentist holding a volunteer license in the State of Georgia may complete up to thirty (30) hours of continuing education per biennium by providing uncompensated dental care at a public agency or institution, not-for-profit agency, not-for-profit institution, non-profit corporation or not-for-profit association which provides dentistry services to indigent patients. Such continuing education credits will be applied toward the dentist's clinical continuing education requirements and shall be credited at the rate of one (1) hour of continuing education for every hour of indigent dental care the dentist provides, but shall be subject to the following criteria:

1. All credit hours must be received during the two (2) year renewal period;

2. All appropriate medical/dental records must be kept;

3. Dentists shall at all times be required to meet the minimal standards of acceptable and prevailing dental practice in Georgia;

4. The Board shall have the right to request the following:

(i) Documentation from the organization indicating that the dentist provided the dental services;

(ii) Documentation from the organization that it provided medical and/or dental services to the indigent and/or those making up the underserved populations;

(iii) Notarized verifications from the organization documenting the dentist's agreement not to receive compensation for the services provided;

(iv) Documentation from the organization detailing the actual number of hours spent providing said services; and

(v) Documentation from the dentist and/or organization verifying the services provided.

(c) Should a dentist licensed in the State of Georgia as a volunteer choose to satisfy a portion of the requirement of forty (40) hours of continuing education by providing uncompensated dental care as provided for in (1)(b), the dentist must complete the remaining continuing education, which must be clinical, from a provider satisfying the requirements described in Rule 150-3-.09.

(d) Four credit (4) hours for successful completion of the CPR course required by Georgia law and may be used to satisfy continuing education requirements per renewal period.

(2) A dental hygienist licensed to practice as a volunteer in the State of Georgia shall maintain and furnish to the Board upon request, official documentation of having completed a minimum of twenty-two (22) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dental hygienist for at least three (3) years following the end of the biennium during which the course as taken.

(a) A dental hygienist holding a volunteer license in the State of Georgia may complete his or her continuing education requirements in the manner described in Rule 150-5-.05; or alternatively, a dental hygienist holding a volunteer license may complete his or her continuing education requirements in the manner described in this Rule. Should a dental hygienist holding a volunteer license choose to meet his or her continuing education requirements in the manner described in this Rule, all twenty-two (22) hours of continuing education must be scientific, in the actual delivery of dental services to the patient or to the community.

(b) A dental hygienist holding a volunteer license in the State of Georgia may complete up to fifteen (15) hours of continuing education per biennium by providing uncompensated dental care at a public agency or institution, not-for-profit agency, not-for-profit institution, non-profit corporation, or not-for-profit association which provides dentistry services to indigent patients. Such continuing

education credits will be applied toward the dental hygienist's scientific continuing education requirements, and shall be credited at the rate of one (1) hour of continuing education for every hour of indigent dental care the dental hygienist provides, but shall be subject to the following criteria:

1. All credit hours must be received during the two (2) year renewal period;

2. Dental hygienists shall at all times be required to meet the minimal standards of acceptable and prevailing dental practice in Georgia;

3. The Board shall have the right to request the following:

   (i) Documentation from the organization indicating that the dental hygienist provided the dental services;

   (ii) Documentation from the organization that it provided medical and/or dental hygiene services to the indigent and/or those making up the underserved populations;

   (iii) Notarized verifications from the organization documenting the dental hygienist's agreement not to receive compensation for the services provided;

   (iv) Documentation from the organization detailing the actual number of hours spent providing said services; and

   (v) Documentation from the dental hygienist and/or organization verifying the services provided.

(c) Should a dental hygienist licensed in the State of Georgia as a volunteer choose to satisfy a portion of the requirement of twenty-two (22) hours of continuing education by providing uncompensated dental care as provided for in (2)(b), the dental hygienist must complete the remaining continuing education, which must be scientific, from a provider satisfying the requirements described in Rule 150-5-.05.

(d) Four credit (4) hours for successful completion of the CPR course required by Georgia law and may be used to satisfy continuing education requirements per renewal period.

Cite as Ga. Comp. R. & Regs. R. 150-3-.10
Authority: O.C.G.A §§ 43-11-7, 43-11-40, 43-11-46, 43-11-46.1.
History. Original Rule entitled "Continuing Education for Volunteer Licenses" adopted. F. Feb. 5, 2016; eff. Feb. 25, 2016.

Chapter 150-4. INVESTIGATIONS.

Rule 150-4-.01. Investigations.

(1) The Board shall promptly conduct investigations to determine whether violations of the rules and laws governing the practice of dentistry or dental hygiene have occurred. Disciplinary proceedings may be initiated by the Board upon its own motion or upon receipt of a written complaint.

(2) Any matter pertaining to an investigation shall be kept in confidence by the Board until such matter is made part of a public document, is introduced as evidence at a hearing, or is provided to a law enforcement agency or another lawful licensing authority of this state or any other state upon inquiry by said agency or authority under to O.C.G.A. §§ 43-1-19(h)(2), 43-1-21. Upon the revocation or suspension of a license to practice dentistry or dental hygiene, notice may be released to the press and other news media.

(3) The Board, in its discretion, may schedule an interview with a licensee as a part of its investigation of a matter. Notice of the date, time and location of the interview shall be provided to the dentist or hygienist along with information apprising him or her of the subject matter of the allegations to be discussed.

Cite as Ga. Comp. R. & Regs. R. 150-4-.01
Authority: O.C.G.A. §§ 43-1-19, 43-1-21, 43-11-2.1, 43-11-7, 43-11-47, 43-11-72.
History. Original Rule entitled "Investigations" was filed and effective on June 30, 1965.
Amended: Filed May 5, 1982; effective May 25, 1982.
Amended: Filed November 20, 1984; effective December 10, 1984.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: F. Oct. 1, 2014; eff. Oct. 21, 2014.

Chapter 150-5. DENTAL HYGIENE.

Rule 150-5-.01. Dental Hygiene.

(1) Persons of good moral character, at least eighteen (18) years of age, who have been examined, found qualified and issued licenses by the Georgia Board of Dentistry, may practice as dental hygienists in this State under the terms and limitations set forth in this Chapter.

Cite as Ga. Comp. R. & Regs. R. 150-5-.01
Authority: O.C.G.A. Secs. 43-11-20, 43-11-71, 43-11-74.
History. Original Rule entitled "Dental Hygiene" adopted. F. and eff. June 30, 1965.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Repealed: New Rule of same title adopted F. Feb. 1, 1999; eff. Feb. 21, 1999.
Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.

Rule 150-5-.02. Qualifications for Dental Hygienists.

(1) No persons shall be issued a license to practice as a dental hygienist unless such person is a graduate of a school or college for dental hygienists recognized by the board and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency. Such school or college must conduct a course consisting of not less than two (2) academic years for dental hygiene graduation.

(2) All applicants must show passage of all sections with a score of 75 or higher on a clinical examination administered by the board or a testing agency designated and approved by the board. The board will only consider examination results from the Southern Regional Testing Agency (SRTA) that were attained between February 22, 1993 and December 31, 2005. SRTA retake examination results will be accepted until December 31, 2006. After December 31, 2005, the board will only consider the dental hygiene examination as uniformly administered by the Central Regional Dental Testing Service, Inc. (CRDTS) or any other testing agency designated and approved by the board. Applicants must also pass a jurisprudence examination on the laws and rules governing the practice of dental hygiene in the State of Georgia. Such examinations shall be administered in the English language. The Board may hold other examinations as may be required and necessary.

(3) Any candidate who fails any clinical examination three times must take a remedial course of study designated and pre-approved by the board.

   (a) Once the candidate shows written proof of successful completion of the approved course of study, the Board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the board.

   (b) After a fourth failure of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.

(4) The applicant must provide the board with a copy of his or her score showing passage of all sections with a score of 75 or higher on the National Board Examination.

(5) An applicant for dental hygiene licensure must provide the board with the following items:

   (a) An official transcript under seal showing the date of graduation and degree awarded from an accredited dental hygiene school certified by the appropriate officials;

   (b) A certified copy of the results of the clinical examination given by the board or a testing agency designated and approved by the board;

   (c) Copies of score of the National Board Examination;

   (d) Proof of current CPR certification;

(e) Copies of any and all National Practitioner's Data Bank reports pertaining to the applicant;

(f) Furnish a criminal background check. The applicant shall be responsible for all fees associated with the performance of a background check; and

(g) Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dental hygiene. All such licenses shall be unencumbered by any past or present disciplinary action.

(h) In accordance with O.C.G.A. § 50-36-1, all applicants applying for licensure must submit an Affidavit Regarding Citizenship and submit a copy of secure and verifiable documentation supporting the Affidavit with his or her application.

Cite as Ga. Comp. R. & Regs. R. 150-5-.02
Authority: O.C.G.A. §§ 43-1-2, 43-11-7, 43-11-9, 43-11-70, 43-11-71, 43-11-71.1, 43-11-73.
History. Original Rule entitled "Qualifications for Dental Hygienists" adopted. F. and eff. June 30, 1965.
Amended: F. Mar 26, 1969; eff. April 15, 1969.
Amended: F. Oct. 13, 1970; eff. Nov. 2, 1970.
Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.
Amended: F. May 5, 1982; eff. May 25, 1982.
Amended: F. Sept. 27, 1988; eff. Oct. 17, 1988.
Amended: F. Feb. 2, 1993; eff. Feb. 22, 1993.
Amended: F. Dec. 28, 2000; eff. Jan. 17, 2001.
Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.
Repealed: New Rule of same title adopted. F. Jan. 28, 2005; eff. Feb. 17, 2005.
Repealed: New Rule of same title adopted. F. May 20, 2005; eff. June 9, 2005.
Amended: F. Nov. 7, 2005; eff. Nov. 27, 2005.
Amended: F. July 18, 2006; eff. August 7, 2006.
Repealed: New Rule of same title adopted. F. Jan. 23, 2009; eff. Feb. 12, 2009.
Amended: F. Oct. 7, 2014; eff. Oct. 27, 2014.

Rule 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" shall mean an individual licensed to practice dental hygiene in Georgia.

(d) "Dental screening" shall mean 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" shall mean 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" shall mean 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) 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 duties only under the direct supervision of a duly licensed dentist who is licensed to practice in the State of Georgia, except where otherwise provided in O.C.G.A. § 43-11-74 and this rule.

(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 performance of dental hygiene 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.

(c) The performance of dental hygienists providing dental screenings in settings which include: schools; hospitals; clinics; 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, as 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) Dental hygienists 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. 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, as defined in O.C.G.A. § 51-1-29.4.

   (i) Dental hygienists 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 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)(3.)(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, individualized 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 minimum of $1,000,000.

(a) "Experience" means a minimum of 1000 hours of hands-on treatment of patients within the twenty-four (24) month period immediately post-graduation from an accredited dental hygiene program.

(7) In schools; hospitals; clinics; 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, as defined in O.C.G.A. § 51-1-29.4, 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.

(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.

(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).

Cite as Ga. Comp. R. & Regs. R. 150-5-.03
Authority: O.C.G.A. §§ 43-11-1, 43-11-7, 43-11-9, 43-11-17, 43-11-74.
History. Original Rule entitled "Supervision of Dental Hygienists" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of the same title adopted. F. June 26, 1973; eff. July 16, 1973.
Amended: F. May 5, 1982; eff. May 25, 1982.
Amended: F. July 2, 1985; eff. July 22, 1985.
Amended: F. Sept. 15, 1993; eff. Oct. 5, 1993.
Amended: F. Nov. 7, 1994; eff. Nov. 27, 1994.
Repealed: New Rule of same title adopted. F. Feb. 1, 1999; eff. Feb. 21, 1999.
Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.
Repealed: New Rule of same title adopted. F. Jan. 31, 2003; eff. Feb. 20, 2003.
Repealed: New Rule of same title adopted. F. July 28, 2003; eff. August 17, 2003.
Repealed: New Rule of same title adopted. F. Sept. 14, 2005; eff. Oct. 4, 2005.
Repealed: New Rule of same title adopted. F. Jan. 25, 2007; eff. Feb. 14, 2007.
Repealed: New Rule of same title adopted. F. Mar. 27, 2012; eff. Apr. 16, 2012.
Amended: F. Mar. 2, 2018; eff. Mar. 22, 2018.
Amended: F. Dec. 14, 2021; eff. Jan. 3, 2022.

Rule 150-5-.04. CPR Requirements for Dental Hygienists.

Dental hygienists shall maintain at all times during licensure and furnish to the Board, upon request, current certification in one and two rescuer CPR and management of obstructed airway for adults, children and infants as taught by the American Heart Association, the American Red Cross, the American Safety and Health Institute, the National Safety Council, EMS Safety Services, or other such agencies approved by the Board. Current certification is a condition for license renewal. Failure to maintain current CPR certification may serve as grounds to deny the renewal of a license and may also result in disciplinary action against the licensee. In response to an audit request, a dental hygienist shall be required to produce proof of CPR certification during the biennium for which the audit is being conducted.

Cite as Ga. Comp. R. & Regs. R. 150-5-.04
Authority: O.C.G.A §§ 43-11-7, 43-11-9, 43-11-73, 43-11-73.1.
History. Original Rule entitled "Renewals" adopted. F. Aug. 11, 1975; eff. Aug. 31, 1975.
Repealed: F. May 5, 1982; eff. May 25, 1982.
Amended: New Rule entitled "CPR Requirements for Dental Hygienists" adopted. F. Sept. 27, 1988; eff. Oct. 17, 1988.
Amended: F. Oct. 25, 1989; eff. Nov. 14, 1989.
Repealed: New Rule of same title adopted. F. Feb. 1, 1999; eff. Feb. 21, 1999.
Repealed: New Rule of same title adopted. F. July 22, 1999; eff. August 11, 1999.
Repealed: New Rule of same title adopted. F. Feb. 15, 2001; eff. Mar. 7, 2001.
Repealed: New Rule of same title adopted. F. Jan. 13, 2004; eff. Feb. 2, 2004.
Amended: F. Oct. 15, 2013; eff. Nov. 4, 2013.
Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Rule 150-5-.05. Requirements for Continuing Education for Dental Hygienists.

(1) Dental hygienists licensed to practice in the state of Georgia shall maintain and furnish to the Board, upon request, official documentation of having completed a minimum of twenty-two (22) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dental hygienist for at least three (3) years following the end of the biennium during which the course was taken.

(a) Compliance with all continuing education requirements is a condition for license renewal. Failure to complete all hours of mandatory continuing education shall serve as grounds to deny the renewal of a license and may also result in disciplinary action being taken against a licensee.

(b) Upon its own motion, the Board may at any time randomly select a percentage of actively licensed dental hygienists for the purpose of auditing their compliance with the continuing education requirements of the Board. Those licensees selected for an audit shall submit official documentation of their compliance within thirty (30) days of receipt of the audit letter. Failure to respond to an audit request in a timely manner shall be grounds for disciplinary action against a licensee.

(c) The continuing education requirements shall apply within the first biennium that a dental hygienist is licensed in Georgia. However, in order to meet the continuing education requirements during the first biennium, a newly licensed dental hygienist may submit as their continuing education hours proof of dental hygiene coursework taken within the previous two (2) years of the date of the renewal application from a university or other institution accredited by the Commission on Dental Accreditation of the American Dental Association. Following the first biennium that a dental hygienist is licensed in Georgia such licensees shall comply with the continuing education requirements set forth in Rule 150-5-.05(2) and (3).

(d) The continuing education requirements shall not apply to dental hygienists who are on inactive status.

(e) The continuing education requirements for dental hygienists holding volunteer licenses may be satisfied by compliance with this rule, or they may alternatively be satisfied by compliance with Rule 150-3-.10.

(2) Coursework, including home study courses, sponsored or approved by any organization recognized under Rule 150-3-.09(2) will be accepted.

(3) Course content:

(a) All courses must reflect the professional needs of the hygienist providing quality dental health care to the public;

(b) At least fifteen (15) hours of the minimum requirement must be scientific courses in the actual delivery of dental services to the patient or to the community;

(c) Four (4) credit hours for successful completion of the CPR course required by Georgia law offered by the American Heart Association, the American Red Cross, the American Safety and Health Institute, the National Safety Council, EMS Safety Services, or other such agencies approved by the Board may be used to satisfy continuing education requirements per renewal period.

(d) Up to eight (8) hours of continuing education per year may be obtained by assisting the Board with administering the clinical licensing examination or by assisting the Board with investigations of licensees. These hours shall be approved by the Continuing Education Committee of the Georgia Board of Dentistry and need not be sponsored by any agency or organization listed in 150-3-.09(2).

(e) Up to five (5) hours of continuing education per biennium may be obtained by teaching dental hygiene at any ADA-approved educational facility. These hours shall be awarded, in writing, by the course director at the facility and approved by the Continuing Education Committee of the Georgia Board of Dentistry.

(f) Up to five (5) hours of continuing education per biennium may be obtained by providing, uncompensated dental hygiene care at a public agency or institution, not for profit agency, not for profit institution, nonprofit corporation or not for profit association which provides dental hygiene services to indigent patients.

(g) Up to ten (10) hours of continuing education per biennium may be obtained by members of the Georgia Board of Dentistry for member service, where one continuing education hour is credited for each five hours of Board service provided.

(4) Criteria for receiving credit for attending an approved continuing education course:

(a) Credit hours are not retroactive or cumulative. All credit hours must be received during the two (2) year period to which they are applied; and

(b) One credit hour for each hour of course attendance will be allowed;

(c) Only twelve hours of credit will be accepted per calendar day;

(d) Effective January 1, 2008, at least eleven (11) of the required twenty-two (22) hours of credit must be acquired in person at an on-site course or seminar; you are not allowed to acquire all CE hours through on-line courses, electronic means, journal studies, etc.

(5) Criteria for receiving credit for teaching an approved continuing education course:

(a) Credit hours for teaching an approved course must be obtained and used during the biennium that the approved course is taught;

(b) A dental hygienist that teaches an approved continuing education course is eligible to receive two (2) credit hours for each hour of coursework that he or she presents at a particular course.

Credit will be given for teaching a particular course on one occasion only. A maximum of five (5) credit hours per biennium may be obtained by a dental hygienist by whom an approved continuing education course is taught;

(c) Only continuing education course designated in Rule 150-5 .05(2) as being sponsored or approved by recognized organizations will be considered for credit pursuant to this subsection of the rule. Courses taught by a dental hygienist prior to or a part of the process of obtaining his or her R.D.H. shall not be eligible for consideration pursuant to this provision of the rule;

(d) In the event that an audit is conducted of the continuing education hours of a dental hygienist who has taught a course approved by a recognized organization, the following shall be required to document the dental hygienists role in presenting a continuing education course:

1. Documentation from an approved provider verifying that the dental hygienist presented an approved continuing education course;

2. Documentation from an approved provider reflecting the content of the course;

3. Documentation from an approved provider specifying the list of materials used as part of the course; and

4. Documentation from an approved provider verifying the hours earned and the dates and times that the course in question was given.

(e) In the event that an approved continuing education course is taught by more than one dental hygienist, continuing education credit will be given for those portions of course work in which the dental hygienist is directly involved and primarily responsible for the preparation and presentation thereof. Continuing education credit will not be available to a dental hygienist whose participation in preparing and presenting an approved course is not readily identifiable.

(6) Criteria for receiving credit for providing uncompensated indigent dental hygiene care.

(a) Up to five (5) hours of continuing education per biennium may be obtained by providing uncompensated dental hygiene care at a public agency or institution, not

for profit agency, not for profit institution, nonprofit corporation or not for profit association which provides dental hygiene services to indigent patients.

(b) Dental hygienists may receive one hour of continuing education for every four hours of indigent dental hygiene care the dental hygienist provides, up to five (5) hours. Such continuing education credits will be applied toward the dental hygienist's clinical courses.

(c) All credit hours must be received during the two (2) year renewal period;

(d) Dental hygienists shall at all times be required to meet the minimal standards of acceptable and prevailing practice in Georgia;

(e) The Board shall have the right to request the following:

1. Documentation from the organization indicating that the dental hygienist provided the services;

2. Documentation from the organization that it provided medical and/or dental hygiene services to the indigent and/or those making up the underserved populations;

3. Notarized verifications from the organization documenting the dental hygienist agreement not to receive compensation for the services provided;

4. Documentation from the organization detailing the actual number of hours spent providing said services; and

5. Documentation from the dental hygienist and/or organization verifying the services provided.

Cite as Ga. Comp. R. & Regs. R. 150-5-.05
Authority: O.C.G.A. §§ 43-11-7, 43-11-9, 43-11-73.
History. Original Rule entitled "Requirements for Continuing Education for Dental Hygienists" adopted. F. Mar. 4, 1992; eff. Mar. 24, 1992.
Repealed: New Rule of same title adopted. F. Feb. 1, 1999; eff. Feb. 21, 1999.
Repealed: New Rule of same title adopted. F. July 22, 1999; eff. August 11, 1999.
Repealed: New Rule of same title adopted. F. July 28, 2003; eff. August 17, 2003.
Repealed: New Rule of same title adopted. F. Jan. 13, 2004; eff. Feb. 2, 2004.
Amended: F. Mar. 15, 2004; eff. Apr. 4, 2004.
Amended: F. Sept. 10, 2007; eff. Sept. 30, 2007.
Repealed: New Rule of same title adopted. F. July 29, 2009; eff. August 18, 2009.
Amended: F. Jan. 21, 2014; eff. Feb. 10, 2014.
Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.
Amended: F. Feb. 5, 2016; eff. Feb. 25, 2016.

Rule 150-5-.06. Temporary Permits for Dental Hygienists.

(1) An applicant applying for a temporary permit must be currently licensed to practice as a dental hygienist in another state and meet the conditions as specified in O.C.G.A. §§ 43-11-70 and 43-11-71.

(2) An application to take the required examination must have been completed and on file before the Board will consider an application for a temporary permit.

(3) A person requesting a temporary permit must submit proof of current CPR certification in one and two rescuer and the management of obstructed airway for infant, child and adult.

(4) It shall be the responsibility of the dental hygienist to inform the Board of the name of the dentist/employer where he/she will be practicing.

(5) A temporary permit shall be valid from the date of issuance until the results of the first examination scheduled for the applicant are released.

(6) If applicant fails the examination or fails to appear at the examination, the temporary permit shall automatically stand revoked, without a requirement of prior notice of such revocation.

(7) No temporary permit will be issued to an applicant who has previously failed the examination.

(8) No temporary permit shall be issued more than one time.

(9) A temporary permit shall be posted and displayed in the place in which the dental hygienist is employed.

(10) All fees are due at the time of making application. Fees are as shown in the schedule of fees adopted by the Board of Dentistry. Fees are not refundable.

Cite as Ga. Comp. R. & Regs. R. 150-5-.06
Authority: O.C.G.A. Secs. 43-11-7 to 43-11-9, 43-11-70, 43-11-70.1, 43-11-71, 43-11-73.
History. Original Rule entitled "Temporary Permits for Dental Hygienists" adopted. F. Sept. 2, 1992; eff. Sept. 22, 1992.
Amended: F. Sept. 15, 1993; eff. Oct. 5, 1993.
Repealed: New Rule of same title adopted. F. Jan. 31, 2003; eff. Feb. 20, 2003.
Repealed: New Rule of same title adopted. F. Sept. 18, 2006; eff. Oct. 8, 2006.

Chapter 150-6. PRESCRIPTION REQUIREMENTS.

Rule 150-6-.01. Laboratory Records.

(1) All dentists licensed to practice in Georgia must furnish a written prescription for all laboratory work to be performed by dental laboratory technicians or other unlicensed persons.

(2) No specific form of prescription must be utilized but the Board does require certain necessary information for each separate and individual piece of work to be done by a dental laboratory technician or unlicensed person, and this must include:

(a) name and address of laboratory technician or unlicensed person;

(b) patient's name or case number;

(c) date on which prescription is written;

(d) a description of the work to be done, with diagram if necessary;

(e) a specification of the type and quality of materials to be used;

(f) signature and address of the licensed dentist.

(3) The prescription must be written in duplicate. The original is to be delivered to the laboratory technician or unlicensed person and the duplicate shall be retained by the dentist. All originals and duplicates must be kept in the files for a period of ten (10) years from the date of delivery of the prescription and may be subject to periodic examinations by duly authorized agents of the State Board.

(4) All originals or duplicates of photographs sent to the laboratory must be kept in the files for a period of ten (10) years from the date of delivery.

(5) Laboratory technicians: No dentist shall allow a dental technician to visit his or her dental office to see a patient regardless of whether the dentist is present except that a dental technician may assist in the selection of a tooth shade when this process is performed in the dentist's office under his or her direct personal supervision.

(6) No dentist shall use a patient as a messenger to the dental laboratory.

Cite as Ga. Comp. R. & Regs. R. 150-6-.01
Authority: O.C.G.A. §§ 43-11-7, 43-11-9, 43-11-17, 43-11-44.
History. Original Rule entitled "Laboratory Prescriptions" was filed and effective on June 30, 1965.
Amended: Filed February 5, 1988; effective February 25, 1988.
Amended: F. Oct. 29,1996; eff. Nov. 18, 1996.
Amended: F. Jan. 15, 2015; eff. Feb. 4, 2015.

Chapter 150-7. OTHER LICENSES.

Rule 150-7-.01. Public Health License.

(1) The board may issue, in its discretion without examination, a license to dentists for the sole purpose of practicing public health dentistry in an official state or a local health department or to render dental services to patients in state-operated eleemosynary or correctional institutions, provided that these dentists possess a license in another state, are in good standing in said state and have graduated from an American Dental Association (ADA) accredited dental college. Such license shall be valid for as long as the holder maintains employment only in a public health setting.

(2) Temporary public health licensees are subject to all provisions of O.C.G.A. §§ 43-11-46 and 43-11-46.1 at renewal.

(3) Temporary public health licensees shall at all times maintain all out-of-state licenses in good standing and shall certify to this with each renewal.

(4) Upon request, all applicants shall furnish a criminal background check. The applicant shall be responsible for all fees associated with the performance of a background check.

Cite as Ga. Comp. R. & Regs. R. 150-7-.01
Authority: O.C.G.A. Secs. 43-11-7, 43-11-8, 43-11-42, 43-11-46, 43-11-46.1.
History. Original Rule entitled "Public Health License" adopted. F and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Oct. 25, 1989; eff. Nov. 14, 1989.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. May 25, 2005; eff. June 14, 2005.
Amended: F. Sept. 14, 2005; eff. Oct. 4, 2005.

Rule 150-7-.02. Faculty Licenses.

(1) **DENTAL HYGIENE -**The board may issue in its discretion without examination a dental hygiene faculty license to a dental hygienist for the sole purpose of Teaching or instructing in an American Dental Association (ADA) accredited dental hygiene school or program in this state, those procedures and services recognized in this state to be within the scope of practice of such person's professional license, subject to the following qualifications:

(a) An applicant must be a graduate of a dental hygiene school or college accredited by the American Dental Association (ADA) or its successor agency, and approved by the Board;

(b) All dental hygiene licenses held by an applicant in the profession for which the applicant is seeking a dental hygiene faculty license in the state of Georgia must be in good standing and unencumbered by past or pending disciplinary action;

(c) All applicants must show passage with a score of 75 or higher on the National Board Examination and on a jurisprudence examination on the laws and rules

governing the practice of dental hygiene in the State of Georgia. Such examinations shall be administered in the English language;

(d) The application shall be accompanied by a letter of recommendation from the dean or director of the teaching institution at which he or she is seeking employment and a copy of the employment contract for the full- time or part-time position that the applicant is applying to fill.

(e) After an applicant has demonstrated his or her qualifications by completing the application and complying with the requirements, the Board, in its discretion, may then issue a dental hygiene faculty license to a qualified dental hygienist for the sole purpose of teaching dental hygiene in an ADA accredited dental college, dental hygiene school, or other dental clinic as approved by the Board in the State of Georgia.

(f) A dental hygiene faculty licensee may engage in the practice of dental hygiene only on the premises of the school where employed within the scope of their employment as a faculty member for the sole purpose of teaching and instructing.

(g) A dental hygiene faculty licensee shall comply with all the applicable laws relating to the practice of dental hygiene and the rules of the Georgia Board of Dentistry, including those pertaining to continuing education and CPR requirements.

(h) A dental hygiene faculty license may be transferred to another educational institution in the State of Georgia upon written request and approval of the Board of Dentistry.

(i) A dental hygiene faculty license shall only be valid as long as the licensee is an active faculty member and will be revoked with the termination of employment. Notification must be provided to the Georgia Board of Dentistry by certified mail and shall be made within thirty (30) days of the occurrence of the termination.

(j) Furnish a criminal background check. The applicant shall be responsible for all fees associated with the performance of a background check.

(k) A dental hygiene faculty licensee may not establish practice outside of the physical primary campus of the dental hygiene school without first obtaining an unrestricted dental hygiene license to practice in Georgia.

(2) **DENTAL -** The board may issue, in its discretion, without examination, a dental faculty license to a dentist who has graduated from a school or college approved by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, for the sole purpose of teaching or instructing, in an accredited dental college or training clinic in this state, those procedures and services recognized in this state to be within the scope of practice of such person's professional license.

(a) All applicants for a dental faculty license must comply with the following requirements in order to submit an application for licensure:

1. All dental licenses held by an applicant for a dental faculty license in the State of Georgia must be in good standing and unencumbered by past or pending disciplinary action.

2. All applicants must show passage with a score of 75 or higher on jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examinations shall be administered in the English language;

3. The application shall be accompanied by a letter of recommendation from the dean or director of the teaching institution at which he or she is seeking employment and verification of an executed employment contract for the full- time or part-time position that the applicant is applying to fill.

4. After an applicant has demonstrated his or her qualifications by completing the application and complying with the requirements, the Board, in its discretion, may then issue a dental faculty license to a qualified dentist for the sole purpose of teaching dentistry in an ADA accredited dental college, or other dental clinic in the State of Georgia as approved by the Board.

5. A dental faculty licensee may engage in the practice of dentistry only on the premises of the school where employed within the scope of their employment as a faculty member for the sole purpose of teaching and instructing.

6. A dental faculty licensee shall comply with all the applicable laws relating to the practice of dentistry and the rules of the Georgia Board of Dentistry, including those pertaining to continuing education and CPR requirements.

7. A dental faculty license may be transferred to another educational institution in the State of Georgia upon written request and approval of the Board of Dentistry.

(b) In addition to the requirements as set forth in sub-section (2)(a) of this rule, those applicants who have received a doctoral degree in dentistry from a dental school not so accredited by the American Dental Association or its successor agency must comply with the following requirements in order to submit an application for licensure:

1. Successful completion at an accredited dental school approved by the board of the last two years of a program leading to the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D) degree; or

2. Successful completion at an accredited dental school or college approved by the board of at least a two-year advanced education program in one of the dental specialties recognized by the American Dental Association (ADA) or in general dentistry; and

3. Certification by the dean of the accredited dental school where such supplementary program was taken that the candidate has achieved the same level of didactic and clinical competency as expected of a graduate of the school receiving a doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree.

(c) Furnish a criminal background check. The applicant shall be responsible for all fees associated with the performance of a background check.

(d) A dental faculty license shall only be valid as long as the licensee is an active faculty member and will be revoked with the termination of employment. Notification must be provided to the Georgia Board of Dentistry by certified mail and shall be made within thirty (30) days of the occurrence of the termination.

(3) A faculty licensee may not establish practice outside of the physical primary campus of the dental school without first obtaining an unrestricted dental license to practice in Georgia.

Cite as Ga. Comp. R. & Regs. R. 150-7-.02
Authority: O.C.G.A. Secs. 43-1-25, 43-11-7, 43-11-8, 43-11-9, 43-11-20, 43-11-42, 43-11-52.
History. Original Rule entitled "Teaching Licenses" adopted. F. Sept. 13, 1999; eff. Oct. 3, 1999.
Repealed: New Rule of same title adopted. F. July 28, 2003; eff. August 17, 2003.
Amended: F. Jan. 28, 2005; eff. Feb. 17, 2005.
Repealed: New Rule of same title adopted. F. May 20, 2005; eff. June 9, 2005.
Repealed: New Rule of same title adopted. F. Apr. 20, 2010; eff. May 10, 2010.
Repealed: New Rule entitled "Faculty Licenses" adopted. F. Nov. 16, 2010; eff. Dec. 6, 2010.

Rule 150-7-.03. Volunteers in Dentistry.

(1) The Board may issue volunteer licenses in its discretion when it has identified an area of this state in which there is an urgent, unfilled need for dental and/or dental hygiene services, and when it has located a competent dentist or dental hygienist to fulfill such need. In granting these volunteer licenses, the Board shall observe the following criteria:

(a) Need of the Community. A volunteer license shall be issued for the purpose of serving indigent patients in areas of this state in which there is inadequate personnel to supply dental or dental hygiene services. In determining what constitutes an inadequate supply of dental or dental hygiene personnel, the Board shall consider various factors, including the dentist-patient ratio or the dental

hygienist-patient ratio in the area in question, the distance between patients and any existing dentist or dental hygienist, the maldistribution of particular types of specialty care, and any other factors which are indicative of an absence of adequate dental or dental hygiene services in or reasonably accessible to the area in question. Any group or groups of persons seeking to secure such a dentist or dental hygienist for a community shall supply the Board with all information necessary for it to make a determination as to the existence of all the foregoing factors.

(b) Qualifications of a Georgia Licensed Dentist.

1. The dentist or dental hygienist must submit an application for a volunteer license to the Board and must be retired from the practice of dentistry or dental hygiene and not currently engaged in such practice either full time or part time, and has prior to retirement maintained full licensure in good standing in dentistry or dental hygiene, or is currently licensed to practice dentistry or dental hygiene in the State of Georgia and whose license is unrestricted and in good standing. This license to practice dentistry or dental hygiene must have been held at least five years while engaged in clinical practice. Applicants must not have failed a clinical licensing exam within the past five years.

2. As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the board.

3. The applicant dentist or dental hygienist may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;

4. The applicant must show proof of current CPR certification;

5. If the applicant is not in compliance with the continuing education requirements established by the Board at the time application is made for the volunteer license (which is forty (40) hours for dentists and twenty-two (22) hours for dental hygienists of continuing education within the last two (2) years including CPR at the basic life support level), the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license.

6. There shall be no application or licensing fee for initial issuance of a volunteer license.

(c) Qualifications of an Out-of-State Licensed Dentist.

1. The dentist or dental hygienist must submit an application for a volunteer license to the Board and must be retired from the practice of dentistry or dental hygiene and not currently engaged in such practice either full time or part time, and has prior to retirement maintained full licensure in good standing in dentistry or dental hygiene, or is currently licensed to practice dentistry or dental hygiene in any licensing jurisdiction in the U.S. and whose license is unrestricted and in good standing. This license to practice dentistry or dental hygiene must have been issued by a licensing authority following successful completion of a clinical licensing examination, approved by the board and must have been held at least five years while engaged in clinical practice. Applicants must not have failed a clinical licensing exam within the past five years.

2. As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the board.

3. The applicant dentist or dental hygienist may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;

4. The applicant must show proof of current CPR certification;

5. If the applicant is not in compliance with the continuing education requirements established by the Board at the time application is made for the volunteer license (which is forty (40) hours for dentists and twenty-two (22) hours for dental hygienists of continuing education within the last two (2) years including CPR at the basic life support level), the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license.

6. All applicants must show passage with a score of 75 or higher on a jurisprudence examination on the laws and rules governing the practice of dentistry/dental hygiene in the State of Georgia. Such examination shall be administered in the English language;

7. There shall be no application or licensing fee for initial issuance of a volunteer license.

(d) Dental Hygienists are subject to all provisions of supervision per O.C.G.A. § 43-11-74 and Rule 150-5-.03.

(e) Renewal of a volunteer license.

1. Volunteer licenses shall expire at the close of December 31 in all odd-numbered years, and shall be administratively revoked for failure to renew on July 1 of the following even-numbered year.

2. There shall be no renewal fee for licensees holding a volunteer in dentistry license.

3. Licenses which have been administratively lapsed for non-renewal shall be reinstated only at the discretion of the board;

4. Holders of a volunteer in dentistry license are subject to continuing education requirements as outlined in Board Rule 150-3-.10.

5. Holders of a volunteer in dental hygiene license are subject to continuing education requirements as outlined in Board Rule 150-3-.10.

(f) Any other provisions of Chapter 11, Title 43 of the Official Code of Georgia Annotated not inconsistent with the intent and purpose of the special license statute shall be fully applicable to all specially licensed dentists.

Cite as Ga. Comp. R. & Regs. R. 150-7-.03
Authority: O.C.G.A. §§ 43-11-7, 43-11-8, 43-11-52.
History. Original Rule entitled "Volunteers in Dentistry" adopted. F. Feb. 24, 2003; eff. Mar. 16, 2003.
Repealed: New Rule of same title adopted. F. Jan. 28, 2005; eff. Feb. 17, 2005.
Repealed: New Rule of same title adopted. F. Sept. 14, 2005; eff. Oct. 4, 2005.
Amended: F. Dec. 4, 2012; eff. Dec. 24, 2012.
Amended: F. Feb. 5, 2016; eff. Feb. 25, 2016.
Amended: F. Sep. 10, 2020; eff. Sept. 30, 2020.

Rule 150-7-.04. Dental Provisional Licensure by Credentials.

(1) For purposes of this rule:

(a) "State" includes Washington D.C. and all U.S. territories.

(b) "Provisional Licensure by Credentials" means a license to practice dentistry in the State of Georgia granted to individuals licensed to practice dentistry in another state who have not met all of the requirements for a dental license by examination but who have met equivalent requirements for the practice of dentistry as set forth in O.C.G.A. § 43-11-41 and by board rule.

(c) "Full-Time Clinical Practice" means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the hands-on treatment of patients. For the purposes of this rule,

each such period shall not be less than a full twelve (12) months. Neither clinical practice through training programs nor during periods of residency qualifies as full-time clinical practice. Whether apart of or separate from the training or residency program, no clinical practice while participating in or enrolled in any training or residency program shall be considered for the purposes of this rule.

(d) "Active Dental License" means a license to practice dentistry held by an individual.

(e) "Full-Time Clinical Faculty Practice" means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the teaching of clinical dental skills at an ADA-accredited dental school/program. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. For any time periods during which the applicant is participating in or enrolled in any training or residency program, the teaching of clinical skills shall not be considered for the purposes of this rule.

(2) Only those applicants licensed and currently engaged in full-time clinical practice, as defined in subsection (1)(c) of this rule, in a state that has a credentialing law similar to the licensure by credentials law in Georgia will be considered by the board for a provisional license by credentials. Applicants from states not issuing licenses by credentials are ineligible.

(3) As set forth in O.C.G.A. § 43-11-41, an applicant for a provisional license by credentials must also meet the following requirements:

(a) Must have an active dental license in good standing from another state.

(b) Must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (A.D.A.) or its successor agency.

(c) Applicants must have been in full-time clinical practice, as defined in subsection (1)(c) of this rule; full-time faculty as defined in subsection (1)(e) of this rule; or a combination of both for each of the five years immediately preceding the date of the application.

(d) Candidates convicted of a misdemeanor involving moral turpitude or dealing with the administering, dispensing or taking of drugs including, but not limited to controlled substances, are not eligible.

(e) Those applicants who have received a doctoral degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, must provide the following in order to complete their application:

1. Certified copy of the applicant's testing results showing passage of all sections with a score of 75 or higher or its equivalent score on a clinical examination administered by the board or a testing agency designated and approved by the board.

    (i) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

2. Show passage with a score of 75 or higher on a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be administered in the English language.

3. Proof of current CPR certification;

4. Copies of any and all National Practitioner's Data Bank reports pertaining to the applicant;

5. Official transcripts under seal from a school or university from which the applicant received a doctorate in dentistry;

6. National Board scores showing passage of all sections of the examination with a score of 75 or higher;

7. Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dentistry;

8. Furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

9. In accordance with O.C.G.A. § 50-36-1, all applicants applying for licensure must submit an Affidavit Regarding Citizenship and submit a copy of secure and verifiable documentation supporting the Affidavit with an application.

(4) Those applicants who have received a doctoral degree in dentistry from a dental school not accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, in addition to the information required in subsection (3)(a), (c), and (d) of this rule must also provide the following in order to complete their application:

    (a) Proof of successful completion at an ADA-accredited dental school approved by the board of the last two years of a pre-doctoral program as a full-time student under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or

limited by state and federal law, and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and

(b) Certification by the dean of the accredited dental school where the applicant took the required supplementary program specified in O.C.G.A. § 43-11-41(a) setting forth that the applicant has achieved the same level of didactic and clinical competency as expected of a graduate of the school and that the student has completed the last two years of a pre-doctoral program under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law.

(5) A certification letter from a dental board or regional testing agency of a passing score of 75 or higher on each section of a clinical licensure examination substantially equivalent to the clinical licensure examination required in Georgia and which was administrated by the dental board or its designated testing agency. A certification letter from the applicant's dental school is not acceptable. Sections of clinical licensure examinations that include slot preparations of restorative dentistry shall not be deemed substantially equivalent to the sections of clinical licensure examinations required in Georgia. Such scores shall neither be accepted nor recognized by the Board.

(a) Such certification shall state that the examination included procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:

1. periodontics, human subject clinical abilities testing;

2. endodontics, clinical abilities testing;

3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;

4. anterior class III composite preparation and restoration, human subject clinical abilities testing;

5. crown preparation, clinical abilities testing;

6. prosthetics, written or clinical abilities testing;

7. oral diagnosis, written or clinical abilities testing; and

8. oral surgery, written or clinical abilities testing.

(b) Evaluations of restorative dentistry from slot preparations shall not meet the requirements of (5)(a).

(c) The Board, in its discretion, may waive a specific human subject clinical abilities testing requirement if:

1. An applicant represents himself or herself as a specialist and qualifies for such title under Rule 150-11-.01,

2. The applicant's clinical examination did not include human subject clinical abilities testing in the area of his or her specialty, and

3. The applicant has practiced in that specialty for at least 10 years.

(d) In addition to the foregoing requirements to be eligible for licensure consideration by credentials, a license examination after January 1, 1998 shall include:

1. anonymity between candidates and examination raters;

2. standardization and calibration of raters; and

3. a mechanism for post exam analysis.

(e) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

(f) All applicants must show passage of a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examinations shall be administered in the English language.

(6) Active duty military dentists on federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

(7) Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in state and meets all other requirements as set forth in this rule.

(8) An active duty military dentist or contract employee on a Georgia federal installation who applies for licensure by credentials must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must include but not be limited to the applicant's general service record, any complaint or disciplinary action as well as continuing education that the credentialing candidate may have obtained.

(9) For the first five biennial renewal periods, the holder of a dental provisional license by credentials must attest to the fact that he or she has maintained full-time clinical practice in the State of Georgia as defined in subsection (1)(c) of this rule.

(10) The Board shall have the authority to refuse to grant a provisional license by credentials to an applicant, or to revoke the provisional license by credentials to a dentist licensed by the Board, or to discipline a dentist holding a provisional license by credentials in accordance with the provisions of O.C.G.A. §§ 43-1-19, 43-11-47.

(11) Upon receipt of license, the applicant by credentials must establish active practice in this State within two years of receiving such license or the license shall be automatically revoked. "Active practice" shall mean a minimum of 500 hours for each full twelve (12) month period of licensure in the hands-on treatment of patients.

Cite as Ga. Comp. R. & Regs. R. 150-7-.04
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-40, 43-11-41, 43-11-42, 50-36-1.
History. Original Rule entitled "Dental Provisional Licensure by Credentials" adopted. F. Jan. 28, 2005; eff. Feb. 17, 2005.
Repealed: New Rule of same title adopted. F. May 14, 2007; eff. June 3, 2007.
Repealed: New Rule of same title adopted. F. Sept. 30, 2008; eff. Oct. 20, 2008.
Repealed: New Rule of same title adopted. F. Apr. 20, 2010; eff. May 10, 2010.
Repealed: New Rule of same title adopted. F. June 25, 2010; eff. July 15, 2010.
Amended: F. Jan. 15, 2015; eff. Feb. 4, 2015.
Amended: F. June 29, 2015; eff. July 19, 2015.
Amended: F. May 2, 2018; eff. May 22, 2018.
Amended: F. Aug. 18, 2020; eff. Sept. 7, 2020.

Rule 150-7-.05. Dental Hygiene Provisional Licensure by Credentials.

(1) For purposes of this rule:

(a) "State" includes Washington D.C. and all U.S. territories.

(b) "Provisional Licensure by Credentials" means a license to practice dental hygiene in the State of Georgia granted to individuals licensed to practice dental hygiene in another state who have not met all of the requirements for a dental hygiene license by examination but who have met equivalent requirements for the practice of dental hygiene as set forth in O.C.G.A. § 43-11-71.1 and by board rule.

(c) "Full Time Clinical Practice" means a minimum of 1,000 hours for each twelve (12) month period immediately preceding the date of the application in the hands-on treatment of patients.

(d) "Active Dental Hygiene License" is defined as license to practice dental hygiene held by an individual.

(e) "Full Time Clinical Faculty" means a minimum of 1,000 hours per year in the teaching of clinical dental hygiene skills at an ADA-accredited dental hygiene school/program.

(2) Only those applicants licensed and currently engaged in full-time clinical practice as defined in sub-section (1)(c) of this rule in a state that has a credentialing law similar to the licensure by credentials law in Georgia will be considered by the board for a provisional license by credentials. Applicants from states not issuing licenses by credentials are ineligible.

(3) In addition to the requirements set forth in O.C.G.A. § 43-11-71.1, an applicant for a provisional license by credentials must also meet the following requirements:

(a) Must have an active dental hygiene license in good standing from another state.

(b) Must have received a dental hygiene degree from a dental hygiene college or school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (A.D.A.) or its successor agency, if any.

(c) Must have been in full time clinical practice, as defined in sub-section (1)(c) of this rule; full-time clinical faculty as defined in sub-section (1)(e) of this rule; or a combination of both for each of the two years immediately preceding the date of the application.

(d) Must meet all requirements for licensure set forth in Board Rules 150-5 .02, 150-5-.03, 150-5-.04, and 150-5-.05.

(e) Furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

(f) Must show passage of all sections with a score of 75 or higher, or its equivalent score, on a clinical examination administered by the board or testing agency designated and approved by the board and a jurisprudence examination on the laws and rules governing the practice of dental hygiene in the State of Georgia. Such examinations shall be administered in the English language. After a fourth (4th) attempt of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

(4) Active duty military dental hygienists on federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

(5) Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

(6) An active duty military dental hygienist or contract employee on a Georgia federal installation who applies for licensure by credentials must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must

include but not be limited to the applicant's general service record, any complaint or disciplinary action as well as continuing education that the credentialing candidate may have obtained.

(7) The Board shall have the authority to refuse to grant a provisional license by credentials to an applicant, or to revoke the provisional license by credentials to a dental hygienist licensed by the Board, or to discipline a dental hygienist holding a provisional license by credentials in accordance with the provisions of O.C.G.A. § 43-11-72.

(8) Upon receipt of license, the applicant by credentials must establish active practice in this State within two years of receiving such license or the license shall be automatically revoked. "Active practice" shall mean a minimum of 500 hours for each full twelve (12) month period of licensure in the hands-on treatment of patients.

Cite as Ga. Comp. R. & Regs. R. 150-7-.05
Authority: O.C.G.A. §§ 43-11-7 to 43-11-9, 43-11-71, 43-11-71.1, 50-36-1.
History. Original Rule entitled "Dental Hygiene Provisional Licensure by Credentials" adopted. F. Jan. 28, 2005; eff. Feb. 17, 2005.
Repealed: New Rule of same title adopted. F. May 25, 2005; eff. June 14, 2005.
Amended: F. May 14, 2007; eff. June 3, 2007.
Repealed: New Rule of same title adopted. F. Sept. 30, 2008; eff. Oct. 20, 2008.
Amended: F. Dec. 22, 2017; eff. Jan. 11, 2018.

Rule 150-7-.06. Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members.

(1) As used in this Rule:

(a) "Expedited application review" means the review of a completed application within fourteen (14) business days of submission to the Board of Dentistry;

(b) "License" means a document issued by the Board of Dentistry to an applicant granting the applicant the ability to lawfully practice dentistry or dental hygiene under Title 43, Chapter 11;

(c) "Military" means the United States armed forces, including the National Guard;

(d) "Military spouse" means a spouse of a service member or a transitioning service member;

(e) "Service member" means an active or reserve member of the armed forces, including the National Guard;

(f) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) A service member, military spouse, or transitioning service member qualifies for expedited application review once the applicant has submitted a completed application.

(3) No application submitted under this Rule shall be denied without review by a quorum of the Board.

(4) Within the time permitted for expedited application review, all applications shall either be granted or referred to the full Board for review.

(5) If an application is referred to the full Board for review, it shall be reviewed and considered by the Board not later than its next regularly scheduled Board meeting.

Cite as Ga. Comp. R. & Regs. R. 150-7-.06
Authority: O.C.G.A. §§ 43-1-34, 43-11-2.1, 43-11-7.
History. Original Rule entitled "Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members" adopted. F. June 1, 2017; eff. June 21, 2017.

Chapter 150-8. UNPROFESSIONAL CONDUCT.

Rule 150-8-.01. Unprofessional Conduct Defined.

The Board has the authority to refuse to grant a license to an applicant or to discipline a dentist or dental hygienist licensed in Georgia if that individual has engaged in unprofessional conduct. For the purpose of the implementation and enforcement of this rule, unprofessional conduct is defined to include, but not be limited to, the following:

(a) Failing to conform to current recommendations of the Centers for Disease Control and Prevention (C.D.C.) for preventing transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and all other communicable diseases to patients. It is the responsibility of all currently licensed dentists and dental hygienists to maintain familiarity with these recommendations, which are considered by the Board to be minimum standards of acceptable and prevailing dental practice.

(b) Violating any lawful order of the Board;

(c) Violating any Consent Agreement entered into with the Georgia Board of Dentistry or any other licensing board;

(d) Violating statutes and rules relating to or regulating the practice of dentistry, including, but not limited to, the following:

1. The Georgia Dental Practice Act (O.C.G.A. T. 43, Ch. 11);

2. The Georgia Controlled Substances Act (O.C.G.A. T. 16, Ch. 13, Art. 2);

3. The Georgia Dangerous Drug Act (O.C.G.A. T. 16, Ch. 23, Art. 3);

4. The Federal Controlled Substances Act (21 U.S.C.A., Ch. 13);

5. Rules and Regulations of the Georgia Board of Dentistry;

6. Rules of the Georgia State Board of Pharmacy, Ch. 480, Rules and Regulations of the State of Georgia, in particular those relating to the prescribing and dispensing of drugs, Ch. 480-28;

7. Code of Federal Regulations Relating to Controlled Substances (21 C.F.R. Par. 1306);

8. O.C.G.A. T. 31-33 Health Records. A dentist must send a patient a copy of his/her records upon request where the request complies with O.C.G.A. Title 31-33, et. seq., even if the patient has an outstanding balance with the dentist, but the patient may be required to pay costs of copying and mailing records and for search, retrieval, certification, and other direct administrative costs related to compliance with the request.

9. The Health Insurance Portability and Accountability Act (Pub. L. 104-191).

(e) Failing to maintain appropriate records whenever controlled drugs are prescribed. Appropriate records, at a minimum, shall contain the following:

1. The patient's name and address;

2. The date, drug name, drug quantity, and diagnosis for all controlled drugs;

3. Records concerning the patient's history.

(f) Prescribing controlled substances for a habitual drug user in the absence of substantial dental justification;

(g) Prescribing drugs for other than legitimate dental purposes;

(h) Any departure from, or failure to conform to, the minimum standards of acceptable and prevailing dental practice. Guidelines to be used by the Board in defining such standards may include, but are not restricted to:

1. Diagnosis. Evaluation of a dental problem using means such as history, oral examination, laboratory, and radiographic studies, when applicable.

2. Treatment. Use of medications and other modalities based on generally accepted and approved indications, with proper precautions to avoid adverse physical reactions, habituation or addiction.

3. Emergency Service. Dentists shall be obliged to make reasonable arrangements for the emergency care of their patients of record. For purposes of this rule, a "patient of record" is defined as a patient who has received dental treatment on at least one occasion within the preceding year.

4. Records. Maintenance of records to furnish documentary evidence of the course of the patient's medical/dental evaluation, treatment and response. A dentist shall be required to maintain a patient's complete dental record, which may include, but is not limited to, the following: treatment notes, evaluations, diagnoses, prognoses, x-rays, photographs, diagnostic models, laboratory reports, laboratory prescriptions (slips), drug prescriptions, insurance claim forms, billing records, and other technical information used in assessing a patient's condition. Notwithstanding any other provision of law, a dentist shall be required to maintain a patient's complete treatment record for no less than a period of ten (10) years from the date of the patient's last office visit.

(i) Practicing fraud, forgery, deception or conspiracy in connection with an examination for licensure or an application;

(j) Knowingly submitting any misleading, deceptive, untrue, or fraudulent misrepresentation on a claim form, bill or statement to a third party;

(k) Knowingly submitting a claim form, bill or statement asserting a fee for any given dental appliance, procedure or service rendered to a patient covered by a dental insurance plan, which fee is greater than the fee the dentist usually accepts as payment in full for any given dental appliance, procedure or service;

(l) Abrogating or waiving the co-payment provisions of a third party contract by accepting the payment received from a third party as payment in full, unless the abrogation or waiver of such co-payment or the intent to abrogate or waive such copayment is fully disclosed, in writing, to the third party at the time the claim is submitted for payment. For the purpose of this rule, a "third party" is any party to a dental prepayment contract that may collect premiums, assume financial risks, pay claims, and/or provide administrative service.

(m) Falsifying, altering or destroying treatment records in contemplation of an investigation by the Board or a lawsuit being filed by a patient;

(n) Committing any act of sexual intimacy, abuse, misconduct or exploitation related to the licensee's practice of dentistry or dental hygiene;

(o) Delegating to unlicensed or otherwise unqualified personnel duties that may only be lawfully performed by a dentist or dental hygienist;

(p) Using improper, unfair or unethical measures to draw dental patronage from the practice of another licensee;

(q) Terminating a dentist/patient relationship by a dentist, unless notice of the termination is provided to the patient. A "dentist/patient relationship" exists where a dentist has provided dental treatment to a patient on at least one occasion within the preceding year.

1. "Termination of a dentist/patient relationship by the dentist" means that the dentist is unavailable to provide dental treatment to a patient, under the following circumstances:

   (i) The office where the patient has received dental care has been closed permanently or for a period in excess of (30) days;

   (ii) The dentist discontinues treatment of a particular patient for any reason, including non-payment of fees for dental services, although the dentist continues to provide treatment to other patients at the office location;

2. The dentist who is the owner or custodian of the patient's dental records shall mail notice of the termination of the dentist's relationship to patient, which notice shall provide the following:

   (i) The date that the termination becomes effective, and the date on which the dentist/patient relationship may resume, if applicable;

   (ii) A means for the patient to obtain a copy of his or her dental records. The notice shall be mailed at least fourteen (14) days prior to the date of termination of the dentist/patient relationship, unless the termination results from an unforeseen emergency (such as sudden injury or illness), in which case the notice shall be mailed as soon as practicable under the circumstances.

(r) Knowingly certifying falsely to the accuracy or completeness of dental records provided to the Board.

Cite as Ga. Comp. R. & Regs. R. 150-8-.01
Authority: O.C.G.A. §§ 31-33-2, 43-1-19, 43-1-19.1, 43-11-7, 43-11-8, 43-11-47, 43-11-72.
History. Original Rule entitled "Ethics" adopted. F. and eff. June 30, 1965.
Amended: Rule retitled "Unprofessional Conduct Defined". F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: F. Dec. 29, 1998; eff. Jan. 18, 1999.
Amended: F. Sept. 13, 1999; eff. Oct. 3, 1999.
Repealed: New Rule of same title adopted. F. July 28, 2003; eff. August 17, 2003.
Repealed: New Rule of same title adopted. F. Mar. 15, 2004; eff. Apr. 4, 2004.
Repealed: New Rule of same title adopted. F. Sept. 18, 2006; eff. Oct. 8, 2006.
Amended: F. May 2, 2018; eff. May 22, 2018.

Rule 150-8-.02. Fee Splitting.

(1) A dentist shall not give rebates or split fees with a referral source.

Cite as Ga. Comp. R. & Regs. R. 150-8-.02
Authority: O.C.G.A. Secs. 43-1-7, 43-1-8, 43-1-19, 43-1-25, 43-11-8, 43-11-47.
History. Original Rule entitled "Fraudulent Insurance Claims" adopted. F. Oct. 29, 1982; eff. Nov. 18, 1982.
Amended: F. July 20, 1983; eff. August 9, 1983.
Repealed: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: New Rule entitled "Fee Splitting" adopted.F. Nov. 16, 2010; eff. Dec. 6, 2010.

Rule 150-8-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 150-8-.03
Authority: O.C.G.A. Secs. 43-11-8, 43-11-47.
History. Original Rule entitled "Unprofessional Conduct Defined" adopted. F. Jan. 24, 1992; eff. Feb. 13, 1992.
Amended: F. Sept. 2, 1992; eff. Sept. 22, 1992.
Repealed: F. Oct. 29, 1996; eff. Nov. 18, 1996.

Rule 150-8-.04. Animals.

(1) A licensee:

(a) shall not permit animals or pets in any area of a dental office or operation in which dental procedures are performed, or in any location where tools, instruments, patient charts, medications, or other items regularly moved into and out of areas in which dental procedures are performed are stored.

(b) shall not permit animals or pets in any other area of a dental office or operation unless physically restrained in a manner that ensures the animals or pets cannot access the areas described in the preceding paragraph, and unless maintained within a fully enclosed tank or similar enclosure that ensures hair, dander, fecal particulates, or other similar contaminants, whether airborne or otherwise, cannot be transmitted or transported to the areas described in the preceding paragraph. An air filter or filtration system is to be used when animals or pets other than fish are maintained in such an enclosure. The detection of odor from any animals so maintained shall raise the presumption that the subject animal enclosure does not meet the requirements of this paragraph.

(2) The restrictions of this Rule shall not apply to guide dogs and service dogs as permitted by Title 30 of the Official Code of Georgia or to service animals as permitted under the Americans with Disabilities Act (42 U.S.C. §§ 12101, et. seq.).

Cite as Ga. Comp. R. & Regs. R. 150-8-.04
Authority: O.C.G.A. §§ 43-1-19, 43-11-7, 43-11-17, 43-11-47.
History. Original Rule entitled "Animals" adopted. F. June 29, 2015; eff. July 19, 2015.

Chapter 150-9. DELEGATED DUTIES.

Rule 150-9-.01. General Duties of Dental Assistants.

(1) A dental assistant shall be defined as one who is employed in a dental office to perform certain duties that assist the dentist. It is expected that the dental assistant will be familiar with the operations performed in the conduct of a dental practice; specifically, the sterilization of instruments, the general hygiene of the mouth, secretarial work, making appointments and bookkeeping. Under no circumstances may he or she perform any of the operations catalogued as dental hygiene treatments in Board Rule 150-5-.03(5).

(2) Direct supervision and control as it pertains to a dental assistant 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 assistant and, before dismissal of the patient, evaluates the performance of the dental assistant.

(3) In addition to routine duties, the general duties identified below may be delegated to dental assistants under the direct supervision of a licensed dentist. These duties may only be delegated in those instances when they are easily reversible and will not result in increased risk to the patient:

(a) Make impressions for diagnostic models and opposing models.

(b) Place and expose radiographs after completing the training required by Ga. Comp. R. &Regs. 290-5-22-.04 titled X-Rays in the Health Arts.

(c) Remove sutures - other than wire sutures.

(d) Remove periodontal dressing.

(e) Place and remove rubber dams.

(f) Apply topical anesthetic.

(g) Remove visible excess cement from supramarginal areas of dental restorations and appliances with non-mechanical hand instruments.

(h) Fabricate extraorally temporary crowns and bridges.

(i) Cement temporary crowns and bridges with intermediate cement.

(j) Remove temporary crowns and bridges seated with intermediate cement.

(k) Place intracoronal temporary restorations using intermediate cement.

(l) Place drying and deoiling agents prior to the cementation of permanent crowns and bridges.

(m) Remove dry socket medication.

(n) Place and take off a removable prosthesis with a pressure sensitive paste after the appliance has been initially seated by the dentist.

(o) Etch unprepared enamel.

(p) Polish the enamel and restorations of the anatomical crown; however, this procedure may only be executed through the use of a slow speed handpiece (not to exceed 10,000 rpm), rubber cup and polishing agent. This procedure shall in no way be represented to patient as a prophylaxis. This procedure shall be used only for the purpose of enamel preparation for:

1. Bleaching,

2. Cementation of fixed restorations,

3. Bonding procedures including supramarginal enamel restorations after removal of orthodontic appliances. No direct charge shall be made to the patient for such procedure.

(q) Dry canals with absorbent points and place soothing medicaments (not to include endodontic irrigation); and place and remove temporary stopping with non-mechanical hand instruments only.

(r) Place matrix bands and wedges.

(s) Select, pre-size and seat orthodontic arch wires with brackets which have been placed by the dentist. Adjustment of the arch wire may only be made by the dentist.

(t) Select and pre-size orthodontic bands which initially must be seated by the dentist.

(u) Place and remove pre-treatment separators.

(v) Cut and tuck ligatures, remove ligatures and arch wires, remove loose or broken bands.

(w) Remove and recement loose bands that previously have been contoured and fitted by a dentist, but only after a dentist has examined the affected tooth and surrounding gingival and found no evidence of pathology.

(x) Perform phlebotomy and venipuncture procedures after appropriate training is acquired.

(y) Use a rubber cup prophy on a patient with primary dentition. A dental assistant may only begin providing rubber cup prophies after the dental assistant has

completed a curriculum approved by the Board or a minimum of eight hours of on-the-job training in the provision of rubber cup prophies by a dentist licensed to practice in Georgia.

Cite as Ga. Comp. R. & Regs. R. 150-9-.01
Authority: O.C.G.A. §§ 43-11-7, 43-11-9, 43-11-80, 43-11-81.
History. Original Rule entitled "Expanded Duties of Dental Auxiliary Personnel" adopted. F. June 26, 1973; eff. July 16, 1973.
Amended: F. May 5, 1982; eff. May 25, 1982.
Amended: F. July 2, 1985; eff. July 22, 1985.
Repealed: New Rule entitled "Expanded Duties of Dental Assistants" adopted. F. Oct. 25, 1989; eff. Nov. 14, 1989.
Amended: F. June 27, 1990; eff. July 17, 1990.
Amended: F. Nov. 7, 1991; eff. Nov. 27, 1991.
Repealed: New Rule entitled "General Duties of Dental Assistants" adopted. F. Sept. 2, 1992; eff. Sept. 22, 1992.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. Apr. 20, 1999; eff. May 10, 1999.
Repealed: New Rule of same title adopted. F. Jan. 31, 2003; eff. Feb. 20, 2003.
Amended: F. Jan. 7, 2013; eff. Jan. 27, 2013.
Amended: F. Apr. 17, 2013; eff. May 7, 2013.
Amended: F. May 2, 2018; eff. May 22, 2018.

Rule 150-9-.02. Expanded Duties of Dental Assistants.

(1) To meet the requirements of an expanded duty dental assistant, a dental assistant must have a high school diploma, or the equivalent thereof, proof of current CPR certification and a certificate documenting that he or she has successfully completed the course pertaining to the specific duties outlined in that certificate. Only those expanded duties, which are listed on the certificate(s), may be performed by an expanded duty dental assistant. An expanded duty dental assistant certificate may be issued by an accredited dental assisting program, a dental hygiene school, a dental school or a professional association recognized and approved by the Georgia Board of Dentistry to a candidate who has successfully completed the required certificate courses (each of which must be a minimum of four hours) from an accredited dental assisting program, a dental hygiene school, a dental school or professional association recognized and approved by the Georgia Board of Dentistry and met all other requirements of an expanded duty assistant; and completed an examination demonstrating competency in specific duties that is administered by a licensed dentist on behalf of the accredited dental assistant program, dental hygiene school, dental school or professional association recognized and approved by the Georgia Board of Dentistry.

(2) Eligibility for taking said courses requires that the candidate meet at least one of the following criteria:

   (a) Possess current certification that the candidate is a Certified Dental Assistant.

(b) Be a graduate of a one (1) year accredited dental assisting program or a dental assisting program approved by the Board or be eligible for graduation.

(c) Have been employed as a chair side assistant by a licensed dentist for a continuous six (6) month period within the previous three (3) years. (Note: An expanded duties certificate would be issued to a candidate only upon proper proof of graduation.)

(3) The employer of the expanded duty assistant shall have readily available in the dental office a copy of the certificate(s) issued from the sponsor of the accredited course(s) of study to the expanded duty dental assistant. The expanded duties specific to the course(s) taken and in which [a] certificate(s) [has/have] been issued may be delegated to dental assistants, who are performing their duties under the direct supervision of a licensed dentist. The following expanded duties may be delegated to those assistants meeting the educational requirements established by Board Rule 150-9-.02(1) and possessing a certificate(s) of the course(s) taken delineating the duties specific to that course:

(a) Apply desensitizing agents to root surfaces of teeth and prepared dentinal surfaces of teeth prior to cementation of temporary restorations and crowns, bridges, or inlays.

(b) Place cavity liner, base or varnish over unexposed pulp.

(c) Intraoral fabrication of temporary crowns and bridges. All such adjustments must be performed extraorally.

(d) Perform face bow transfer.

(e) Make impressions to be used to repair a damaged prosthesis.

(f) Place periodontal dressing.

(g) Redressing (not initial placement of dressing) and removing dressing from alveolar sockets in post-operative osteitis when the patient is uncomfortable due to the loss of dressing from the alveolar socket in a diagnosed case of post-operative osteitis.

(h) Make impressions to be used to fabricate a night guard (bruxism or muscle relaxation appliance). All adjustments must be performed extraorally. Final adjustment must be made by the dentist.

(i) Monitor the administration of nitrous oxide/oxygen; turn off nitrous oxide/oxygen at the completion of the dental procedure and make adjustments to the level of nitrous oxide/oxygen, but only following the specific instructions of the dentist.

(j) Apply topical anticariogenic agents.

(k) Apply pit and fissure sealants, and primer and bonding agents to etched enamel or dentin; and light-cure with a fiber-optic light source (not to include the use of a laser device).

(l) Packing and removing retraction cord, as prescribed by the dentist, so long as said cord is used solely for restorative dental procedures.

(m) Changing of bleaching agent, following initial applications by the dentist, during the bleaching process of vital and non-vital teeth after the placement of a rubber dam; and applying the fiber-optic light source of a curing light for activation of the bleach (not to include the use of a laser device).

(n) Rebond brackets after a licensed dentist has examined the affected tooth and surrounding gingiva and found no evidence of pathology.

(o) Remove bonded brackets with hand instruments only.

(p) Make impressions for passive orthodontic appliances.

(q) Apply primer and bonding agents to etched enamel or dentin; and light cure with fiber-optic light source (not to include use of a laser device).

(r) Take and record vital signs.

(s) Size and fit stainless steel crowns on a primary tooth only.

(t) Place springs on wires.

(u) Place hooks on brackets.

(v) Remove loose or broken bonds.

(w) Remove ligature and arch wires.

(x) Band, select, and pre-size arch wires and place arch wires after final adjustment and approval by the dentist.

(y) Select, pre-fit, cement, cure, and remove ortho bands or brackets.

(z) Place and remove pre-treatment separators.

(aa) Digital scans for fabrication orthodontic appliances and models.

Cite as Ga. Comp. R. & Regs. R. 150-9-.02
Authority: O.C.G.A. §§ 43-11-7 to 43-11-9, 43-11-80, 43-11-81.
History. Original Rule entitled "Expanded Duties of Dental Assistants" adopted. F. Sept. 2, 1992; eff. Sept. 22, 1992.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.

Repealed: New Rule of same title adopted. F. Apr. 20, 1999; eff. May 10, 1999.
Repealed: New Rule of same title adopted. F. May 17, 2001; eff. June 6, 2001.
Repealed: New Rule of same title adopted. F. Feb. 2, 2005; eff. Feb. 22, 2005.
Repealed: New Rule of same title adopted. F. May 20, 2005; eff. June 9, 2005.
Repealed: New Rule of same title adopted. F. Mar. 10, 2009; eff. Mar. 30, 2009.
Amended: F. Mar. 27, 2012; Apr. 16, 2012.
Amended: F. May 2, 2018; eff. May 22, 2018.

Rule 150-9-.03. Prohibited Use of Technologies by Dental Assistants.

(1) General and expanded duty dental assistants shall not utilize laser equipment and technology in the course of the performance of their duties which are otherwise authorized by these rules.

(2) General and expanded duty dental assistants shall not utilize intraorally micro etching and/or air polishing equipment and technologies in the course of the performance of those duties otherwise authorized by these rules.

Cite as Ga. Comp. R. & Regs. R. 150-9-.03
Authority: O.C.G.A. Secs. 43-11-7 to 43-11-9, 43-11-80.
History. Original Rule entitled "Prohibited Use of Laser Technology by Assistants" adopted. F. Nov. 7, 1994; eff. Nov. 27, 1994.
Amended: Rule retitled "Prohibited Use of Technologies by Dental Assistants". F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: New Rule of same title adopted. F. Apr. 20, 1999; eff. May 10, 1999.
Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.
Amended: F. July 18, 2006; eff. August 7, 2006.

Chapter 150-10. ADVERTISING.

Rule 150-10-.01. Fraudulent, Misleading or Deceptive Advertising.

(1) For purposes of O.C.G.A. § 43-11-47(a)(15), "advertising" shall include any information communicated in a manner designed to attract public attention to the practice of the licensee, including the use of a trade name or corporate name.

(2) A dentist may provide information regarding himself or herself, his or her practice, and fixed fees associated with routine dental services in a dignified manner in newspapers, magazines, yellow page directories, consumer directories, or comparable written publications or broadcast advertising. The dentist shall have ultimate responsibility for all advertisements approved or placed by the dentist or his or her agents, employees, or associates. The dentist shall retain a copy, recording, or specification of the advertisement for at least one year following the last appearance or use of the advertisement, and shall provide a copy, recording, or specification to the Board within ten (10) days of any request by the Board.

(3) Advertising may include, but is not limited to, the following information:

(a) The dentist's title or degree;

(b) A designation of specialty dental practice, if said specialty is recognized by the Georgia Board of Dentistry pursuant to Rule 150- 11-.01 and the dentist has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the advertisement is made;

(c) Office and telephone answering hours, office location, office telephone number, and residence address and telephone number;

(d) Fees for a specific, routine service. For purposes of this Rule, a dental service may be characterized as a "routine dental service" if it is performed frequently in the dentist's practice, is usually provided at a specific fee to substantially all patients receiving the service, and is provided with little or no variance in technique or materials. The following requirements shall be met when a dentist advertises a routine dental service:

1. If a range of fees is advertised (including use of words such as "from," "as low as," "starting at"), the minimum and maximum fees shall be fully disclosed;

2. Consultation, treatment planning, or treatment for any routine dental service advertised for a specific fee must be made available for a minimum of sixty (60) days following the date of the last publication or broadcast of that fee, unless another date is specified in the advertisement;

3. When a routine dental service is advertised as "free," "no charge," or like terms, such service must be made available at no cost for a minimum of sixty (60) days following the date of last publication or broadcast of that fee, unless another date is specified in the advertisement;

4. When a patient accepts the treatment planned for a routine dental service which was advertised by the dentist for a specific fee during the previous sixty (60) days (or other period specified in the advertisement), any subsequent dental service that is reasonably and foreseeably related to the advertised routine service must be provided without additional charge, unless the advertisement for the routine dental service includes the following statement: "ADDITIONAL CHARGES MAY BE INCURRED FOR RELATED SERVICES WHICH MAY BE REQUIRED IN INDIVIDUAL CASES."

(4) A dentist may use or participate in the use of professional cards, appointment slips or cards, letterhead, office signs, or similar professional notices, provided they are not false, misleading, or deceptive.

(5) Advertising shall not reveal a patient's personally identifiable facts, data or information obtained in a professional capacity, without the patient's written consent.

(6) The following statements in advertising shall be deemed to be misleading to the public for purposes of this Rule:

(a) Statements claiming or implying the superiority of a method of treatment, material, drug or appliance;

(b) Statements that assert or allude that a certain dentist is a specialist or specializes in any branch of dentistry, unless that specialty is recognized by the Georgia Board of Dentistry pursuant to Rule 150-11-.01 and the dentist has completed the educational requirements for that specialty as stated in the American Dental Association's specialty practice guidelines in existence at the time the advertisement is made;

(c) Statements that assert or allude that a certain dentist practices at a location, if the dentist does not regularly provide dental treatment to patients at said location;

(d) Statements offering or announcing "quality dentistry," "quality work," "staff of skilled dentists," "skilled employees," or other like terms, and statements indicating that uncertified persons perform functions requiring a license under O.C.G.A. § 43-11-1, *et seq.*;

(e) Statements indicating the availability of superior facilities at a certain office, including statements that an office is "scientifically equipped" or has the "latest modern equipment," statements making reference to a "modern office," "modern methods," "modern devices," or any similar expressions;

(f) Statements that a dental operation or treatment can be performed without causing any pain; and

(g) Use of a trade name or corporate name that is confusingly similar to a trade name or corporate name already in use by a dental practice in this state.

Cite as Ga. Comp. R. & Regs. R. 150-10-.01
Authority: O.C.G.A. Sec. 43-11-47.
History. Original Rule entitled "Corporate/Trade Names" adopted. F. Sept. 24, 1979; eff. Oct. 14, 1979.
Amended: F. May 5, 1982; eff. May 25, 1982.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: F. July 28, 1999; eff. August 17, 1999.
Amended: New Rule entitled "Fraudulent, Misleading or Deceptive Advertising" adopted. F. Jan. 31, 2003; eff. Feb. 20, 2003.

Rule 150-10-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 150-10-.02
Authority: O.C.G.A. Sec. 43-11-47.
History. Original Rule entitled "Approval or Rejection of Corporate Name/Trade Name" adopted. F. Oct. 29, 1982; eff. Nov. 18, 1982.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Repealed: F. July 28, 1999; eff. August 17, 1999.

Chapter 150-11. SPECIALTIES.

Rule 150-11-.01. Specialties.

(1) The Georgia Board of Dentistry recognizes nine (9) specialties of dental practice, which are defined as follows:

(a) Dental Public Health: Dental Public Health is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice that serves the community as a patient rather than the individual. It is concerned with dental health education of the public, which applied dental prevention and control of dental diseases on a community basis. A dentist who represents himself or herself as a "public health dentist," "specialist in dental public health" or similar term has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the representation is made.

(b) Endodontics: Endodontics is that branch of dentistry that deals with diagnosis and treatment of oral conditions that arise as a result of pathoses of the dental pulp. Its study encompasses related basic and clinical sciences including the biology of the normal pulp and supporting structures, etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and periradicular tissues. A dentist who represents himself or herself as an "endodontist," "specialist in endodontics" or similar term, has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time representation is made.

(c) Oral Pathology: Oral Pathology is that branch of science that deals with the nature of the diseases affecting the oral and adjacent regions, through study of its causes, its processes and its effect, to- gether with the associated alterations of oral structure and function. The practice of oral pathology shall include the development and application of this knowledge through the use of clinical, microscopic, radiograph, biochemical or other such laboratory examinations or procedures as may be required to establish a diagnosis and/or gain other information necessary to maintain the health of the patient, or to correct the result of structural or functional changes produced by alterations from the normal. A dentist who represents himself or herself as an "oral pathologist," "specialist in oral pathology" or similar term has completed the educational requirements stated

in the American Dental Association's specialty practice guidelines in existence at the time the representation is made.

(d) Oral and Maxillofacial Surgery: Oral and maxillofacial surgery is the specialty of dentistry that includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region. A dentist who represents himself or herself as an "oral and/or maxillofacial surgeon," "specialist in oral and/or maxillofacial surgery" or similar term has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the representation is made.

(e) Orthodontics: Orthodontics is that area of dentistry concerned with the supervision, guidance and correction of the growing of mature dentofacial structures, including the conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures. A dentist who represents himself or herself as an "orthodontist," "Specialist in orthodontics" or similar term has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the representation is made.

(f) Pediatric Dentistry: Pediatric Dentistry is the practice and teaching of comprehensive preventive and therapeutic oral health care of children from birth through adolescence. It shall be construed to include care for special patients beyond the age of adolescence who demonstrate mental, physical and/or emotional problems. A dentist who represents himself or herself as a "pediatric dentist," "specialist in pediatric dentistry" or similar term has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the representation is made.

(g) Periodontics: Periodontics is that branch of dentistry that deals with the diagnosis and treatment of disease of the supporting and surrounding tissues of the teeth. The maintenance of the health of these structures and tissues, achieved through periodontal treatment procedures, is also considered to be the responsibility of the dentist. The scope shall be limited to preclude permanent restorative dentistry. A dentist who represents himself or herself as a "periodontist," "specialist in periodontics" or similar term has completed the educational requirements stated in

the American Dental Association's specialty practice guidelines in existence at the time the representation is made.

(h) Prosthodontics: Prosthodontics is the dental specialty pertaining to the diagnosis, treatment planning, rehabilitation and maintenance of the oral function, comfort, appearance and health of patients with clinical conditions associated with missing or deficient teeth and/or Maxillofacial tissues using biocompatible substitutes. A dentist who represents himself or herself as a "prosthodontist," "specialist in prosthodontics" or similar term has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the representation is made.

(i) Oral or Maxillofacial Radiology: Oral and maxillofacial radiology is the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders, and conditions of the oral and maxillofacial region. A dentist who represents himself or herself as a "specialist in oral and maxillofacial radiology" has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the representation is made.

(2) Nothing in this Rule shall be construed to prohibit the performance of specialty functions by a dentist who has not completed the educational requirements stated in the American Dental Association's specialty practice guidelines, provided that the dentist does not represent himself or herself as a specialist in the particular area of dentistry.

Cite as Ga. Comp. R. & Regs. R. 150-11-.01
Authority: O.C.G.A. Secs. 43-11-7, 43-11-8, 43-11-10, 43-11-47.
History. Original Rule entitled "Specialties" adopted. F. May 5, 1982; eff. May 25, 1982.
Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.
Amended: F. Sept. 2, 1992; eff. Sept. 22, 1992.
Repealed: New Rule of same title adopted. F. Apr. 20, 1999; eff. May 10, 1999.
Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.
Amended: F. Jan. 31, 2005; eff. Feb. 20, 2005.

Rule 150-11-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 150-11-.02
Authority: O.C.G.A. Secs. 43-11-7, 43-11-8, 43-11-47.
History. Original Rule entitled "Fraudulent, Misleading or Deceptive Advertising" adopted. F. Oct. 29, 1982; eff. Nov. 18, 1982.
Repealed: New Rule of same title adopted. F. Apr. 20, 1999; eff. May 10, 1999.
Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.
Repealed: F. Jan. 31, 2003; eff. Feb. 20, 2003.

Chapter 150-12. FEES.

Rule 150-12-.01. Fees.

(1) The required fee must accompany the appropriate application as noted in the follow schedule. All fees are considered paid only when received in the Office of the Department of Community Health, payable to the Georgia Board of Dentistry:

(a) Application/Examination Fees:

1. Dental Application/Examination Fee-as shown on the schedule of fees adopted by the Board;

2. Dental provisional licensure by credentials Application/Examination Fee-as shown on the schedule of fees adopted by the Board;

3. Dental Re-examination Fee-as shown on the schedule of fees adopted by the Board;

4. Public Health and Dental Teacher Applications-as shown on the schedule of fees adopted by the Board;

5. Conscious Sedation and General Anesthesia Applications-as shown on the schedule of fees adopted by the Board;

6. Dental Hygiene Application/Examination Fee-as shown on the schedule of fees adopted by the Board;

7. Dental Hygiene provisional licensure by credentials Application/Examination Fee-as shown on the schedule of fees adopted by the Board;

8. Dental Hygiene Re-examination Fee-as shown on the schedule of fees adopted by the Board;

9. Dental Hygiene Temporary Permit-as shown on the schedule of fees adopted by the Board;

10. Law and Rules Examination-as shown on the schedule of fees adopted by the Board;

(b) Renewal Fees:

1. Dentists-(Includes Provisional Licenses by Credentials, Dental Teachers and Public Health Dentists)-as shown on the schedule of fees adopted by the Board;

2. Dental Hygienists-(Includes Provisional Licenses by Credentials, Dental Hygiene Teachers)-as shown on the schedule of fees adopted by the Board;

3. Dental Conscious Sedation and General Anesthesia Renewal-as shown on the schedule of fees adopted by the Board;

(c) Delinquent Renewal Penalty Fees:

1. Dentists-(January 1 through June 30 of the even numbered years); as shown on the schedule of fees adopted by the Board;

2. Dental Hygienists-(January 1 through June 30 of the even numbered years); as shown on the schedule of fees adopted by the Board;

(d) Reinstatement Fees:

1. Dentists-as shown on the schedule of fees adopted by the Board;

2. Dental Hygienists-as shown on the schedule of fees adopted by the Board;

(e) Duplicate License Fees:

1. Duplicate License-as shown on the schedule of fees adopted by the Board;

2. Duplicate Identification Card/Permit-as shown on the schedule of fees adopted by the Board.

Cite as Ga. Comp. R. & Regs. R. 150-12-.01
Authority: O.C.G.A §§ 43-11-2.1, 43-11-7, 43-11-9, 43-11-43, 43-11-46, 43-11-70, 43-11-73.
History. Original Rule entitled "Fees" adopted. F. May 5, 1982; eff. May 25, 1982.
Repealed: New Rule of same title adopted. F. Nov. 12, 1985; eff. Dec. 2, 1985.
Repealed: New Rule of same title adopted. F. Oct. 23, 1991; eff. Nov. 12, 1991.
Amended: F. Oct. 18, 1995; eff. Nov. 7, 1995.
Repealed: New Rule of same title adopted. F. Jan. 31, 2005; eff. Feb. 20, 2005.
Amended: New title "Fees. Amended." F. Oct. 21, 2013; eff. Nov. 10, 2013.

Rule 150-12-.02. Bad Checks.

(1) It is the policy of the Board of Dentistry to pursue its legal remedies under O.C.G.A. § 16-9-20 when a bad check is issued in payment of examination, license or renewal fees, application fees, or similar fees, and to take such other action as is outlined in 150-12 and regulations. Any person issuing a bad check will be subject to the service charge as provided in O.C.G.A. § 16-9-20(a)(2).

(2) If an applicant for licensure by credentials issues a bad check to cover required licensure fees, such applicant shall not be issued a license until the applicant has paid the appropriate fees and the service charge. If a license is issued prior to determining that the applicant issued a bad check, such license will be deemed to have been issued in error and deemed not current unless the applicant pays the licensure fees and service charge within ten (10) days after the applicant has received a notice mailed by certified or registered mail. The applicant must pay the licensure fees and the service charge by cashier's check or money order.

(3) If a licensee attempts to renew a license by the issuance of a bad check, the license will not be renewed until the licensee pays all fees due including any applicable late renewal fees plus the service charge. If the license is renewed and reissued to the licensee prior to determination that the licensee issued a bad check, the licensee will be notified by certified or registered mail that the renewed license will be deemed not current unless the licensee remits all fees due for renewal plus the service charge within ten (10) days after receipt of notice. The licensee must pay the fees and service charge by cashier's check or money order.

Cite as Ga. Comp. R. & Regs. R. 150-12-.02
Authority: O.C.G.A. §§ 43-1-3, 43-1-7, 43-11-2.1, 43-11-7, 43-11-43, 43-11-46, 43-11-47, 43-11-70, 43-11-70.1, 43-11-71.1, 43-11-73, 50-13-3.
History. Original Rule entitled "Bad Checks" adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Chapter 150-13. SEDATION PERMITS.

Rule 150-13-.01. Conscious Sedation Permits.

(1) When the intent is minimal sedation (anxiolysis), which is defined as a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway with unaffected ventilatory and cardiovascular function and respond *normally* to tactile and verbal stimulation, a permit for conscious sedation is not required.

(a) When the intent is minimal sedation for adults, the initial dosing is no more than the maximum recommended dose (MRD) of a drug that can be prescribed for unmonitored home use. Nitrous oxide/oxygen may be used in combination with a single enteral drug in minimal sedation. For adults, supplemental dosing that may be necessary for prolonged procedures should not exceed one-half of the initial drug dose and should not be administered until the dentist has determined that the clinical half-life of the initial dosing has passed. The total aggregate dose must not exceed 1.5x the MRD on the day of treatment.

(b) The use of preoperative sedatives for children (age 12 and under) except in extraordinary situations must be avoided due to the risk of unobserved respiratory

obstruction during transport by untrained individuals. Children can become moderately sedated despite the intended level of minimal sedation. Should this occur, the guidelines for moderate sedation apply. For children, the American Dental Association supports the use of the American Academy of Pediatrics/American Academy of Pediatric Dentists Guidelines for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures.

(2) No dentist shall administer conscious sedation at the moderate level in Georgia in accordance with the definition of conscious sedation as defined by O.C.G.A. 43-11-1 unless such dentist possesses a permit based on a credentials review. The permits issued are Moderate Enteral Conscious Sedation or Moderate Parenteral Conscious Sedation.

(3) Moderate Conscious Sedation is defined as a drug-induced depression of consciousness during which patients respond *purposefully* to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(4) Moderate Enteral Conscious Sedation is any technique of administration in which the drugs are absorbed through the gastrointestinal tract or oral mucosa, i.e. oral, rectal, and sublingual.

(a) To obtain a Moderate Enteral Conscious Sedation Permit for adults, a dentist must provide certification of the following:

1. Completion of an ADA-accredited postdoctoral training program, which affords comprehensive training necessary to administer and manage moderate enteral conscious sedation; or

2. Completion of a continuing education course of a board approved organization, which consists of a minimum of twenty-four (24) hours of didactic instruction plus management of at least ten (10) adult case experiences which provides competency in moderate enteral conscious sedation which may include simulated cases.

(b) To obtain a Moderate Enteral Conscious Sedation Permit for pediatric patients (age 12 and under) a dentist must provide certification of a continuing education course of a board approved organization in pediatric sedation including twenty-four (24) hours of pediatric-specific instruction after adult training and ten (10) pediatric patient experiences to include supervised administration of sedation of at least five (5) patients; or completion of an ADA-accredited postdoctoral training program that provides pediatric sedation experience commensurate with these guidelines.

(5) Moderate Parenteral Conscious Sedation is any technique utilizing multiple sedation modalities, including intravenous, enteral, parenteral, and inhalation.

(a) To obtain a Moderate Parenteral Conscious Sedation Permit for adults, a dentist must provide certification of the following:

(1) Completion of an ADA-accredited postdoctoral training program, which affords comprehensive training to administer and manage moderate parenteral conscious sedation; or

(2) Completion of a continuing education course of a board approved organization consisting of a minimum of sixty (60) hours of didactic instruction plus management of at least twenty (20) patients, which provides competency in moderate parenteral conscious sedation.

(b) To obtain a Moderate Parenteral Conscious Sedation Permit for pediatric patients (age 12 and under) a dentist must provide certification of a continuing education course of a board approved organization in pediatric sedation including not less than sixty (60) hours didactic and supervised administration of sedation of twenty (20) patients; or completion of an ADA-accredited postdoctoral training program that provides pediatric sedation experience commensurate with these guidelines.

(6) The dentist issued a permit in either Moderate Enteral Conscious Sedation or Moderate Parenteral Conscious Sedation shall maintain a properly equipped facility for the administration of such sedation, staffed with appropriately trained and supervised personnel. The facility must have equipment capable of delivering positive pressure oxygen ventilation, a pulse oximeter, suction equipment that allows aspiration of the oral and pharyngeal cavities, an operating table or chair that allows for the patient to be positioned to maintain an airway, a firm platform for cardiopulmonary resuscitation, a fail-safe inhalation system if nitrous oxide/oxygen is used, equipment necessary to establish intravascular access, equipment to continuously monitor blood pressure and heart rate, appropriate emergency drugs per ACLS or PALS protocol, a manual or automatic external defibrillator, and a recovery area with available oxygen and suction. All of the aforementioned equipment, drugs, and supplies must be stationary and not subject to transfer from one facility to another. The applicant must submit verification that the facility meets the above requirements and shall be subject to an on-site inspection. The dentist and all support personnel must be certified in cardiopulmonary resuscitation at the basic life support healthcare provider level given by a board approved sponsor with update not to exceed two years per board rules 150-3-.08, 150-3-.09, 150-5-.04, 150-5-.05. Additionally, the dentist must have current certification in advanced cardiovascular life support (ACLS) for adult permits or pediatric advanced life support (PALS) for pediatric permits or an appropriate dental sedation/anesthesia emergency management course as approved by the board.

(a) The dentist must take four (4) hours of continuing education every two (2) years in pharmacology, anesthesia, emergency medicine or sedation, as part of the 40 hour

requirement for license renewal, to maintain certification for the Enteral and/or Parenteral Conscious Sedation Permits. Certification of this continuing education must be submitted at renewal.

(b) The Georgia Board of Dentistry shall be given a written, thirty (30) day advance notification of the relocation of a facility, the addition of a facility or significant change to the facility.

(c) When a Certified Registered Nurse Anesthetist (CRNA) is permitted to function under the direction and responsibility of a dentist for the administration of conscious sedation, the operating dentist must have completed training and hold a valid conscious sedation permit issued by the board that incorporates the level and mode of sedation administered by the CRNA.

(d) The dentist must be certified in cardiopulmonary resuscitation at the basic and advanced levels and all support personnel who provide direct hands-on patient care must be certified in cardiopulmonary resuscitation at the basic life support level given by a board approved provider with an update not to exceed two years. While any conscious sedation procedure is underway, a minimum of two support personnel certified in basic cardiopulmonary resuscitation must be present.

(7) The requirements as set forth in this rule apply to all new permit applicants upon its effective date. Current, active sedation permit holders are grandfathered for educational requirements and will have until December 31, 2011 to comply with facility requirements including monitoring and emergency equipment, drugs, and supplies, and periodic emergency training requirements for the dentist and all support personnel.

(8) Permit fees: As shown in the schedule of fees adopted by the Board of Dentistry.

(9) Renewal Fees: As shown in the schedule of fees adopted by the Board of Dentistry.

(10) Late Renewal Fees: As shown in the schedule of fees adopted by the Board of Dentistry.

Cite as Ga. Comp. R. & Regs. R. 150-13-.01
Authority: O.C.G.A. Secs. 43-11-1, 43-11-7, 43-11-8, 43-11-21, 43-11-21.1.
History. Original Rule entitled "Conscious Sedation Permits" adopted. F. Oct. 25, 1989; eff. Nov. 14, 1989.
Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.
Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.
Repealed: New Rule of same title adopted. F. Jan. 31, 2005; eff. Feb. 20, 2005.
Repealed: New Rule of same title adopted. F. Sept. 14, 2005; eff. Oct. 4, 2005.
Repealed: New Rule of same title adopted. F. Feb. 18, 2010; eff. Mar. 10, 2010.
Amended: F. Nov. 16, 2010; eff. Dec. 6, 2010.

Rule 150-13-.02. Deep Sedation/General Anesthesia Permits.

(1) The educational requirements for a permit to use deep sedation/general anesthesia in Georgia shall be equal to those set forth in O.C.G.A. § 43-11-21.1.

(2) The following guidelines shall apply to the administration of deep sedation/general anesthesia in the dental office or a site approved by the Board:

(a) When administration of deep sedation/general anesthesia is provided by another qualified dentist holding a current (Georgia) deep sedation/general anesthesia permit or by a physician anesthesiologist, the operating dentist and the staff must be certified in cardiopulmonary resuscitation at the basic life support level given by a board-approved sponsor with an update not to exceed two years per board Rules 150-3-.08, 150-3-.09, 150-5-.04, and 150-5-.05.

(b) When a certified Registered Nurse Anesthetist (CRNA) is permitted to function under the direction and responsibility of a dentist, administration of deep sedation/general anesthesia by a CRNA shall require the operating dentist to have completed training in deep sedation/general anesthesia, commensurate with these guidelines.

(c) A dentist administering deep sedation/general anesthesia must document current successful completion of an advanced cardiac life support (ACLS) course (or an appropriate equivalent).

(d) All staff must be certified in cardiopulmonary resuscitation at the basic life support level given by a board-approved sponsor with an update not to exceed two years per board Rules 150-3-.08, 150-3-.09, 150-5-.04, and 150-5-.05.

(3) In all areas in which this level of anesthesia is being conducted, the dentist shall maintain a properly equipped facility for the administration of deep sedation/general anesthesia, staffed with appropriately trained and supervised personnel. The facility must have equipment capable of delivering positive pressure oxygen ventilation, a pulse oximeter, suction equipment that allows aspiration of the oral and pharyngeal cavity, an operating table or chair that allows for the patient to be positioned to maintain an airway, a firm platform for cardiopulmonary resuscitation, a fail-safe inhalation system if nitrous oxide/oxygen is used, equipment to continuously monitor blood pressure and heart rate and rhythm, EKG monitor, appropriate emergency drugs per ACLS protocol including reversal agents for narcotics and/or benzodiazepines depending on which is actually utilized, a manual or automatic external defibrillator, and a recovery area with available oxygen and suction. The facility shall have continual monitoring of end tidal CO2 (expired carbon dioxide) unless invalidated by the nature of the patient, procedure or equipment. "Continual" shall mean "repeated regularly and frequently in steady rapid succession." All of the aforementioned equipment and supplies must be stationary and not subject to transfer from one facility to another. The applicant must submit verification that the facility meets the above requirements and shall be subject to an on-site inspection.

(a) The dentist must be certified in cardiopulmonary resuscitation at the basic and advanced levels and all immediate support personnel who provide direct hands-on patient care must be certified in cardiopulmonary resuscitation at the basic life support level given by a board approved provider with an update not to exceed two years. While any deep sedation/general anesthesia procedure is underway, a minimum of two immediate support personnel certified in basic cardiopulmonary resuscitation must be present.

(4) The Georgia Board of Dentistry shall be given a written thirty (30) day advance notification of the relocation of a facility, the addition of a facility or significant changes in the facility. Changes in the method of administration of deep sedation/general anesthesia should also be brought to the attention of the Board. The permit holder shall be subject to an on-site inspection.

(5) The dentist must take four (4) hours of continuing education every two (2) years in pharmacology, anesthesia, emergency medicine or sedation as part of the forty (40) hour requirement for license renewal to maintain certification for the deep sedation/general anesthesia permit. Certification of this continuing education must be submitted at renewal.

(6) Permit fees: As shown in the schedule of fees adopted by the Board.

(7) Renewal fees: As shown in the schedule of fees adopted by the Board.

(8) Late renewal fees: As shown in the schedule of fees adopted by the Board.

Cite as Ga. Comp. R. & Regs. R. 150-13-.02
Authority: O.C.G.A. §§ 43-11-1, 43-11-7, 43-11-21, 43-11-21.1, 43-11-44.
History. Original Rule entitled "Deep Sedation/General Anesthesia Permits" adopted. F. Jan. 10, 2002; eff. Jan. 30, 2002.
Repealed: New Rule of same title adopted. F. Jan. 31, 2005; eff. Feb. 20, 2005.
Repealed: New Rule of same title adopted. F. Sept. 14, 2005; eff. Oct. 4, 2005.
Amended: F. Feb. 18, 2010; eff. Mar. 10, 2010.
Amended: F. Nov. 16, 2010; eff. Dec. 6, 2010.
Amended: F. Jan. 15, 2015; eff. Feb. 4, 2015.

Rule 150-13-.03. Renewal of Conscious Sedation and Deep Sedation/ General Anesthesia Permits.

(1) Conscious sedation and deep sedation/general anesthesia permits shall be renewable biennially, on or prior to December 31st of all odd-numbered years, and upon payment of the renewal fee as provided in Rule 150-12-.01. The permit shall be administratively revoked for failure to renew on July 1st of the following even-numbered year. Permits, which have been administratively revoked, shall be reinstated only in the discretion of the

Board, upon completion of a reinstatement application. The former permit holder may also be subject to an on-site inspection prior to renewal of the permit.

(2) The dentist must be certified in cardiopulmonary resuscitation at the basic and advanced levels and all support personnel who provide direct hands-on patient care must be certified in cardiopulmonary resuscitation at the basic life support level given by a board approved provider with an update not to exceed two years.

(3) The dentist must take four (4) hours of continuing education every 2 years to stay current on sedation/general anesthesia techniques, patient risk assessment courses, new medications, improved monitoring devices, and any other developing trends to insure that current knowledge and competency are maintained so that sedation/general anesthesia can be most safely provided. These four hours will be part of the total forty (40) hour CE requirement.

(4) CPR, ACLS, and PALS are required to rescue patients from untoward events and do count toward the total of forty (40) CE hours every two years, but do not satisfy the four (4) hour CE requirement referenced in subsection (3) above.

Cite as Ga. Comp. R. & Regs. R. 150-13-.03
Authority: O.C.G.A §§ 43-11-1, 43-11-7, 43-11-8, 43-11-21, 43-11-21.1, 43-11-46 and 43-11-46.1.
History. Original Rule entitled "Renewal of Conscious Sedation and Deep Sedation/General Anesthesia Permits" adopted. F. Jan. 10, 2002; eff. Jan. 30, 2002.
Repealed: New Rule of the same title adopted. F. Nov. 16, 2010; eff. Dec. 6, 2010.
Amended: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Chapter 150-14. DENTAL APPLICANCES, CAPS, COVERINGS, PROSTHESES AND COSMETIC COVERINGS.

Rule 150-14-.01. Definitions.

(1) "Appliance" means any fixed or removable structure which may or may not be made with an impression of a human mouth or extraoral facial structures or any portion of the human mouth, teeth, gums or jaw used to prevent adverse dental conditions, including but not limited to changing the appearance of teeth, changing the shape and shade of teeth, protect teeth, effecting the position of teeth or repairing or replacing missing or damaged teeth. In addition, appliances shall also include any device that gains a desired dental or medical result by using the teeth or surrounding oral structures as support.

(2) "Cap" shall mean any fixed or removable artificial structure created with a model or impression of a natural or artificial tooth and used or worn as a covering on that natural or artificial tooth.

(3) "Cosmetic covering" means any fixed or removable artificial structure or product used or worn as a covering on natural or artificial human teeth created with a model, impression or any other measuring device including but not limited to computer assisted design (CAD), of the human mouth or any portion thereof and used solely for cosmetic purposes. Cosmetic covering shall include, but not be limited to, such structures commonly known as "grills."

(4) "Covering" means any item that is used to permanently or temporarily place over a natural or prosthetic tooth.

(5) "Dentist" shall mean an individual who is licensed in this State pursuant O.C.G.A. § 43-11-1(9).

(6) "Fabricate" means to create, design or construct any structure, whether artificial or naturally occurring, defined by this rule as a dental appliance, cap, covering, prosthesis or cosmetic covering.

(7) "Prosthesis" means:

(a) Prosthesis: Artificial replacement of any part of the human body.

(b) Dental prosthesis: Any device or appliance replacing one or more missing teeth and/or, if required, associated structures. This term includes but is not limited to abutment crowns and abutment inlays/onlays, bridges, dentures, obturators, and gingival prostheses.

(c) Definitive prosthesis: Prosthesis to be used over an extended period of time.

(d) Fixed prosthesis: Non-removable dental prosthesis that is solidly attached to abutment teeth, roots or implants.

(e) Fixed-removable prosthesis: Combined prosthesis, one or more parts of which are fixed, and the other(s) attached by devices that allow their detachment, removal and reinsertion by a dentist only.

(f) Interim prosthesis: A provisional prosthesis designed for use over a limited period of time.

(g) Removable prosthesis: Complete or partial prosthesis, which can be removed and reinserted by a patient.

(8) "Theatrical purposes" shall mean any fabricated product defined by this rule that is only used during activities of the performing arts and removed immediately after such use.

Cite as Ga. Comp. R. & Regs. R. 150-14-.01
Authority: O.C.G.A. Secs. 43-11-1, 43-11-7, 43-11-8, 43-11-17.
History. Original Rule entitled "Definitions" adopted. F. May 14, 2007; eff. June 3, 2007.

Rule 150-14-.02. Fabrication of Dental Appliances, Caps, Coverings, Prostheses and Cosmetic Coverings is Practice of Dentistry.

(1) The fabrication of any dental appliance, cap, covering, prosthesis or cosmetic covering, as defined by this chapter, is included in the practice of dentistry as defined by O.C.G.A. § 43-11-17.

(2) No person shall fabricate any dental appliance, cap, covering, prosthesis or cosmetic covering, as defined by this chapter, unless he or she is licensed to practice dentistry or working under the prescription of a licensed dentist. Nothing in this chapter shall prohibit a physician licensed pursuant to Article 2, Chapter 34, Title 43 of the Official Code of Georgia from performing any act within the scope of his or her license.

(3) This rule shall not apply to any structure that is used solely for theatrical purposes as defined by this chapter.

Cite as Ga. Comp. R. & Regs. R. 150-14-.02
Authority: O.C.G.A. Secs. 43-11-1, 43-11-7, 43-11-8, 43-11-17.
History. Original Rule entitled "Fabrication of Dental Appliances, Caps, Coverings, Prostheses and Cosmetic Coverings is Practice of Dentistry" adopted. F. May 14, 2007; eff. June 3, 2007.

Rule 150-14-.03. Responsibility of Licensed Dentist.

The dentist is responsible for the safety of the patient when he or she fabricates or directs any other person to fabricate and the dentist delivers any dental appliance, cap, covering, prosthesis or cosmetic covering under this chapter.

Cite as Ga. Comp. R. & Regs. R. 150-14-.03
Authority: O.C.G.A. Secs. 43-11-1, 43-11-7, 43-11-8, 43-11-17.
History. Original Rule entitled "Responsibility of Licensed Dentist" adopted. F. May 14, 2007; eff. June 3, 2007.

Rule 150-14-.04. Administration of Injectable Pharmacologics.

(a) For purposes of this rule, the term below shall have the following meaning.

"Injectable pharmacologic" means any medication classified as a neurotoxin, adjuvant or therapeutic agent including, but not limited to, hyaluronic acid (such as Restylane), fillers (such as collagen), Botulinum Toxin Type A (such as Botox) or similar products that have been approved by the Federal Food and Drug Administration.

(b) No dentist shall administer an injectable pharmacologic unless the minimum standards of training and procedure set forth in this section are satisfied.

(c) Administration of an injectable pharmacologic for the functional or cosmetic enhancement of the gums, cheeks, jaws, lips, the oral cavity and associated tissues is a procedure which can be performed by a dentist in connection with a dental procedure in a dental treatment setting.

(d) A dentist may administer an injectable pharmacologic only after having completed a Board-approved post-doctoral course that is sufficient to prepare a dentist to satisfactorily administer injectable pharmacologics safely and effectively, as provided in (f) below.

(e) Notwithstanding (d) above, a dentist licensed in Georgia who has successfully completed an ADA accredited oral and maxillofacial surgery advanced specialty education program shall not be required to complete the Board-approved course set forth in (f) below prior to administering injectable pharmacologics.

(f) In order to obtain Board approval for a course on injectable pharmacologics, a course provider shall submit a course outline, including course content and objectives and the curriculum vitae of the instructor(s), for Board review and approval. The course outline shall indicate whether the training is visual, hands-on or lecture. An approved course shall be at least 21 hours in length and shall include advanced instruction in the following:

1. Anatomy of head and neck;

2. Neurophysiology, including facial tissues, parasympathetic, sympathetic and peripheral nervous systems relative to peri-oral tissue, and facial architecture;

3. Patient selection, including indications and contraindications;

4. Pharmacological effects and contraindications, including potential drug interactions; and

5. Management of complications.

(g) The course administrator shall issue a certificate of completion to a dentist who successfully completes the approved course.

(h) A dentist who desires to administer injectable pharmacologics shall submit to the Board, within 30 days of completing the course, a certified true copy of the certificate of course completion provided to the dentist by the course administrator.

(i) Prior to administering injectable pharmacologics to a patient, the dentist shall conduct an appropriate physical examination within the scope of dental practice, obtain a complete medical history, including the patient's medications, allergies and sensitivities and comprehensively assess the dental needs of the patient. Specific notations on the use of injectable pharmacologics, including the type of agent, dosage, duration and any untoward reactions, shall be recorded in the patient record.

(j) A dentist shall not delegate the administration of an injectable pharmacologic.

(k) The use of injectable pharmacologics without first having met the minimum standards for training and the procedures contained in this section shall constitute a deviation from the acceptable standards of practice required of a licensee and may subject a dentist to the penalties set forth in O.C.G.A.§ 43-11-47.

Cite as Ga. Comp. R. & Regs. R. 150-14-.04
Authority: O.C.G.A. Secs. 43-1-25; 43-11-1; 43-11-7; 43-11-8; and 43-11-17.
History. Original Rule entitled "Administration of Injectable Pharmacologics" adopted. F. Jun. 19, 2012; eff. July 9, 2012.

Chapter 150-15. GENERAL INFORMATION.

Rule 150-15-.01. Scope and Application of These Rules.

The following Rules govern procedure in "contested cases" as that term is defined in the Georgia Administrative Procedure Act (O.C.G.A. 50-13-2(2)) and which are conducted before the Board of Dentistry. Additional Rules in subsequent chapters may also apply.

Cite as Ga. Comp. R. & Regs. R. 150-15-.01
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 43-11-47, 50-13-2, 50-13-3.
History. Original Rule entitled "Scope and Application of These Rules" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.02. Docket.

(1) The Executive Director shall keep a book known as a docket, which shall be arranged by a sequential numbering system for each case or other matter and shall show for each case or matter, as permitted by law, all proceedings, actions and filings.

(2) The Executive Director shall keep a docket index by both docket number and alphabetical list of the names of the respondents in all proceedings.

Cite as Ga. Comp. R. & Regs. R. 150-15-.02
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-13.
History. Original Rule entitled "Docket" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.03. Office Hours.

The offices of the Board of Dentistry shall be open from 8:00 a.m. to 5:00 p.m. each weekday, except State legal holidays.

Cite as Ga. Comp. R. & Regs. R. 150-15-.03
Authority: O.C.G.A. §§ 43-11-7.

History. Original Rule entitled "Office Hours" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.04. Communications.

All communications, including correspondence, motions, and pleadings, shall be filed with the Executive Director, Board of Dentistry, 2 Peachtree Street, 36th Floor, Atlanta, GA 30303. Copies shall be furnished to all parties of record, including the attorney representing the State. An original of all correspondence, motions, and pleadings shall be filed with the Executive Director and shall comply in all respects with Rule 150-18-.04.

Cite as Ga. Comp. R. & Regs. R. 150-15-.04
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-3, 50-13-13.
History. Original Rule entitled "Communications" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.05. Date of Filing.

All communications, correspondence, motions and pleadings in any proceedings shall be deemed to be filed or received on the date on which they are actually received and docketed by the Board of Dentistry.

Cite as Ga. Comp. R. & Regs. R. 150-15-.05
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-3, 50-13-13.
History. Original Rule entitled "Date of Filing" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.06. Computation of Time.

Computation of any period of time referred to in these rules shall begin with the first day following that on which the act which initiates such period of time occurs. When the last day of the period so computed is a day on which the office of the Board of Dentistry is closed, the period shall run until the end of the following business day. When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is ten (10) days or less, the said Saturdays, Sundays and legal holidays shall be excluded from the computation; or otherwise such days shall be included in the computation.

Cite as Ga. Comp. R. & Regs. R. 150-15-.06
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-3.
History. Original Rule entitled "Computation of Time" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.07. Extension of Times.

It shall be within the discretion of the Board or its designee to extend, for good cause shown, any time limit prescribed or allowed by these rules. All requests for an extension should be made by a motion in accordance with 150-17-.01 and shall indicate therein whether all parties concur. The

Board or its designee shall notify all parties of its action upon the motion. Extension shall be granted only when the Board or its designee is satisfied that good cause has been shown and not otherwise.

Cite as Ga. Comp. R. & Regs. R. 150-15-.07
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-3.
History. Original Rule entitled "Extension of Times" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.08. Signatures.

Every notice, pleading, petition, motion or other document filed by a party, represented by an attorney, shall be signed by at least one attorney of record in his/her individual name. His/her address, e-mail address, telephone number, and representative capacity shall be stated. A party who is not represented by an attorney shall sign his pleading and state his address, e-mail address, and telephone number. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him/her that s/he has read the pleading, and that it is not interposed for harassment or delay.

Cite as Ga. Comp. R. & Regs. R. 150-15-.08
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-3.
History. Original Rule entitled "Signatures" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.09. Ex-parte Communication.

No person not employed by the Board of Dentistry shall communicate *ex-parte* with any member of the Board of Dentistry involved in the decisional process with respect to the merits of a contested case. If any *ex-parte* communication is directed to any person in violation of these rules, the Board or its designee and all other parties shall be immediately informed of the substance of the communication and the circumstances of its receipt; provided, that a request for information with respect to the status of a proceeding shall not be prohibited by this section.

Cite as Ga. Comp. R. & Regs. R. 150-15-.09
Authority: O.C.G.A. §§ 43-11-7, 50-13-3.
History. Original Rule entitled "Ex-parte Communication" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-15-.10. Petition for Promulgation, Amendment, or Repeal of Rules.

(1) Form of Petition. Each petition for promulgation, amendment or repeal of rules made pursuant to the Georgia Administrative Procedure Act shall be filed with the Board of Dentistry. The petition shall be in writing and shall state:

   (a) The name and address of the petitioner;

(b) The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;

(c) A statement of the reason such rule should be amended, repealed, or promulgated including a statement of all pertinent existing facts which relate to petitioner's interest in the matter;

(d) Citations of legal authority, if any, which authorize, support, or require the action requested by petition. The petition shall be verified under oath by or in proper behalf of the petitioner.

(2) Proceeding on Petition. Upon receipt of the petition, the Board of Dentistry shall decide upon the action to be taken. Within thirty days after the next regularly scheduled meeting of the Board, the Board either shall deny the petition in writing (stating its reasons for the denial) or shall initiate rule-making or rule-changing proceedings in accordance with the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 150-15-.10
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 50-13-3, 50-13-9.
History. Original Rule entitled "Petition for Promulgation, Amendment, or Repeal of Rules" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-16. PLEADINGS.

Rule 150-16-.01. Initial Pleading.

(1) The hearing in a contested case shall be commenced by the Board's filing of a notice of hearing directed to the respondent or respondents.

(2) Every pleading or other paper submitted for filing in a contested case, to the extent possible, shall contain the following:

(a) A title which indicates the nature of the proceeding and the parties involved therein;

(b) The name of the Board;

(c) A short and plain statement of the nature of the pleading (e.g. Answer, Motion for Continuance, etc.);

(d) In addition, the notice of hearing shall, to the extent possible, contain the following:

1. A short and plain statement of the matters asserted or the issues involved;

2. A clear and concise statement of the laws involved;

3. A notice of the rights of the person to whom the notice of hearing is directed;

4. A statement that an answer to the matters asserted is required; and

5. Any other information required by law or deemed appropriate by the Board.

Cite as Ga. Comp. R. & Regs. R. 150-16-.01
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 43-11-47, 50-13-3, 50-13-13.
History. Original Rule entitled "Initial Pleading" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-16-.02. Answer.

The party to whom a notice of hearing is directed must file with the Board an answer within fourteen (14) days after service of the notice of hearing. All allegations contained in the notice of hearing which are not specifically admitted are deemed denied.

Cite as Ga. Comp. R. & Regs. R. 150-16-.02
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 50-13-3, 50-13-13.
History. Original Rule entitled Answer "Answer" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-16-.03. Replies.

A reply to the answer shall not be permitted and any new matters asserted in the answer shall be deemed denied.

Cite as Ga. Comp. R. & Regs. R. 150-16-.03
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 50-13-3, 50-13-13.
History. Original Rule entitled "Replies" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-16-.04. Amendments.

Any party, including the Board, may amend any pleading or notice without leave until the eighth day prior to the date set for the hearing on the matter. Thereafter a party may amend his pleadings only by leave of the Board or its designee and leave shall be freely given when justice so requires. If an amendment is made to a notice of hearing, the answer to said amended notice shall be filed within seven (7) days after service of the amended notice, unless otherwise ordered by the Board or its designee.

Cite as Ga. Comp. R. & Regs. R. 150-16-.04
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 50-13-3, 50-13-13.
History. Original Rule entitled "Amendments" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-16-.05. Date of Filing.

All communications, correspondence, motions and pleadings in any proceedings shall be deemed to be filed or received on the date on which they are actually received and docketed by the Board of Dentistry.

Cite as Ga. Comp. R. & Regs. R. 150-16-.05
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-3, 50-13-13.
History. Original Rule entitled "Date of Filing" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-17. MOTIONS AND PRE-HEARING PROCEDURES.

Rule 150-17-.01. Motions: Written and Oral.

(1) An application to the Board for an order to take any action or to enter any order shall be made by motion which, unless made during the hearing, shall be made in writing, shall state specifically the grounds therefor, and shall set forth the action or order sought. A copy of all written motions shall be served upon the parties in accordance with Chapter 150-18.

(2) A motion for a continuance or an extension of time shall be ruled upon by the Board or its designee forthwith. All other motions shall be ruled upon by the Board or its designee at the outset of the hearing, after an opportunity for argument by the parties; provided, however, that the Board or its designee may establish a hearing schedule and dispose of motions. The Board or its designee may request briefs in support of or in opposition to any motion.

Cite as Ga. Comp. R. & Regs. R. 150-17-.01
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 43-11-47, 50-13-3, 50-13-13, 50-13-18.
History. Original Rule entitled "Motions: Written and Oral" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-17-.02. More Definite Statement.

A motion for more definite statement shall be filed and ruled upon pursuant to 150-17-.01.

Cite as Ga. Comp. R. & Regs. R. 150-17-.02
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 50-13-13.

History. Original Rule entitled "More Definite Statement" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-17-.03. General Procedures.

Proceedings before the Board shall be conducted as expeditiously as possible, with due regard to the rights of the parties. In contested cases before the Board of Dentistry upon issuance of a notice of hearing, the procedures set forth in this chapter and Chapters 150-15 through Chapter 150-24 shall enable the parties to obtain relevant information needed for preparation of the case, to the extent that such disclosure is authorized by law.

Cite as Ga. Comp. R. & Regs. R. 150-17-.03
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 50-13-3, 50-13-13, 50-13-15.
History. Original Rule entitled "General Procedures" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-17-.04. Witness Lists and Respondent Statements.

(1) Should a party seek a list of the names of witnesses, including experts, whom another party expects to call or may call on its behalf, the party seeking the list must communicate the request in writing (by mail, personal service, or electronically) to the other party at least fourteen (14) days prior to the hearing. Such a request must also be filed with the Executive Director, Board of Dentistry, 2 Peachtree Street, 36th Floor, Atlanta, GA 30303. The party of whom the information is requested shall, within a reasonable time prior to the commencement of the hearing but at least ten (10) days prior to the hearing, provide such a list to the requester.

(2) The parties may also, within a reasonable period of time prior to the hearing, exchange copies of documents and designate documents already in the possession of the other party which are intended to be introduced as evidence at the hearing. Upon request, the parties shall make available to each other for inspection, copying, testing or sampling any tangible item intended to be introduced as evidence, within a reasonable period of time prior to the hearing. Where a party seeks documents or other evidence already in the possession of the other party which are intended to be introduced as evidence at the hearing, the party seeking the documents must communicate a request for the evidence in writing (by mail, personal service, or electronically) to the other party at least fourteen (14) days prior to the hearing. Such a request must also be filed with the Executive Director, Board of Dentistry, 2 Peachtree Street, 36th Floor, Atlanta, GA 30303. The party of whom the information is requested shall, within a reasonable time prior to the commencement of the hearing but at least ten (10) days prior to the hearing, provide such evidence to the requester or file a motion seeking an order to quash the request.

(3) If a licensee makes a general or specific written request to the Board for exculpatory, favorable, or arguably favorable evidence that is relative to pending allegations concerning the licensee, the Board must furnish the requested information, indicate that

no such information exists, or refuse to furnish the information requested prior to a hearing.

(a) The Board is not required to furnish information made confidential by state or federal law, until such requested information has been determined to be exculpatory, favorable, or arguably favorable pursuant to the *in camera* procedure specified in part (b) of this subsection.

(b) Once the Board has furnished exculpatory, favorable, or arguably favorable information, has indicated that no such information exists, or has refused to furnish such information, a licensee may request a prehearing *in camera* inspection of the remainder of the investigative file by the Board or its designee. The Board or its designee shall furnish the licensee with all material that would aid in the licensee's defense that is exculpatory, favorable, or arguably favorable. The Board or its designee shall seal a copy of the entire investigative file in order to preserve it in the event of an appeal.

(4) If a party refuses to or neglects to produce documents, evidence, witness lists or statements in accordance with a request pursuant to 150-17-.04(1) or 150-17-.04(2), the Board or its designee may issue an order compelling production by motion of the requester or on its own motion. Where the party of whom information is requested has filed a motion to quash the request for production pursuant to 150-17-.01 and 150-17-.04(2), the Board or its designee may issue an order to quash the request for production upon good cause shown by the party requesting such an order. If a party subsequently refuses to or neglects to produce the requested materials in spite of an order compelling it to do so, the Board or its designee shall have the same rights and powers given the court under the Georgia Civil Practice Act. The Board or its designee may certify the facts to the Superior Court of Fulton County or any county where the offense is committed for appropriate action, including a finding of contempt. The Board or its designee shall have the power to issue writs of *fieri facias* in order to collect fines imposed for violation of a lawful order of the Board or its designee.

(5) The parties shall be required to confer either in person or by telephone, in reasonable advance of a scheduled hearing date but at least seven (7) days prior to the hearing, in a good-faith attempt to reach an agreement as to the admissibility of any documents or tangible items intended to be offered in evidence for either side. The parties may stipulate as to any matter of fact and such stipulation will satisfy a party's burden of proving the fact alleged. The parties shall be encouraged to reach pre-hearing stipulations which could facilitate adjudication of the case. The Board or its designee, upon its own motion or upon the request of either party, may schedule a pre-hearing conference to hear and rule on motions or other preliminary matters, or otherwise facilitate adjudication of the case.

Cite as Ga. Comp. R. & Regs. R. 150-17-.04
Authority: O.C.G.A. §§ 43-11-7, 50-13-13.
History. Original Rule entitled "Witness Lists and Respondent Statements" adopted. F. Jul. 23, 2014; eff. Aug. 12,

2014.

Rule 150-17-.05. Pre-Hearing Discovery.

Except as may be expressly authorized by these Rules or by statute, no other forms of prehearing discovery shall be authorized or permitted including, but not limited to, interrogatories and requests for production of documents and other materials.

Cite as Ga. Comp. R. & Regs. R. 150-17-.05
Authority: O.C.G.A. §§ 43-11-7, 50-13-13.
History. Original Rule entitled "Pre-Hearing Discovery" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-18. SERVICE.

Rule 150-18-.01. By the Board.

(1) Service of the notice of hearing, initial decision and final order shall be served personally upon the licensee or applicant or served by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the Board.

(2) All other notices, pleadings, orders, motions and other documents shall be personally served upon the licensee or applicant or served by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the Board.

(3) If such materials are served by certified mail or statutory overnight delivery and are returned marked "unclaimed" or "refused" or is otherwise undeliverable, and if the licensee or applicant cannot, after diligent effort, be located, the Executive Director or his or her designee, shall be deemed the agent of service for such licensee or applicant, and service upon the Executive Director or his or her designee shall be deemed service upon the licensee or applicant.

Cite as Ga. Comp. R. & Regs. R. 150-18-.01
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 43-11-47, 50-13-3, 50-13-13, 50-13-18.
History. Original Rule entitled "By the Board" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-18-.02. Service On All Parties.

A copy of the answer and all other pleadings, notices, motions, briefs, memoranda and other documents filed by any party with the Executive Director shall be served upon all other parties to the proceeding, including counsel for the Board, by personal delivery or by certified mail, return receipt requested.

Cite as Ga. Comp. R. & Regs. R. 150-18-.02
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-13.
History. Original Rule entitled "Service on All Parties" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-18-.03. To Party's Attorney.

Service upon a party's attorney shall be deemed service upon the party.

Cite as Ga. Comp. R. & Regs. R. 150-18-.03
Authority: O.C.G.A. §§ 43-1-3, 43-11-7, 50-13-13, 50-13-18.
History. Original Rule entitled "To Party's Attorney" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-18-.04. Filing of Pleading.

(1) A party filing a document or other submission with the Board shall simultaneously serve a copy of the document or submission on each party of record. Service shall be by personal delivery, e-mail as an attachment, first-class mail, certified mail, or statutory overnight delivery, return receipt requested.

(2) A pleading subsequent to the Notice of Hearing shall not be entitled to filing unless accompanied by an Acknowledgement of Service from the person served, by his or her authorized agent for service, or by a certificate of service stating the date, place, and manner or service, as well as the name and address of the person(s) served.

Cite as Ga. Comp. R. & Regs. R. 150-18-.04
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 43-11-47, 50-13-3, 50-13-13, 50-13-18.
History. Original Rule entitled "Filing of Pleading" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-19. INTERVENTION.

Rule 150-19-.01. Intervention.

(1) Any person desiring to intervene pursuant to O.C.G.A. § 50-13-14 shall file a motion in accordance with Rule 150-17-.01 and 150-18-.04.

   (a) Such a motion can be made where a statute grants the movant an unconditional right to intervene or when representation of the movant's interest is or may be inadequate to protect that interest.

   (b) Such a motion can also be made where a statute grants the person a conditional right to intervene or where the movant's claim or defense and the main action have a question of law or fact in common.

(2) The motion shall state therein the specific grounds for seeking intervention. The Board and any other parties shall have fourteen (14) days from the date of service to file a response to such request.

(3) In considering the motion, the Board or its designee shall consider whether the intervention will unduly delay or prejudice the rights of existing parties.

Cite as Ga. Comp. R. & Regs. R. 150-19-.01
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 50-13-13, 50-13-14.
History. Original Rule entitled "Intervention" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-20. EVIDENCE; SUBPOENAS.

Rule 150-20-.01. Evidence on Hearings.

Unless otherwise provided by these rules, in all hearings, the testimony of witnesses shall be taken orally before the Board or its designee and presentation of all documentary and other evidence shall be done before the Board or its designee.

Cite as Ga. Comp. R. & Regs. R. 150-20-.01
Authority: O.C.G.A. §§ 43-11-7, 43-11-47, 50-13-13, 50-13-15.
History. Original Rule entitled "Evidence on Hearings" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-20-.02. Evidence on Motions.

When a motion is based on facts not appearing of record, the Board or its designee may hear the matter on affidavits presented by the respective parties, but the Board or its designee may direct that the matter be heard wholly or partly on oral testimony.

Cite as Ga. Comp. R. & Regs. R. 150-20-.02
Authority: O.C.G.A. §§ 43-11-7, 43-11-47, 50-13-13, 50-13-15.
History. Original Rule entitled "Evidence on Motions" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-20-.03. Objections and Exceptions.

Any objections and exceptions must be made on the record, and at a minimum, must make clear to the Board or its designee the action which s/he desires taken and the grounds therefor.

Cite as Ga. Comp. R. & Regs. R. 150-20-.03
Authority: O.C.G.A. §§ 43-11-7, 50-13-13, 50-13-15.
History. Original Rule entitled "Objections and Exceptions" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-20-.04. Subpoena.

(1) In contested cases, subpoenas shall be issued without discrimination between public and private parties. At any time after issuance of the Notice of Hearing, and prior to the scheduled date for the hearing, the parties may request the issuance of subpoenas by filing a written request with the Executive Director, in accordance with Rule 150-15-.04, with appropriate service on the opposing party or counsel. Subpoena requests shall state the name and complete address of the person to whom it is directed.

(2) Subpoenas issued pursuant to a request in accordance with Rule 150-20-.04(1) shall not be issued in blank. Every subpoena issued by the Executive Director shall state the name of the Board of Dentistry and the title of the action, and shall command each person to whom it is directed to attend and give testimony at the hearing at a time and place therein specified, or to produce documents for examination at the hearing, or both.

(3) If such a subpoena is directed to any member, investigator, employee, or other agent or representative of the Board, including experts retained by the Board for purposes of the particular case, production of documentary evidence from the Board or investigative file of the applicant or licensee and the taking of testimony at the hearing from such person or persons shall be governed by applicable provisions in the Dental Practice Act,

(4) The party requesting the issuance of the subpoena shall be responsible for serving the same and paying the cost of securing the attendance of witnesses, in the same manner as prescribed by law in civil cases in superior court.

Cite as Ga. Comp. R. & Regs. R. 150-20-.04
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 43-11-13, 43-11-14, 43-11-47, 50-13-13, 50-13-15.
History. Original Rule entitled "Subpoena" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-21. TAKING OF TESTIMONY BY DEPOSITION OR INTERROGATORY.

Rule 150-21-.01. Taking of Testimony by Deposition.

(1) At any time 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.

Cite as Ga. Comp. R. & Regs. R. 150-21-.01
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-13, 50-13-15.
History. Original Rule entitled "Taking of Testimony by Deposition" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 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.

Cite as Ga. Comp. R. & Regs. R. 150-21-.02
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-13, 50-13-15.
History. Original Rule entitled "Conduct of the Deposition" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-21-.03. Taking of Testimony by Interrogatory.

Application to take testimony by interrogatory shall be made and allowed in the same manner as prescribed in Rule 150-21-.01.

Cite as Ga. Comp. R. & Regs. R. 150-21-.03
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-13, 50-13-15.
History. Original Rule entitled "Taking of Testimony by Interrogatory" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-21-.04. Taking of Testimony by Telephone.

Application to take testimony by telephone shall be made and allowed in the same manner as prescribed in Rule 150-21-.01.

Cite as Ga. Comp. R. & Regs. R. 150-21-.04
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-13, 50-13-15.
History. Original Rule entitled "Taking of Testimony by Telephone" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-22. HEARINGS.

Rule 150-22-.01. Notice of Hearing.

For a hearing held directly before the Board, the Board shall notify all parties of record of the date, time and place of the hearing in the manner as provided by law and these Rules.

Cite as Ga. Comp. R. & Regs. R. 150-22-.01
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-13.
History. Original Rule entitled "Notice of Hearing" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-22-.02. Conduct of the Hearing.

(1) The hearing shall be conducted by the Board or an administrative law judge (ALJ) appointed by the Office of State Administrative Hearings (OSAH).

(2) Duties of the Board or its designee. The Board or its designee shall have the authority to do the following: to administer oaths and affirmations; rule upon offers of proofs; regulate the course of the hearing; set the time and place for continued hearings; fix the time for filing briefs and memoranda; dispose of motions; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the Board or its designee.

(3) Sworn Testimony. All testimony given at the hearing shall be under oath administered by the Board or any person designated by the Board.

(4) Order of Presentation. The State, or in a proper case a moving or complaining party, shall present its evidence or testimony first. Where there is more than one moving or complaining party, the order of presentation shall be at the discretion of the Board. After all of the evidence and testimony of the State, or the moving or complaining party, has been received, all other parties shall be allowed to present their evidence or testimony. All parties, other than the party introducing the testimony, shall be allowed to cross-examine any witness immediately after his testimony has been received. The State, or the moving or complaining party, shall be allowed to present rebuttal testimony or evidence if it so desires.

Cite as Ga. Comp. R. & Regs. R. 150-22-.02
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-13, 50-13-15, 50-13-41.
History. Original Rule entitled "Conduct of the Hearing" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-23. CONSOLIDATION.

Rule 150-23-.01. Consolidation.

The Board or its designee upon its own motion, or upon motion by a party or other person joined in the proceeding, may order proceedings involving a common question of law or fact to be consolidated for hearing on any or all of the matters at issue in such proceedings.

Cite as Ga. Comp. R. & Regs. R. 150-23-.01
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 50-13-13.
History. Original Rule entitled "Consolidation" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Chapter 150-25. DEFAULT ON OBLIGATIONS.

Rule 150-25-.01. Federal Student Loan Default.

(1) A person holding a current license issued by the Georgia Board of Dentistry ("Board") may have his/her license indefinitely suspended if s/he is found to be in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program in accordance with the procedures set forth herein.

(2) After receiving a certification from a federal agency that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program, the Board shall provide written notice to the licensee via certified or registered mail at the licensee's address of record. The notice shall contain the following:

   (a) The Board's intended action to suspend the license;

   (b) The licensee's right to request an appearance before the Board;

   (c) Notification that the request for an appearance must be in writing and must be received by the board within thirty (30) days of service of notice; and

   (d) The address and telephone number of the Board.

(3) If the licensee does not request an appearance before the Board within thirty (30) days, the licensee waives the right for an appearance before the Board, and the license shall be suspended.

(4) If a request to appear is timely received by the Board, the suspension of the license shall be stayed pending the licensee's appearance before the Board.

(5) Upon receipt of the request for an appearance before the Board, the Board shall notify the licensee in writing of the date and time of the appearance via certified or registered mail sent to the licensee's address of record. At this appearance, the licensee may present evidence only on the following issues:

   (a) Whether the licensee is a party named in a federal educational loan agreement, service conditional loan repayment agreement, or service conditional scholarship agreement;

   (b) Whether the licensee is in default of the loan obligation, service conditional loan repayment or scholarship obligation;

   (c) Whether the licensee is repaying the loan obligation, service conditional loan repayment or scholarship obligation, in a manner satisfactory to the federal agency involved.

(6) Within fourteen (14) working days after the licensee's appearance before the Board, the Board will issue its decision. The Board will mail a copy of its decision to the licensee by certified mail or registered mail to the licensee's address of record.

(7) If the license is suspended, the licensee shall not practice during the period of suspension.

(8) A person whose license was suspended for being in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program may apply to have the suspension lifted. In order to have the suspension lifted, the licensee must:

(a) Request in writing to the Board that the suspension be lifted;

(b) Provide the Board a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program;

1. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency.

(c) Demonstrate to the satisfaction of the Board that the license has been timely renewed, where applicable, and, other than the suspension provided by this rule, is otherwise in good standing; and

(d) Submit a notarized declaration that all continuing education requirements, if any, for the entire suspension period have been met.

(9) Upon compliance with paragraph (8), the Board shall lift the suspension on the license. However, the Board may impose any conditions on the lifting of the suspension that it deems necessary to protect the public.

(10) If the licensee fails to timely renew his/her license during the period of suspension, the license shall be considered to be revoked by operation of law and subject to reinstatement in the sole discretion of the Board. The person who held the lapsed suspended license must comply with the Board's rules for reinstatement, pay any reinstatement fee, and provide the Board with a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan service conditional loan repayment program or service conditional scholarship program. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. It will be within the discretion of the Board whether to reinstate the license.

Cite as Ga. Comp. R. & Regs. R. 150-25-.01
Authority: O.C.G.A. §§ 43-1-19, 43-1-29, 43-11-1, 43-11-7, 43-11-47, 50-13-3.
History. Original Rule entitled "Federal Student Loan Default" adopted. F. Sep. 18, 2015; eff. Oct. 8, 2015.

Chapter 150-24. BRIEFS AND POST-HEARING PROCEDURE.

Rule 150-24-.01. Briefs.

Briefs may be filed by a party or any interested person either before or during the course of the hearing, or within such time thereafter as the Board or its designee shall designate. Failure to file a brief shall in no way prejudice the rights of any party.

Cite as Ga. Comp. R. & Regs. R. 150-24-.01
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 43-11-47, 50-13-3, 50-13-13, 50-13-15.
History. Original Rule entitled "Briefs" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-24-.02. Filing of Documents Subsequent to Hearing.

(1) Upon request, the Board or its designee may, for good cause shown, allow the parties to file evidentiary documents of any kind, or exhibits, at a time subsequent to the completion of the hearing, such time to be determined by the Board or its designee. If a request for such subsequent filing is granted, the requesting party shall, on or before the date set for filing, send copies of all documents or exhibits which are the subject of the request to all other parties.

(2) Prior to the admission into evidence of any documents or exhibits filed subsequent to the hearing, the opposing party shall have ten (10) days from the date of service of copies of such proposed documents or exhibits to file any objections to the admission of such evidence.

Cite as Ga. Comp. R. & Regs. R. 150-24-.02
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 43-11-47, 50-13-3, 50-13-13, 50-13-15, 50-13-17.
History. Original Rule entitled "Filing of Documents Subsequent to Hearing" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-24-.03. Motion to Reopen Hearing.

A party may, at any time prior to the rendering of a final decision by the Board, move that the hearing be reopened for the purpose of receiving new evidence. Such motions shall be filed in accordance with the provisions of Rule 150-17-.01 and shall be granted only for good cause shown. The Board shall notify all parties of its action upon the motion. Notwithstanding the

above, the Board may at any time prior to the rendering of a decision, reopen the hearing on its own motion.

Cite as Ga. Comp. R. & Regs. R. 150-24-.03
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 43-11-47, 50-13-3, 50-13-13, 50-13-15, 50-13-17.
History. Original Rule entitled "Motion to Reopen Hearing" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-24-.04. Review of Initial Decision.

(1) Either the responding party or the Board may seek review of the initial decision of the administrative law judge (ALJ) pursuant to O.C.G.A. §§ 50-13-17(a), 50-13-41(d). If the responding party files a timely motion for review of the initial decision of the ALJ, the responding party may include therein a statement of the reasons for seeking review and alleged errors made by the ALJ in the initial decision. If the Board files a timely order for review of the initial decision on its own motion, it may include in its order the issues to be considered by the Board at the review hearing.

(2) Upon the filing of a timely motion by the responding party seeking review of the initial decision of the ALJ, or upon the filing of a timely order by the Board for review of an initial decision on its own motion, notice of the date and time for the review shall be served on the responding party or counsel for the responding party and counsel for the Board.

(3) The Board may appoint a hearing officer for review, who shall preside over the review proceedings and control the conduct of the review hearing. In acting as the presiding officer, the hearing officer for review shall rule on all procedural and evidentiary questions that arise during the course of the review. At the direction of the Board, the hearing officer for review shall draft the final decision for the Board.

(4) On review, the Board shall have all the powers it would have in making the initial decision, and in its discretion, shall have the power to take additional testimony or remand the case to the ALJ for such purpose, as provided in the Administrative Procedure Act, O.C.G.A. § 50-13-17 and in accordance with this Rule. Motions, including motions to present additional evidence, shall be filed in accordance with 150-17-.01 and 150-24-.03 and shall be ruled upon within the time period set by the Board but not to exceed thirty (30) days.

    (a) Motions to present additional evidence or to remand the case to the ALJ for such purpose shall be granted only if the additional evidence is material, and there was good cause for failing to present such evidence before the ALJ. All motions, including motions for the presentation of additional evidence, shall be ruled on by the Board, prior to oral arguments during the review hearing.

(5) Oral argument up to 30 minutes per side is permitted in the review hearing. Additional time for argument must be requested in writing and docketed at least fourteen (14) days before the date set for the review hearing.

(6) Once the review hearing is concluded, the Board shall deliberate as to the final decision. Neither the hearing officer for review nor the parties nor their counsel shall be present during or participate in the deliberations or voting on the final decision. Provided, however, that during the course of the deliberations the Board may seek or obtain legal advice of its counsel or make an inquiry on the record concerning either procedure or the merits of the case in the presence of all parties.

(a) At the conclusion of the deliberations, the vote and decision of the Board shall be announced in open session, unless the sanction imposed by the decision is made confidential by statute, in which case it shall be announced *in camera* to the responding party and counsel for the parties. The Board may take the matter under advisement and continue the deliberations until a date certain if deemed necessary due to the Board's agenda or the complexity of the issues.

Cite as Ga. Comp. R. & Regs. R. 150-24-.04
Authority: O.C.G.A. §§ 43-1-3, 43-1-19, 43-11-2.1, 43-11-7, 43-11-47, 50-13-3, 50-13-13, 50-13-15, 50-13-17, 50-13-18, 50-13-41.
History. Original Rule entitled "Review of Initial Decision" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-24-.05. Rehearing.

A responding party may file a motion for rehearing of a final decision of the Board within ten (10) days after the date of actual service of such final decision on the responding party or responding party's counsel. Such motion shall be in accordance with Rule 150-17-.01 and, in addition, shall include a statement of all matters alleged to have been erroneously decided and, if applicable, a statement as to any newly discovered matters or circumstances that have arisen subsequent to the final decision. The filing of said motion shall not operate as a stay of the final decision of the Board unless so ordered by the Board.

Cite as Ga. Comp. R. & Regs. R. 150-24-.05
Authority: O.C.G.A. §§ 43-1-3, 43-11-2.1, 43-11-7, 43-11-47, 50-13-3, 50-13-13, 50-13-15, 50-13-17, 50-13-18, 50-13-19.
History. Original Rule entitled "Rehearing" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.

Rule 150-24-.06. Appeals of Final Decisions.

All appeals shall be filed in accordance with the Georgia Administrative Procedure Act and must be filed in the Superior Court of Fulton County or superior court of the county of the residence of the petitioner.

Cite as Ga. Comp. R. & Regs. R. 150-24-.06
Authority: O.C.G.A. §§ 43-11-2.1, 43-11-7, 43-11-47, 50-13-3, 50-13-17, 50-13-18, 50-13-19.
History. Original Rule entitled "Appeals of Final Decisions" adopted. F. Jul. 23, 2014; eff. Aug. 12, 2014.