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April 21, 2020

**The Honorable Brian Kemp  
Governor of Georgia  
Office of the Governor  
206 Washington St.  
111 State Capitol  
Atlanta, GA 30334**

**SENT VIA EMAIL TO TREY BENNETT**

**RE: Dental Specific Policy Considerations as Georgia Businesses Reopen and Georgia Dentists Begin Performing Elective Dental Procedures for Georgia Citizens**

Dear Governor Kemp:

As you continue to lead our state through the process of re-opening businesses and restarting the economy that makes Georgia “The Top State for Business,” on behalf of over 3,500 member dentists, their families, patients, and dental staff, the Georgia Dental Association (“GDA”) would again like to express its gratitude for your efforts in protecting the safety and welfare of all Georgians while balancing the concerns of small business owners during this unprecedented time. To help reduce the transmission of COVID-19 and preserve personal protective equipment (“PPE”) for Georgia’s front-line health care providers, Georgia dentists diligently followed the recommendations set forth in your Executive Orders, as well as the social distancing guidelines issued by President Trump, the Centers for Disease Control and Prevention (“CDC”), the GDA, and the American Dental Association (“ADA”), by postponing all elective dental procedures through April 30<sup>th</sup>.

### **Impact on Georgia Dental Practices**

By choosing to only treat emergency cases during the COVID-19 outbreak so that their patients do not end up in hospital emergency rooms (“ERs”), the negative impact on the dental profession in Georgia has been two-fold -- Georgia patients have had very limited access to oral health care, while Georgia dentists and their staff have experienced significant losses in employment and practice revenue over a very short period of time.

A recent ADA survey of dentists shows that during the current pandemic, in treating dental emergencies only, the typical dental office is seeing less than 5% of its normal patient volume.

Moreover, working from home is not an option for dentists and their staff who perform procedures that must be done in person. This has created a devastating reality for dental offices. Because dental practices remain on call to treat emergencies in order to keep patients out of pain and from seeking care at hospital ERs, they must still incur significant overhead expenses – including maintaining equipment and at least some staff – while generating very little revenue.

There are currently 5,859 Georgia-licensed dentists and an estimated 4,200 dental practices in Georgia. Roughly 27,800 Georgians work in the dental profession, including dentists, dental hygienists, dental assistants, dental laboratory technicians, and front desk personnel. All of them have been significantly negatively impacted by this crisis. During normal times, dental practices serve as anchor businesses in both urban and rural communities and provide quality oral health care and employment opportunities. As small business owners, dentists work with high overhead because of the cost of equipment, materials, staff, and narrow margins. One of the unintended consequences of their sacrifice for the greater good of all Georgians by temporarily shutting down their practices except for emergencies is that some dental practices are now teetering on the brink of insolvency. Georgia cannot allow the destruction of the dental delivery system because as we know, oral health is the window to one's overall health.

### **Impact on Dental Patients and all Georgia Citizens**

Delaying non-emergency dental care is having a negative impact on the oral and overall health of all Georgians. For example:

- Delay in prevention, diagnosis and treatment of dental disease will lead to more invasive and expensive procedures and oral surgery.
- Dentists play a pivotal role in the diagnosis of oral cancer. Most of the time detection occurs through regular visits to the dentist. Delay in detecting and diagnosing oral cancer can lead to catastrophic consequences including serious oral surgery and other cancer treatments and even death.
- Undiagnosed and untreated periodontal (gum) disease has been associated with a number of systemic health conditions, including heart disease, diabetes, stroke and pregnancy complications.

### **Policy Considerations for Georgia Dentists as Georgia Reopens for Business**

Pursuant to your April 20th Executive Order (the “Order) allowing Georgia licensed dentists who ceased operations due to COVID-19 to resume performing elective procedures, the GDA respectfully submits the following policy initiatives for your consideration as the dentists of this state recover from this financial shock:

- Clarifying the language of your Order so that it is clear that pursuant to Code Section 38-3-51(d)(1), it overrides the April 6<sup>th</sup> statement issued by the Georgia Board of Dentistry (“BOD”) [as explained below] so that Georgia-licensed dentists will not be subject to possible disciplinary action by the BOD. There may be an issue with regard to how the language of the Order relates to current, interim CDC/CMS guidelines for dentistry, and the BOD’s recent interpretation of one of its existing rules.

Specifically, the GDA’s concern stems from the following phrase in the Order:

**"in accordance with the Centers for Disease Control and Prevention guidelines, Centers for Medicare and Medicaid Services guidelines, and the provisions of this Order to prevent the spread of COVID-19."** (emphasis added).

On April 8th, the CDC issued its [\*Interim Infection Prevention and Control Guidance for Dental Settings During the COVID-19 Response\*](#), which includes the following recommendation:

**"Recommendations  
Postpone Elective Procedures, Surgeries, and Non-urgent Dental Visits**

Services should be limited to emergency visits only during this period of the pandemic. These actions help staff and patients stay safe, preserve personal protective equipment and patient care supplies, and expand available health system capacity.

This recommendation aligns with the Centers for Medicare & Medicaid Services (CMS) [\*Adult Elective Surgery and Procedures Recommendations\*](#), **which states to limit all non-essential planned surgeries and procedures, including dental, until further notice...** (emphasis added)

On April 6th, the Georgia Board of Dentistry issued the following statement to all Georgia licensed dentists and dental hygienists:

**"Failure to Conform to CDC Guidelines Is Unprofessional Conduct**

**April 06, 2020**

**The Georgia Board of Dentistry issues the following statement:**

The Georgia Board of Dentistry would like to remind all practitioners that per Rule 150-8-.01(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..." is considered unprofessional conduct and may result in disciplinary action being taken against his/her license. **This includes guidelines related to the current COVID-19 pandemic.** The Board has previously urged all practitioners to closely monitor and abide by CDC and

Department of Public Health guidelines. If the Board is notified that any practitioner is failing to conform to the current CDC guidelines, that practitioner will be contacted by the Board and may face disciplinary action.

While the Board is not authorized to limit or close practices, if you would like to submit a complaint against a specific practitioner for failing to abide by CDC guidelines, please use the Board's online complaint form. Any action the Board may choose to take will be against the practitioner's license and will not result in any form of office closure."

As a result of the language in the Order referencing current CDC guidelines (which recommend postponing elective procedures indefinitely), Georgia licensed dentists who begin performing elective dental procedures again may find themselves subject to disciplinary action by the BOD pursuant to this April 6th statement.

- Include in your future guidance associated with elective dental procedures that all Georgia-licensed dentists should follow the ADA's [\*Interim Guidance for Minimizing Risk of COVID-19 Transmission\*](#) and [\*Interim Mask Face Shield Guidelines\*](#) (see enclosed);
- Authorizing Georgia-licensed dentists to administer newly developed tests to determine whether a person has developed COVID-19 antibodies. Dental offices exist in every community in Georgia and such serology testing will be crucial to quickly reopening the economy and will help determine whether patients are eligible to donate plasma for Covid-19 treatments. The results of the testing may also benefit patients as they get dental and other health care services by giving providers important information to determine the appropriate precautions (related to PPE, etc.);
- The State should urge insurance companies issuing business interruption policies in Georgia to cover losses to their policyholders stemming from the COVID-19 pandemic, which resulted in the temporary closure of dental practices and small businesses throughout the state. Doing so would also help alleviate the burden on state's unemployment insurance program and help the multitude of Georgia business owners who were unable to obtain loans through the Small Business Administration (SBA);
- The State should urge third-party insurers/payers to do the following:
  - **Temporary procedures:** Many patients receive temporary or palliative care during the physical distancing mandates. We urge payers to not bundle the fee for the temporary procedure with the payment for the permanent procedure that may be submitted in future.
  - **Out-of-network Benefits:** Many patients may receive care from out-of-network providers due to closures of primary dental care sites. We urge payers to allow benefits for these patients equivalent to when care may have been sought in-network.
  - **Infection Control Expenditures:** Almost all dental practices may have to adhere to higher infection control standards and increasing prices for personal protective

equipment to protect our patients and care providers. We urge payers to consider these circumstances when reviewing fee schedules for contracted providers.

- **Frequency Limitations:** Many patients have not received required preventive care and may suffer from progressive disease as a consequence. We urge payers to consider removing any arbitrary frequency limitations on periodontal maintenance, topical fluoride and sealant applications to mitigate adverse consequences of lack of preventive oral care.
  - **COVID Testing:** As point-of-care testing for COVID-19 improves, it will be vitally important for dentists, their staff and patients to have access to testing along with appropriate benefit and reimbursement for on-site testing. While the state practice act would determine the ability for dentists to perform such tests, we urge payers to begin to consider related coverage issues.
- Continue to monitor, investigate, and fully prosecute to the extent of Georgia law any acts of intentional price-gouging or price fixing by sellers/vendors of PPE to Georgians; and
  - Dental practices must be included in any state assistance that is made available to any other Georgia small businesses in light of the special role dentists have been asked to play in this crisis – essentially shutting down in order to free up PPE.

## **Conclusion**

GDA member dentists understand the gravity of the COVID-19 pandemic and are continuing to do their part to assist in the state's efforts to prevent the further spread of the virus. Georgia dentists have chosen to basically shut down their practices (only treating emergencies) at a significant cost to themselves and their employees. They have treated emergencies in order to keep patients from presenting at the hospital ERs so that hospitals can continue to focus on treating COVID-19 patients and other emergencies. GDA members throughout the state have used their innovation skills to design and build homemade masks to assist with the shortage of PPE and have donated their excess PPE to ensure that their health care colleagues on the front lines are protected when treating COVID-19 patients.

As Georgia slowly restarts its economy, the dentists of this state are prepared to return to their practices in order to generate economic activity in their communities, provide much-needed work for their employees, and most importantly, ensure that all Georgians receive the best oral health care regardless of their socioeconomic backgrounds. The dentists of Georgia of which 70% are GDA members, understand and fully accept that within their ethical considerations, professional expertise and forearmed with the above guidance they are best positioned to make case by case decisions to safeguard and protect their patients and staff.

Again, the GDA thanks you for your leadership during this difficult time and requests your favorable consideration of the policy initiatives submitted in this letter.

Respectfully,

Frank J. Capaldo,  
GDA Executive Director/CEO

Evis Babo, DMD  
GDA President

cc:

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