

May 6, 2020

GDA Member Advisory Regarding May 4, 2020 Statement from the Georgia Board of Dentistry and OSHA's Interim COVID-19 Guidance for Dentistry Workers and Employers

Dear GDA Members and Potential Members,

We are writing to inform you of two recent developments:

I. May 4, 2020 Statement from the Georgia Board of Dentistry

As a result of our continued advocacy efforts with the Georgia Board of Dentistry, we have outstanding news to report. The Board released an [updated statement](#) clarifying its position with regard to [Governor Kemp's April 23 Order](#), which is effective from 12 AM on May 1, 2020 through 11:59 PM on May 13, 2020.

The Board Statement specifies that the April 23 Order "suspended any 'previous Executive Order or rule which would prevent dental practices and clinics from providing the full scope of their services.'"

Consistent with the Governor's April 23 Order, the Board also requires licensees returning to full practice to follow: (1) [Governor Kemp's Critical Infrastructure Guidelines](#); (2) [The ADA's Interim Guidance for Minimizing Risk of COVID-19 Transmission](#); and (3) [ADA Interim Mask and Face Shield Guidelines](#). Included with the Board statement are the following comments:

"Please note the following:

- 1.) The Board **will not sanction** any licensee returning to full practice provided he/she adheres to the above-listed guidelines;*
- 2.) The Board is not authorized to make a determination regarding your individual legal liability or insurance liability;*
- 3.) All determinations regarding staffing and individual patient care rest solely with the individual practitioner; and*
- 4.) Any complaints received during this time will be processed in accordance with Board policies and procedures."*

II. May 1, 2020 OSHA Interim COVID-19 Guidance for Dentistry Workers and Employers

The Question: How will [OSHA's Interim COVID-19 Guidance for Dentistry Workers and Employers](#) affect the Governor's Executive Orders?

Overview of OSHA Interim Dental Guidance: In response to the COVID-19 pandemic, OSHA issued [General Interim Guidance for workers and employers of workers at increased risk of occupational exposure to SARS-CoV-2](#). On May 1, OSHA updated its supplemental guidance for specific worker groups and employers, which included interim guidance for dentistry. OSHA Interim Dental Guidance currently “recommends” postponing all elective dental procedures.

Background on Governor’s Orders: Governor Kemp’s April 23 Order temporarily suspended the requirements of his April 20 Executive Order and will now allow Georgia licensed dental practices and clinics to provide the “full scope of their services” as long as they adhere to the American Dental Association’s (ADA) [Interim Guidance for Minimizing Risk for COVID-19 Transmission](#) and the ADA’s [Interim Mask and Face Shield Guidelines](#). (See [April 23 Order](#), page 18).

The Answer: In short, Executive Orders from our Governor have the force of law and must always be followed. Although [OSHA is part of the US Department of Labor](#), OSHA’s Interim Dental Guidance currently serves as a “guidance” document containing OSHA’s “recommendations” for dental workers and employers during the COVID-19 pandemic and are not mandates carrying the same force of law as Governor Kemp’s Orders.* As stated in the GDA’s April 24 Advisory, Georgia dentists should continue to follow the Governor’s April 23 Order, which went into effect on May 1, 2020 at 12 amAM and lasts through May 13, 2020 at 11:59 PM.

Again, the decision to return to your practices for full treatment must be made on an individual basis based on your professional judgment after due consideration of all current clinical recommendations/guidelines, workplace safety recommendations/guidelines, your personal circumstances, as well as those of your practices, patients and staff.

We, your colleagues, know how frustrating it can be when wading through guidance of different organizations that is not in perfect alignment or in direct conflict with one another. However, if you follow the Governor’s Executive Order when making your decision, you will be following the law. And to the extent your decision-making is or is not influenced by applicable guidelines/recommendations, then documentation of your thought process is recommended.

Best Regards,



Dr. Evis Babo,
President



Frank J. Capaldo,
Executive Director/CEO

The GDA Board of Trustees

*Please note that the OSHA Interim Dental Guidance incorporates several existing OSHA standards, such as **OSHA’s Bloodborne Pathogens (29 CFR 1910.1030)**, **Personal Protective Equipment (29 CFR 1910.132)**, and **Respiratory Protection (29 CFR 1910.134) standards**. Dentistry workers must use proper PPE when exposed to patients. PPE differs for the care of well patient care during the COVID-19 pandemic versus PPE needed when providing emergency care to a patient with suspected or confirmed COVID-19 (See OSHA’s PPE standards at [29 CFR 1910.Subpart I](#)).