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PROFESSIONS AND BUSINESSES

Dentists and Dental Hygienists: Allow Dental Hygienists to Perform Dental Screenings Without Supervision Under Certain Conditions; Provide for Information and Fees

CODE SECTION:	O.C.G.A. § 43-11-74 (amended)
BILL NUMBER:	HB 223
ACT NUMBER:	242
GEORGIA LAWS:	2001 Ga. Laws 787
SUMMARY:	The Act authorizes dental hygienists to perform dental screenings without supervision under certain circumstances. The Act also provides that each person who receives a dental screening must be informed in writing of the limitations of a dental screening and advised to seek a more thorough examination by a dentist. Additionally, the Act provides that individual hygienists shall not charge fees for such screenings.
EFFECTIVE DATE:	July 1, 2001

History

Before HB 223 was introduced, Georgia law provided only a limited list of duties that a dental hygienist could perform without the direct supervision of a dentist.¹ “The Department of Human Resources (DHR) requires students entering Georgia schools for the first time to undergo basic ear, eye and dental screenings. Private practice dentists, qualified representatives of local health departments and public health dental hygienists provide these dental screenings currently.”² HB 223 was introduced because dental hygienists employed in private practice wanted to provide dental screenings in local schools and health fair settings, yet were denied the opportunity absent a dentist’s direct

1. See 1987 Ga. Laws 932, § 8, at 943 (formerly found at O.C.G.A. § 43-11-74 (1999)).
2. GA. DENTAL ASS’N, POSITION OF THE GEORGIA DENTAL ASSOCIATION ON DENTAL HYGIENISTS PERFORMING DENTAL SCREENINGS IN APPROVED SITES 1 (Jan. 2001) (on file with the *Georgia State University Law Review*).

supervision.³ This direct supervision requirement at times resulted in a duplication of efforts in such settings, and at other times the complete exclusion of dental hygienists from providing those services.⁴ Representative Don Parsons added that the bill would also help to alleviate some of the strain resulting from the nursing shortage in Georgia.⁵

The bill was drafted by the Georgia Dental Association (GDA) and is the first piece of legislation proposed by the GDA to have the joint support of state dentists and hygienists.⁶

HB 223

Representatives Buddy Childers, Michelle Henson, Lester Jackson, Don Parsons, and Jack West of the 13th, 65th, 148th, 40th, and 101st Districts, respectively, sponsored HB 223.⁷ Upon introduction of HB 223 on January 24, 2001, the House assigned the bill to its Health and Ecology Committee, which favorably reported the bill on January 31, 2001, substituting only a few words for clarification.⁸ The House unanimously passed the bill on February 2, 2001, without debate.⁹ On February 5, 2001, the Senate assigned the bill to its Health and Human Services Committee, which favorably reported the bill without changes on March 13, 2001.¹⁰ The Senate unanimously passed the bill on March 14, 2001, without discussion or changes.¹¹ Governor Roy Barnes signed the bill into law on April 27, 2001.¹²

3. See Telephone Interview with Martha S. Phillips, Executive Director, Georgia Dental Association (Apr. 3, 2001) [hereinafter Phillips Interview]; see also Electronic Mail Interview with Rep. Buddy Childers, House District No. 13 (Apr. 4, 2001).

4. See Phillips Interview, *supra* note 3.

5. See Telephone Interview with Rep. Don Parsons, House District No. 40 (Apr. 18, 2001).

6. See *id.*

7. See HB 223, as introduced, 2001 Ga. Gen. Assem.

8. See State of Georgia Final Composite Status Sheet, HB 223, Mar. 21, 2001. Compare HB 223, as introduced, 2001 Ga. Gen. Assem., with HB 223 (HCS), 2001 Ga. Gen. Assem.

9. See Georgia House of Representatives Voting Record, HB 223 (Feb. 2, 2001); Audio Recording of House Proceedings, Feb. 2, 2001 (remarks by Rep. Buddy Childers), at <http://www.state.ga.us/services/leg/audio/2001archive.html>.

10. See State of Georgia Final Composite Status Sheet, HB 223, Mar. 21, 2001.

11. See Georgia Senate Voting Record, HB 223 (Mar. 14, 2001); Audio Recording of Senate Proceedings, Mar. 14, 2001 (remarks by Sen. Connie Stokes), at <http://www.state.ga.us/services/leg/audio/2001archive.html>.

12. See 2001 Ga. Laws 787, § 2, at 787.

The Act

The Act amends Code section 43-11-74 to authorize dental hygienists to perform dental screenings without supervision in schools, hospitals, clinics, state, county, local, and federal health programs.¹³ The Act also defines the term dental screening as “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 examination and diagnosis should be conducted by a dentist.”¹⁴ Further, the Act provides that any person who receives a dental screening must be informed of the limited nature of the dental screening and advised to seek a more thorough examination by a dentist to determine whether or not problems exist that might not be discovered in a dental screening.¹⁵ Finally, the Act provides that dental hygienists may not charge a fee for dental screenings unless they are employed by the Department of Human Resources or a county board of health; in such a case, any fees would be paid to the respective organization and not to the individual hygienist.¹⁶

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13. Compare 1987 Ga. Laws 932, § 8, at 943 (formerly found at O.C.G.A. § 43-11-74 (1999)), with O.C.G.A. § 43-11-74 (Supp. 2001).

14. O.C.G.A. § 43-11-74 (Supp. 2001). Compare 1987 Ga. Laws 932, § 8, at 943 (formerly found at O.C.G.A. § 43-11-74 (1999)), with O.C.G.A. § 43-11-74 (Supp. 2001).

15. Compare 1987 Ga. Laws 932, § 8, at 943 (formerly found at O.C.G.A. § 43-11-74 (1999)), with O.C.G.A. § 43-11-74 (Supp. 2001).

16. Compare 1987 Ga. Laws 932, § 8, at 943 (formerly found at O.C.G.A. § 43-11-74 (1999)), with O.C.G.A. § 43-11-74 (Supp. 2001).