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TORTS

General Provisions: Provide Immunity to Dental Students

CODE SECTION: O.C.G.A. § 51-1-44 (new)
BILL NUMBER: SB 165
ACT NUMBER: 506
SUMMARY: The Act immunizes dental students from tort liability for acts or omissions in providing dental treatment as part of their academic curriculum. Medical facilities, academic institutions, and dentists overseeing the work of the dental treatment are not provided immunity. The Act exempts willful or wanton misconduct from the immunity.
EFFECTIVE DATE: July 1, 1993

History

The dental profession lobbied for legislation that would provide dental students with the same type of immunity from tort liability that is provided to medical students.¹ Its membership felt that such an immunity would aid in training dental students and facilitate students acquiring experience without the exposure of personal liability for negligence.²

SB 165

The Act provides dental students with immunity from liability when treating patients under the supervision of an academic institution, medical facility, or dentist as part of their academic curriculum leading to a dental degree.³ However, dental students are not immunized from liability for willful or wanton misconduct.⁴ The Act specifically provides that it does not affect the liability of medical facilities, academic institutions, or dentists.⁵

As introduced and originally passed by the Senate, the bill provided protection to any "student who participates in the provision of dental

1. Telephone Interview with Sen. Arthur B. "Skin" Edge, Senate District No. 28 (June 3, 1993) [hereinafter Edge Interview]. Sen. Edge was one of the bill's sponsors. *Id.* The immunity for medical students is found at O.C.G.A. § 51-1-38 (Supp. 1993).

2. Edge Interview, *supra* note 1.

3. O.C.G.A. § 51-1-44(a) (Supp. 1993).

4. *Id.*

5. *Id.* § 51-1-44(b) (Supp. 1993).

care or treatment.”⁶ The House Committee on Judiciary changed this language to “[n]o dental student who participates in the provision of dental care or treatment . . . shall be liable.”⁷ The Act was passed with the more specific language.⁸

The House Committee substitute version also added the following provision: “The dental student, medical facility, academic institution, or dentist shall inform the patient prior to treatment as to their liability for any civil damages to the patient as a result of any act or omission in such treatment.”⁹ However, this sentence was dropped on the House floor by floor amendment to the committee substitute version.¹⁰ As passed, the Act did not contain the informed consent language.¹¹

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6. SB 165, as introduced, 1993 Ga. Gen. Assem.

7. SB 165 (HCS), 1993 Ga. Gen. Assem.

8. O.C.G.A. § 51-1-44 (Supp. 1993).

9. SB 165 (HCS), 1993 Ga. Gen. Assem.

10. SB 165 (HCSFA), 1993 Ga. Gen. Assem.

11. O.C.G.A. § 51-1-44 (Supp. 1993).