

By Representative Jones

1                                   A bill to be entitled  
 2           An act relating to dental hygiene; amending s.  
 3           466.003, F.S.; revising definitions; amending  
 4           s. 466.004, F.S.; removing regulation of the  
 5           practice of dental hygiene from the Board of  
 6           Dentistry and eliminating the Council on Dental  
 7           Hygiene, to conform; creating s. 466.0065,  
 8           F.S.; creating the Board of Dental Hygiene to  
 9           regulate the practice of dental hygiene;  
 10          providing for appointment of members and terms;  
 11          providing for headquarters of the board;  
 12          providing rulemaking authority; authorizing a  
 13          fee; providing powers and duties; amending s.  
 14          20.43, F.S.; placing the Board of Dental  
 15          Hygiene under the responsibility of the  
 16          Division of Medical Quality Assurance of the  
 17          Department of Health; providing an effective  
 18          date.

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Sections (1) and (4) of section 466.003,  
 23 Florida Statutes, are amended to read:

24           466.003 Definitions.--As used in this chapter:

25           (1) "Board" means the Board of Dentistry or the Board  
 26 of Dental Hygiene, as the context requires.

27           (4) "Dental hygiene" means the rendering of  
 28 educational, preventive, and therapeutic dental services,  
 29 which includes the removal of calculus deposits, accretions,  
 30 and stains from the surfaces of the teeth and the gingival  
 31 sulcus, root planing and curettage,~~pursuant to ss. 466.023~~

1 ~~and 466.024~~ and any related extra-oral procedure required in  
2 the performance of such services, and includes such additional  
3 remediable or delegable tasks as the Board of Dental Hygiene  
4 determines by rule.

5 Section 2. Section 466.004, Florida Statutes, is  
6 amended to read:

7 466.004 Board of Dentistry.--

8 (1) To carry out the provisions of this chapter, other  
9 than those regulating the practice of dental hygiene and  
10 dental hygienists, which are reserved to the Board of Dental  
11 Hygiene under s. 466.0065, there is created within the  
12 department the Board of Dentistry, consisting of 11 members  
13 who shall be appointed by the Governor and subject to  
14 confirmation by the Senate. Seven members of the board must be  
15 licensed dentists actively engaged in the practice of  
16 dentistry in this state; two members must be licensed dental  
17 hygienists actively engaged in the practice of dental hygiene  
18 in this state; and the remaining two members must be  
19 laypersons who are not, and have never been, dentists, dental  
20 hygienists, or members of any closely related profession or  
21 occupation. Each dental member of the board must have been  
22 actively engaged in her or his respective profession for at  
23 least 5 years preceding the date of her or his appointment to  
24 the board. At least one member of the board must be 60 years  
25 of age or older. Members shall be appointed for 4-year terms.

26 (2) To advise the board, it is the intent of the  
27 Legislature that councils be appointed as specified in  
28 paragraphs (a) and ~~(b)~~, ~~and (c)~~. The department shall provide  
29 administrative support to the councils and shall provide  
30 public notice of meetings and agenda of the councils. Councils  
31 shall include at least one board member who shall chair the

1 council and shall include nonboard members. All council  
2 members shall be appointed by the board chair. Council members  
3 shall be appointed for 4-year terms, and all members shall be  
4 eligible for reimbursement of expenses in the manner of board  
5 members.

6 ~~(a) A Council on Dental Hygiene shall be appointed by~~  
7 ~~the board chair and shall include one dental hygienist member~~  
8 ~~of the board, who shall chair the council, one dental member~~  
9 ~~of the board, and three dental hygienists who are actively~~  
10 ~~engaged in the practice of dental hygiene in this state. The~~  
11 ~~council shall meet at the request of the board chair, a~~  
12 ~~majority of the members of the board, or the council chair.~~  
13 ~~The council is charged with the responsibility of and shall~~  
14 ~~meet for the purpose of developing rules and policies for~~  
15 ~~recommendation to the board, which the board shall consider,~~  
16 ~~on matters pertaining to that part of dentistry consisting of~~  
17 ~~educational, preventive, or therapeutic dental hygiene~~  
18 ~~services; dental hygiene licensure, discipline, or regulation;~~  
19 ~~and dental hygiene education.~~

20 (a)~~(b)~~ A Council on Dental Assisting shall be  
21 appointed by the board chair and shall include one board  
22 member who shall chair the council and three dental assistants  
23 who are actively engaged in dental assisting. The council  
24 shall meet at the request of the board chair or a majority of  
25 the members of the board. The council shall meet for the  
26 purpose of developing recommendations to the board on matters  
27 pertaining to that part of dentistry related to dental  
28 assisting.

29 (b)~~(c)~~ With the concurrence of the secretary, the  
30 board chair may create and abolish other advisory councils  
31 relating to dental subjects, including, but not limited to:

1 examinations, access to dental care, indigent care, nursing  
2 home and institutional care, public health, disciplinary  
3 guidelines, and other subjects as appropriate. Such councils  
4 shall be appointed by the board chair and shall include at  
5 least one board member who shall serve as chair.

6 (3) The board shall maintain its headquarters in  
7 Tallahassee.

8 (4) The board is authorized to adopt all rules  
9 necessary to carry out the provisions of this chapter and  
10 chapter 455, including the establishment of a fee to defray  
11 the cost of duplicating any license, certification, or permit,  
12 not to exceed \$10 per duplication.

13 (5) The board is authorized to publish and distribute  
14 such pamphlets, newsletters, and other publications as are  
15 reasonably necessary.

16 (6) All provisions of chapter 455 relating to the  
17 board shall apply.

18 ~~(7) The board may by rule assess a one-time fee not to~~  
19 ~~exceed \$120 for each dentist licensed by the department and a~~  
20 ~~fee not to exceed \$40 for each dental hygienist licensed by~~  
21 ~~the department and, if assessed, may set a deadline for~~  
22 ~~payment of the one-time assessment at any time prior to~~  
23 ~~January 1, 1992.~~

24 Section 3. Section 466.0065, Florida Statutes, is  
25 created to read:

26 466.0065 Board of Dental Hygiene.--

27 (1) To carry out the provisions of this chapter with  
28 respect to the adoption and enforcement of rules concerning  
29 the practice of dental hygiene and licensure requirements to  
30 practice dental hygiene and with respect to educational,  
31 preventive, and therapeutic dental hygiene services; dental

1 hygiene licensure, discipline, and regulation; and dental  
2 hygiene education, examination, and reexamination, there is  
3 created within the department the Board of Dental Hygiene,  
4 consisting of seven members who shall be appointed by the  
5 Governor and subject to confirmation by the Senate. Four  
6 members shall be licensed dental hygienists actively engaged  
7 in the practice of dental hygiene in this state, two of whom  
8 shall be the dental hygiene members serving on the Board of  
9 Dentistry, one member shall be a dental member of the Board of  
10 Dentistry, and two members must be laypersons who are not, and  
11 have never been, dentists, dental hygienists, or members of  
12 any closely related profession or occupation or members or  
13 employees of either board. Each dental hygienist and dental  
14 member of the board must have been actively engaged in his or  
15 her respective profession for at least 5 years preceding the  
16 date of his or her appointment to the board. At least one  
17 member of the board must be 60 years of age or older.  
18 Initially, the Governor shall appoint three members for terms  
19 of 4 years each and three members for terms of 2 years each,  
20 beginning January 1, 1999. Thereafter, members shall be  
21 appointed for 4-year terms.

22 (2) The board shall maintain its headquarters in  
23 Tallahassee.

24 (3) The board is authorized to adopt all rules  
25 necessary to carry out its duties pursuant to the provisions  
26 of this chapter and chapter 455, including the establishment  
27 of a fee to defray the cost of duplicating any license,  
28 certification, or permit, not to exceed \$10 per duplication.

29 (4) The board is authorized to publish and distribute  
30 such pamphlets, newsletters, and other publications as are  
31 reasonably necessary.

1           (5) All provisions of chapter 455 relating to the  
2 Board of Dental Hygiene shall apply.

3           Section 4. Paragraph (g) of subsection (3) of section  
4 20.43, Florida Statutes, is amended to read:

5           20.43 Department of Health.--There is created a  
6 Department of Health.

7           (3) The following divisions of the Department of  
8 Health are established:

9           (g) Division of Medical Quality Assurance, which is  
10 responsible for the following boards and professions  
11 established within the division:

12           1. Nursing assistants, as provided under s. 400.211.

13           2. Health care services pools, as provided under s.  
14 402.48.

15           3. The Board of Acupuncture, created under chapter  
16 457.

17           4. The Board of Medicine, created under chapter 458.

18           5. The Board of Osteopathic Medicine, created under  
19 chapter 459.

20           6. The Board of Chiropractic, created under chapter  
21 460.

22           7. The Board of Podiatric Medicine, created under  
23 chapter 461.

24           8. Naturopathy, as provided under chapter 462.

25           9. The Board of Optometry, created under chapter 463.

26           10. The Board of Nursing, created under chapter 464.

27           11. The Board of Pharmacy, created under chapter 465.

28           12. The Board of Dental Hygiene, created under chapter  
29 466.

30           13.12. ~~The Board of Dentistry, created under chapter~~  
31 466.

- 1        ~~14.13~~ Midwifery, as provided under chapter 467.  
2        ~~15.14~~ The Board of Speech-Language Pathology and  
3 Audiology, created under part I of chapter 468.  
4        ~~16.15~~ The Board of Nursing Home Administrators,  
5 created under part II of chapter 468.  
6        ~~17.16~~ Occupational therapy, as provided under part  
7 III of chapter 468.  
8        ~~18.17~~ Respiratory therapy, as provided under part V  
9 of chapter 468.  
10       ~~19.18~~ Dietetics and nutrition practice, as provided  
11 under part X of chapter 468.  
12       ~~20.19~~ Athletic trainers, as provided under part XIV  
13 of chapter 468.  
14       ~~21.20~~ Electrolysis, as provided under chapter 478.  
15       ~~22.21~~ The Board of Massage Therapy, created under  
16 chapter 480.  
17       ~~23.22~~ The Board of Clinical Laboratory Personnel,  
18 created under part III of chapter 483.  
19       ~~24.23~~ Medical physicists, as provided under part IV  
20 of chapter 483.  
21       ~~25.24~~ The Board of Opticianry, created under part I  
22 of chapter 484.  
23       ~~26.25~~ The Board of Hearing Aid Specialists, created  
24 under part II of chapter 484.  
25       ~~27.26~~ The Board of Physical Therapy Practice, created  
26 under chapter 486.  
27       ~~28.27~~ The Board of Psychology, created under chapter  
28 490.  
29       ~~29.28~~ The Board of Clinical Social Work, Marriage and  
30 Family Therapy, and Mental Health Counseling, created under  
31 chapter 491.

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The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 5. This act shall take effect July 1 of the year in which enacted.

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HOUSE SUMMARY

Creates the Board of Dental Hygiene to regulate the practice of dental hygiene. Provides for appointment of board members and their terms of office. Provides for the board's headquarters. Provides rulemaking authority and other powers and duties of the board. Authorizes a fee to defray certain costs. Places the Board of Dental Hygiene under the responsibility of the Division of Medical Quality Assurance of the Department of Health. Removes regulation of the practice of dental hygiene from the Board of Dentistry and eliminates the Council on Dental Hygiene, to conform. See bill for details.