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March 24, 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 MARK HAMILTON**

RE: COVID-19 Policy Considerations Affecting Georgia Licensed Dentists

Dear Governor Kemp:

On behalf of over 3,500 member dentists, which accounts for 70% of all dentists in Georgia, their families, patients, and dental staff (and their families), the Georgia Dental Association (GDA) would like to express its sincerest gratitude to you and your administration for your leadership and commitment to the safety and welfare of all Georgia citizens during this unprecedented time. The GDA and its member dentists have committed significant resources and are utilizing our best efforts to help contain the spread of COVID-19 in Georgia.

On Tuesday, March 17, 2020, the GDA issued a statewide recommendation that Georgia dentists postpone all elective, non-emergency dental procedures for a period of fifteen (15) days, pursuant to the current guidelines of President Trump's Coronavirus Task Force. The Georgia Board of Dentistry issued a similar advisory and reminded all Georgia licensed dentists of their "obligation to provide ongoing emergency care for patients of record to prevent further crowding of the Emergency Rooms," which the GDA fully supports.¹

In light of the current uncertainty, the GDA submits the following issues for your consideration as you evaluate additional policy guidelines or mandates as this issue evolves.

- I. GDA Respectfully Requests that You Consider Issuing an Executive Order Classifying the Practice of Dentistry and Dental Practices/Clinics in Georgia as Essential Healthcare Services/Businesses that Must Remain Open to Handle Dental Emergency Cases So That Patients Experiencing Such Emergencies Do Not Increase the Number of ER Visits for Local Hospital Systems.**

¹ <https://gbd.georgia.gov/press-releases/2020-03-16/covid-19-coronavirus>; <https://www.gadental.org/coronavirus>.

Our members' primary concerns are to ensure they are impactfully contributing to statewide efforts to address the current public health emergency. As such, we fully support current recommendations to postpone non-emergency surgical procedures, including dental procedures, and that healthcare providers, including dentists, continue to be able to see their patients for emergency cases. To assist dentists in making this determination, the American Dental Association (ADA) has issued the following guidance:²

Dental emergencies are potentially life threatening and require immediate treatment to stop ongoing tissue bleeding, alleviate severe pain or infection, and include:

- Uncontrolled bleeding
- Cellulitis or a diffuse soft tissue bacterial infection with intra-oral or extra-oral swelling that potentially compromise the patient's airway
- Trauma involving facial bones, potentially compromising the patient's airway

Other urgent dental care:

- Extensive dental caries or defective restorations causing pain
- Manage with interim restorative techniques when possible (silver diamine fluoride, glass ionomers)
- Suture removal
- Denture adjustment on radiation/oncology patients
- Denture adjustments or repairs when function impeded
- Replacing temporary filling on endo access openings in patients experiencing pain
- Snipping or adjustment of an orthodontic wire or appliances piercing or ulcerating the oral mucosa

Urgent dental care focuses on the management of conditions that require immediate attention **to relieve severe pain and/or risk of infection and to alleviate the burden on hospital emergency departments. These should be treated as minimally invasively as possible.**

- Severe dental pain from pulpal inflammation
- Pericoronitis or third-molar pain
- Surgical post-operative osteitis, dry socket dressing changes
- Abscess, or localized bacterial infection resulting in localized pain and swelling
- Tooth fracture resulting in pain or causing soft tissue trauma
- Dental trauma with avulsion/luxation
- Dental treatment required prior to critical medical procedures
- Final crown/bridge cementation if the temporary restoration is lost, broken or causing gingival irritation
- Biopsy of abnormal tissue

While we believe a statewide mandate suspending non-emergency surgical procedures, including dental procedures, is critical to ensure patients seeking emergency dental care do not add to the current flood of hospital emergency room visits and further increase the potential transmission of COVID-19, we are fully aware that this decision lies solely with your administration. However, a mandate on this issue, rather than a recommendation, ensures that all Georgia dentists will only treat emergency cases, which will also help reduce demand for PPE. Your access to the most

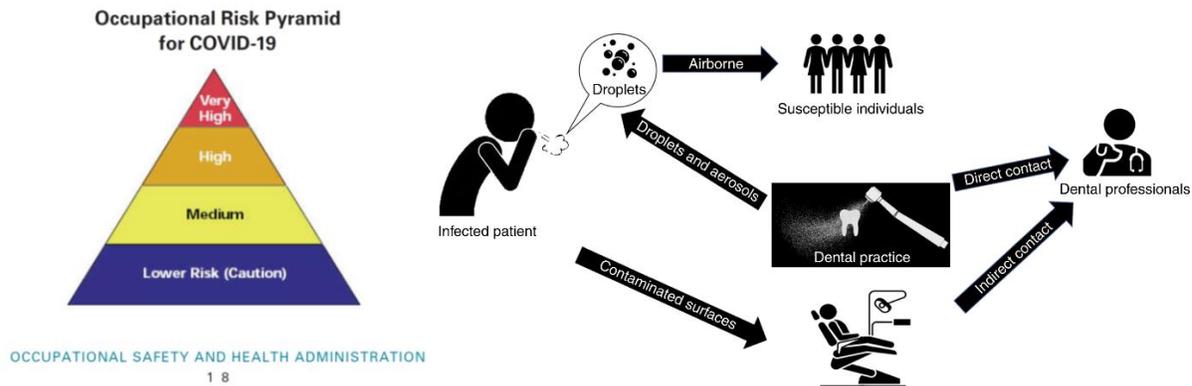
² <https://www.ada.org/en/publications/ada-news/2020-archive/march/ada-develops-guidance-on-dental-emergency-nonemergency-care>

current recommendations and information from the CDC and other federal/state agencies is beyond the purview of the GDA, and as such, we have full confidence that you will do what is best for the citizens of this state.

Should a statewide mandate be issued beyond the current recommendations to suspend all non-emergency surgical procedures, including dental procedures, for a period of fifteen (15) days (i.e., until the end of March), we respectfully request you do not prolong this moratorium for a significant period of time and ensure that Georgia dentists will still be able to treat patients at their offices on an emergency basis as long as the dentists adhere to current CDC recommendations and guidelines. Our members are especially concerned after hearing reports of other states issuing mandatory prohibitions on non-emergent care lasting until May and June. Like all other healthcare providers who are small business owners, issuing a similar mandate in Georgia would be economically and financially disastrous for us. While we fully comprehend the need to stop the spread of COVID-19 across the state, we also appreciate your continued commitment to protect Georgia’s small business owners.

II. GDA Respectfully Requests that Georgia Dentists be Included as Critical First Responders Allowing for Immediate Access to Personal Protection Equipment (“PPE”) as They Become Available Because of the High Exposure Risks for Dental Professionals to Aerosols While Performing Emergency Dental Procedures.

OSHA currently classifies specific healthcare workers - physicians, dentists, nurses, paramedics, emergency medical technicians) - as having a Very High Exposure Risk to “known or suspected sources of COVID-19” because they perform “aerosol-generating procedures (e.g., intubation, cough induction procedures, bronchoscopies, some dental procedures and exams, or invasive specimen collection).”³ The International Journal of Oral Science also published a journal article with an excellent infographic illustrating the transmission path in dental offices because of the aerosol-based nature of most dental procedures:⁴

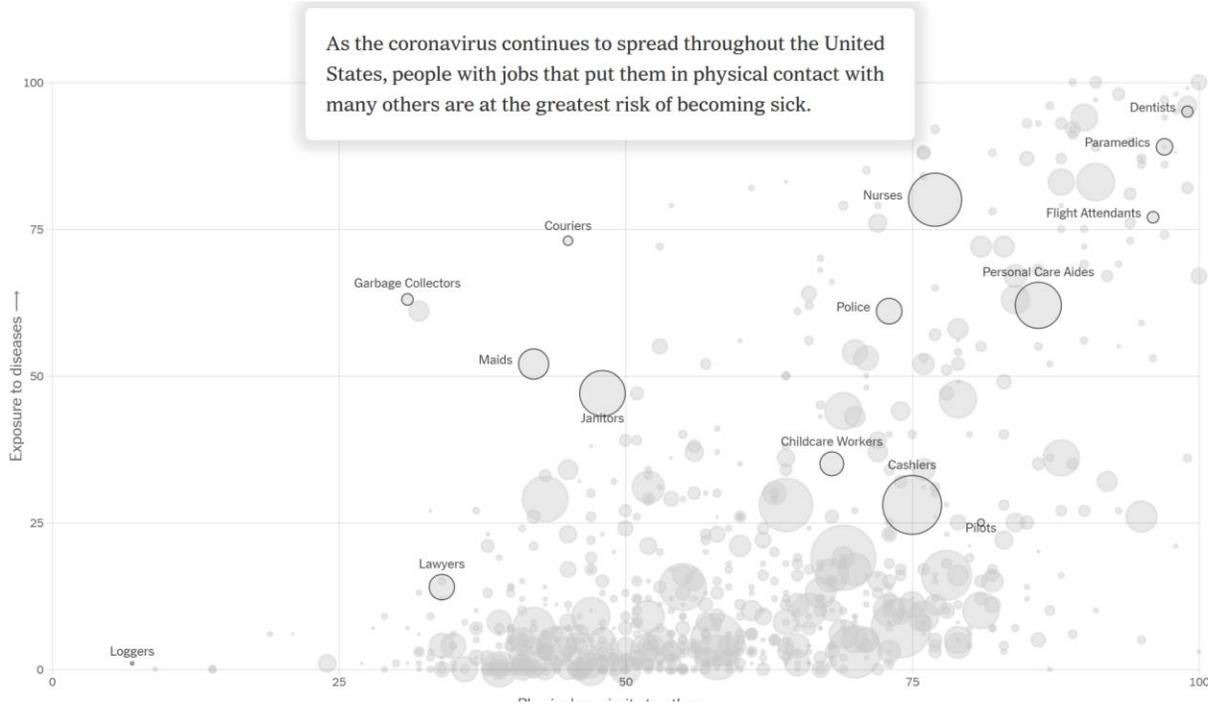


Last week, the New York Times published an article identifying dentists and dental

³ <https://www.osha.gov/Publications/OSHA3990.pdf>

⁴ <https://www.nature.com/articles/s41368-020-0075-9>

professionals as having the highest exposure to COVID-19: ⁵



While it is impossible to eliminate all exposure and transmission risks to COVID-19 associated with dental treatment, it is possible to employ precautions mitigating these risks.⁶ Our members appreciate the weight of the decisions your administration is making to address the current pandemic, and how this impacts all healthcare providers. However, in order to ensure that the dentists of this state continue to have the ability to see their patients for emergencies so they do not go to the emergency room, our dentists should continue to have access to PPE, particularly the N95 masks. While the priority of their access to PPE may not rise to the level of front-line responders in hospitals, we do not want to find our dentists in a situation where they are completely excluded from access to PPE should additional Executive Orders be issued in Georgia.

In response to the intense demand for N95 masks, one of our members designed an innovative, homemade mask for healthcare providers to use in areas where there is a high shortage of masks.⁷⁸ Although such homemade masks are untested and cannot be called “PPE,” we are very excited to inform you that GDA members are diligently working to help address the current supply shortages.

⁵ <https://www.nytimes.com/interactive/2020/03/15/business/economy/coronavirus-worker-risk.html>.

⁶ GDA provides daily updates to all members regarding the most current guidance from the CDC available at: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html>. GDA has also urged members to donate excess PPE to their local hospital systems and fellow front-line healthcare providers.

⁷ <https://firedbycorona.com/>

⁸ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/face-masks.html> (“**HCP use of homemade masks:** In settings where facemasks are not available, HCP might use homemade masks (e.g., bandana, scarf) for care of patients with COVID-19 as a last resort. However, homemade masks are not considered PPE, since their capability to protect HCP is unknown. Caution should be exercised when considering this option. Homemade masks should ideally be used in combination with a face shield that covers the entire front (that extends to the chin or below) and sides of the face.”).

III. GDA Respectfully Requests that You Consider Issuing an Executive Order or Introducing Emergency Legislation Requiring that Upon the Date You Declared a Public Health Emergency in Georgia for COVID-19, All Business Interruption Insurance Policies Issued in Georgia with Coverage for Losses to Business Income for “Civil Authority Actions” Specifically Cover Losses/Damages Stemming from the Current COVID-19 Pandemic.

In the Alternative, Issue an Executive Order or Introduce Emergency Legislation Requiring that the Business Interruption Policy Exclusions for Viruses Do Not Apply to COVID-19.

As the research on the transmission of COVID-19 continues to provide us with additional clinical guidance, the other major concern the GDA brings to your attention pertains to all Georgia business owners and their employees, who have been negatively impacted by the current outbreak. Specifically, we believe it is important for state policymakers to be proactive with insurance companies conducting business in Georgia to ensure that all business interruption insurance policies issued to Georgia business owners cover losses stemming from COVID-19. It is imperative that policyholders are able to utilize this coverage to pay their operating costs, which include staff wages/salaries.

One potential way to address this issue is to require Georgia insurers to cover these losses pursuant to the “Civil Authority” provision contained in a standard business interruption policy. (*See* Exhibit “A”). This coverage is usually triggered after an evacuation order due to a storm, and the insured business property sustains damages. However, the terms of these “Civil Authority” provisions (at least those contained in the business interruption policies issued by the GDA’s insurance agency to our members on behalf of The Hartford) are unclear as to whether this coverage applies in situations where the state declares a public health emergency leading to the temporary closure of an insured dental practice due to COVID-19 exposure, which results in losses to the policyholder. As stated above, dental professionals are at the highest risk for exposure to COVID-19 because almost all dental procedures generate aerosols. Despite the lack of a mandate, and in response to the recent declaration of a “Public Health Emergency” in Georgia, most, if not all, dental practices have chosen to close temporarily except to see emergency cases. Without the availability of their primary income stream (i.e., patients), most dental practices are unable to cover their overhead, which includes employee salaries. Ensuring that the “Civil Authority” provisions in Georgia business interruption policies cover the COVID-19 outbreak will help alleviate the burden on Georgia’s unemployment insurance program and allow business owners to pay their employees for a period of at least thirty (30) days.

The GDA has been in continuous communications with The Hartford on this issue for several weeks, but The Hartford has been non-committal in its responses. Admittedly, this is an issue of first impression, both in Georgia and nationally. At this time, The Hartford has not stated it will deny any such claims, and our contact has been very transparent in advising us that they are reviewing these claims on a case-by-case basis. However, we believe it is critical to advise you of this issue given its importance to Georgia businesses with similar coverage in their business interruption policies so that they may sustain themselves during this downturn and recover as

quickly as possible. The GDA will also bring this issue to the attention of Commissioner King for his consideration.

Another possible way to extend coverage to Georgia businessowners with business interruption policies is to require that the standard exclusion language pertaining to property damage stemming from viruses (*See* Exhibit “B”) does not apply to COVID-19 because of its unique and still relatively unknown transmission properties. While this argument does have its limitations since it would require retroactive application to existing policies, we believe this is another plausible solution given the immense influence your administration exerts over the insurance companies conducting business in this state.

As the best state in the country in which to do business, we hope you will take the lead by encouraging Governors in other states to act uniformly in support of these requests regarding business interruption insurance coverage for COVID-19.

To summarize, the GDA respectfully requests your consideration of the following points as your policy deliberations on COVID-19 evolve:

- (1) Ensure that Georgia licensed dentists and dental practices are classified as “Essential Healthcare Providers and Businesses” that must remain open to handle dental emergencies so that patients experiencing dental emergencies do not go to the ER.**
- (2) Ensure that Georgia licensed dentists are also classified as “Critical First Responders” in order to continue to have access to PPE as it becomes available, albeit on a less heightened priority as front-line hospital responders, so that they are able to treat dental emergencies safely and pursuant to CDC guidelines.**
- (3) Issue an Executive Order or introduce emergency legislation requiring all Georgia business interruption policies with coverage for losses stemming from “Civil Authority Actions” to cover losses associated with the COVID-19 pandemic upon the date you declared a Public Health Emergency in Georgia; or in the alternative, issuing an Executive Order or introducing emergency legislation requiring that the current exclusion for “Viruses” in Georgia business interruption policies does not apply to COVID-19.**

The GDA is committed to using its resources and statewide network of member dentists to assist your administration and the great state of Georgia in combatting the spread of COVID-19. On behalf of our members and the citizens of Georgia, the GDA is also deeply concerned about the longer-term impacts of this crisis from a practice continuity standpoint and will be working with our state and federal officials on ways to address these concerns. We want to ensure that all Georgia citizens, regardless of their socioeconomic backgrounds, will continue to have access to proper oral healthcare after this public health crisis has ended.

To that end, we are also engaged and advocating for fiscal relief for dentists, dental staff, and practices, who as small businesses owners, serve as the backbone of their local communities.

Allowing many thousands of dentists to close their practice doors and lay off staff will create long-term, hugely negative health consequences for our state, particularly for rural and underserved populations. The GDA will be advocating for long-term, no-interest business continuity loans. We will be advocating to ensure dental benefit companies and insurance companies also do their part to help dentists, healthcare providers, and small business owners recover economically and provide relief and financial support to keep their provider networks healthy and available to Georgia patients.

We are thankful for the recommendations you and your administration have issued during this difficult time. We know your decisions have not been easy or hastily made. If you need more information from the GDA, please do not hesitate to contact Frank Capaldo, our Executive Director/CEO, or Scott Lofranco, our General Counsel and Vice President of Government Affairs. Frank's cell phone number is (678) 428-0096, and his email address is frank@gadental.org. Scott's cell phone number is (540) 529-3953, and his email address is scott@gadental.org.

Respectfully,

Frank J. Capaldo,
GDA Executive Director/CEO

Evis Babo, DMD
GDA President

cc: Mark Hamilton, Dir. of External Affairs, Office of the Governor
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Ryan Loke, Special Projects, Office of the Governor
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Emily Jones, Dep. Dir. of Government Relations, Georgia Department of Public Health
Officers and Board of Trustees of the Georgia Dental Association
Scott Lofranco, GDA General Counsel & VP of Government Affairs
Emily Yona, GDA Dir. of Health Policy
Mo Thrash, Thrash-Haliburton

Enclosure(s) Exhibit A
Exhibit B