

STORAGE NAME: h1403a.hr.doc
DATE: April 3, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH REGULATION
ANALYSIS**

BILL #: HB 1403
RELATING TO: Continuing Dental Education
SPONSOR(S): Representative Mealor
TIED BILL(S): None.

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH REGULATION YEAS 9 NAYS 0
 - (2) COUNCIL FOR HEALTHY COMMUNITIES
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill allows persons licensed under chapter 466, including dentists and dental hygienists, to complete a course approved by the Board of Dentistry in lieu of taking a domestic violence course, so long as the dentist or dental hygienist has taken an approved domestic violence course in the immediately preceding two years.

There is no fiscal impact to the state.

There is one amendment adopted by the Committee on Health Regulation traveling with the bill. Please see the Amendments section of this analysis for an explanation of the amendment.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Most health care practitioners are required, under various provisions of chapter 456, F.S., or their respective practice acts, to take continuing education courses as part of the biennial renewal of the license. For example, s. 456.013, F.S., provides certain requirements for risk management courses and ss. 456.033 and 456.034, F.S., provide that certain licensees must take a course on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS).

With regard to dentists, specifically, s. 466.0135, F.S., requires licensed dentists to complete biennially not less than 30 hours of continuing professional education in dental subjects. With regard to dental hygienists, s. 466.014, F.S., requires licensed dental hygienists to complete not less than 24 hours or more than 36 hours of continuing professional education in dental subjects. Both of these statutory sections specify the intent of continuing education courses, the content which may be covered, the approval process for courses, and the requirement for submission of sworn affidavits relating to the completion of the required courses.

Section 456.031, F.S., currently requires allopathic physicians, osteopathic physicians, physician assistants, nurses, dentists, dental hygienists, midwives, psychologists, school psychologists, clinical social workers, marriage and family therapists, and mental health counselors to complete a one-hour continuing education course, approved by the board, on domestic violence, as defined in s. 741.28, F.S., as part of biennial relicensure or recertification. Failure to complete the required domestic violence course constitutes a ground for disciplinary action against the licensee.

Subsection (3) of section 456.031, F.S., currently provides for one alternative course. This subsection allows a licensee to complete a course in end-of-life care and palliative health care, if the licensee or certificateholder has completed an approved domestic violence course in the immediately preceding biennium.

C. EFFECT OF PROPOSED CHANGES:

This bill allows persons licensed under chapter 466, including dentists and dental hygienists, to complete a course approved by the Board of Dentistry in lieu of taking a domestic violence course, so long as the dentist or dental hygienist has taken an approved domestic violence course in the immediately preceding two years.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 456.031, F.S., to allow dentists and dental hygienists to take a board-approved continuing education course in lieu of the domestic violence course or end-of-life care course so long as the dentist has taken the domestic violence course in the immediately preceding biennium.

Section 2. Provides an effective date of July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not provide any new rulemaking authority. General rulemaking authority is already granted to the Board of Dentistry under s. 466.004(4), F.S. Additionally, the board has specific authority to approve continuing education providers pursuant to s. 466.0135(2)(d), F.S., in addition to those providers specifically listed in that subsection. Furthermore, the board has existing rulemaking authority pursuant to s. 456.013(8), F.S., to adopt rules to establish the criteria for continuing education courses.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 3, 2001, the Committee on Health Regulation adopted one amendment. The amendment allows the Board of Dentistry to approve an alternative course to the required HIV/AIDS course in the same manner as the bill allows for an alternative course to the required domestic violence course. The amendment was adopted without objection and is traveling with the bill.

VII. SIGNATURES:

COMMITTEE ON HEALTH REGULATION:

Prepared by:

Staff Director:

Wendy Smith Hansen, Senior Attorney

Lucretia Shaw Collins