



1                                   A bill to be entitled  
2   An act relating to dentistry; amending s. 466.004, F.S.;  
3   requiring the Council on Dental Hygiene to meet at least twice a  
4   year; providing for consideration by the Board of Dentistry of  
5   rule and policy recommendations of the council; creating s.  
6   466.005, F.S., the Board of Dentistry Empowerment Act; providing  
7   for the appointment of an executive director; providing for  
8   duties and board oversight; requiring director to oversee staff;  
9   requiring the department to contract for a dental intake officer  
10   and providing qualifications; requiring certain responsibilities  
11   of the officer; requiring the board to establish certain  
12   performance parameters for departmental handling of disciplinary  
13   cases and consequences; requiring the Testing Services office to  
14   report to the board if requested; requiring a board spending  
15   plan and its content; requiring board spending authority over  
16   discretionary budget items; requiring a department report of  
17   certain information; providing for a board response; amending s.  
18   466.006, F.S.; allowing certain dental students to take the  
19   examinations required to practice dentistry in this state under  
20   specified conditions; providing a prerequisite to licensure of  
21   such students; creating s. 466.0065, F.S.; allowing certain  
22   dental students to take regional licensure examinations under  
23   specified conditions; restricting the applicability of  
24   examination results to licensing in other jurisdictions;  
25   requiring approval by the Board of Dentistry and providing  
26   prerequisites to such approval; amending ss. 381.7353 and  
27   381.7355, F.S.; including oral health care in the Closing the  
28   Gap grant program; providing an effective date.



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

Section 1. Paragraph (a) of subsection (2) of section 466.004, Florida Statutes, is amended to read:

466.004 Board of Dentistry.--

(2) To advise the board, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a), (b), and (c). The department shall provide administrative support to the councils and shall provide public notice of meetings and agenda of the councils. Councils shall include at least one board member who shall chair the council and shall include nonboard members. All council members shall be appointed by the board chair. Council members shall be appointed for 4-year terms, and all members shall be eligible for reimbursement of expenses in the manner of board members.

(a) A Council on Dental Hygiene shall be appointed by the board chair and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair, provided the council meets at least twice a year. The council is charged with the responsibility of and shall meet for the purpose of developing rules and policies for recommendation to the board, ~~which the board shall consider~~, on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic



57 dental hygiene services; dental hygiene licensure, discipline,  
58 or regulation; and dental hygiene education. Rule and policy  
59 recommendations of the council shall be considered by the board  
60 at its next regularly scheduled meeting in the same manner it  
61 considers rule and policy recommendations from designated  
62 subcommittees of the board. Any rule or policy proposed by the  
63 board pertaining to the specified part of dentistry defined by  
64 this paragraph shall be referred to the council for a  
65 recommendation prior to final action by the board.

66 Section 2. Section 466.005, Florida Statutes, is created  
67 to read:

68 466.005 Board of Dentistry Empowerment Act.--

69 (1) If the board so decides, it shall direct the  
70 department whom to appoint as the executive director of the  
71 board pursuant to the rules of the state personnel system. The  
72 committee conducting interviews of candidates for executive  
73 director shall consist of the board chair or her or his designee  
74 and the secretary or her or his designee. A list of final  
75 candidates shall be submitted to the board, which shall approve  
76 the candidate to be hired. The approval process shall include  
77 the right of the board to interview the list of submitted  
78 candidates. The board may reject all the candidates on the  
79 submitted list and request that a new list be submitted by the  
80 interview committee. The executive director shall perform those  
81 duties and responsibilities specific to the board and shall  
82 exclusively serve the board. The board shall monitor the  
83 performance of the executive director, based on established  
84 performance standards, and if the board determines, by a



85 majority vote, that the performance of the executive director is  
86 consistently below the performance standards of the board and  
87 thus unacceptable, the board shall promptly notify the  
88 department of its findings, in writing, and the department shall  
89 take appropriate action to replace the executive director,  
90 pursuant to the state personnel rules.

91 (2) The executive director shall be responsible for  
92 overseeing the hiring of all other staff members who work  
93 directly for the executive director and who perform services for  
94 the board.

95 (3) The department shall contract for a dental intake  
96 officer when requested by the board in accordance with the state  
97 personnel system and qualifications established for such  
98 position by the board. The qualifications for the position shall  
99 include a requirement that the candidate be a licensed Florida  
100 dentist in good standing.

101 (4) The dental intake officer shall be responsible for  
102 determining the legal sufficiency of all dental complaints  
103 received by the department within 5 working days after the  
104 complaint is filed, advising the board regarding dental health  
105 regulation issues, and advising field investigators on dental  
106 issues related to the complaints to ensure that complaints are  
107 properly investigated in a timely and efficacious manner.

108 (5) The board, in consultation with the department, shall  
109 establish reasonable and comprehensive performance parameters  
110 for the prosecution of disciplinary cases by the department.  
111 Such parameters shall reflect the quality and quantity of  
112 services to be provided to the board, including, but not limited



113 to, the proportion of cases that are successfully prosecuted  
114 through final hearing and appeal if such cases involve  
115 irremediable harm or injury or the immediate threat of  
116 irremediable harm or injury to the patient. The board shall  
117 conduct an annual evaluation to determine if the department has  
118 met the established performance parameters. A finding by the  
119 board that the department has failed to meet established  
120 parameters shall enable the board, by a majority vote, to  
121 instruct the department to retain sufficient outside contractual  
122 prosecutorial services pursuant to s. 287.057(3) to fulfill the  
123 immediate and foreseeable prosecutorial needs of the board.  
124 Contract negotiations and vendor selection shall be conducted in  
125 consultation with the chair of the board or her or his designee.  
126 Each contract for prosecutorial services shall include, at a  
127 minimum, the performance parameters developed by the board for  
128 its assessment of the department.

129 (6) If requested, a representative of the Testing Services  
130 office of the department shall appear before the board, or a  
131 committee of the board, following the completion of each  
132 examination cycle to discuss examination issues. If the board  
133 identifies issues to be addressed, the Testing Services office  
134 shall report to the board, as requested at the next board  
135 meeting, on its progress in addressing the issues identified by  
136 the board.

137 (7)(a) In conjunction with each fiscal year budgetary  
138 cycle, the department, in consultation with the board, shall  
139 develop a board spending plan encompassing anticipated revenue  
140 of all types along with all anticipated operating expenses of



141 the board and associated support services of the department,  
142 which shall include all direct and allocated expenses necessary  
143 to enable the board to fulfill its responsibilities. All  
144 expenditure detail as provided in this paragraph shall reflect  
145 the methodology and calculations of the department in allocating  
146 common expenses among all regulatory boards.

147 (b) The board shall have spending authority over  
148 discretionary budgetary items, as determined by the department  
149 and the board jointly. Discretionary budgetary items shall  
150 include the selection of board meeting venue, hotel facilities,  
151 and accommodations; travel of board members and necessary staff  
152 to all meetings of the board; attendance by board members at  
153 meetings and conferences deemed to be important by the board in  
154 fulfilling its responsibilities, monitoring performance, and  
155 confirming the accuracy of information provided to the board or  
156 others which relates to the duties and responsibilities of the  
157 board; and an operational contingency. The operational  
158 contingency is that portion of cash on hand which exceeds that  
159 required for the 5-year spending plan as described in s.  
160 456.005. The operational contingency may be used for a special  
161 project by the board in fulfilling its responsibilities if a  
162 deficit does not or would not exist for the profession. In  
163 exercising its spending authority over discretionary budget  
164 items, the board must adhere to all applicable state laws and  
165 directives, ensure that all meeting locations are accessible to  
166 the public and licensees, ensure that board meetings are  
167 conducted in an effective and efficient manner for the public  
168 and licensees, ensure that the minimal number of board members



169 or staff attend any meeting or conference, and ensure the  
170 maximum use of technology. When requested by the board, the  
171 department shall provide timely procurement assistance to  
172 facilitate all discretionary expenditures of the board.

173 (8)(a) The department shall submit a report to the  
174 Governor, the President of the Senate, and the Speaker of the  
175 House of Representatives by November 1 of each year on the  
176 effectiveness and efficiency of this section, including:

177 1. The revenues, expenditures, and cash balances for the  
178 prior year and a review of the adequacy of existing revenues.

179 2. The nature and extent of all services provided to the  
180 board by the department.

181 3. The total cost allocated by the department for each  
182 service provided by the department to the board and the amount  
183 and percent by which each cost is appropriate to dentistry's pro  
184 rata share of the total cost of such services provided by the  
185 department to all affected boards, councils, and professions.

186 4. The number of licensure examinations taken, the fees  
187 collected for licensure examination, and the time from which a  
188 candidate for licensure completed the required examination to  
189 the time in which the candidate received the results.

190 5. The number of licenses issued, revoked, or suspended.

191 6. The number of disciplinary complaints received,  
192 determined to be legally sufficient, investigated, referred to  
193 the board's probable cause panel, prosecuted, subject to final  
194 board action, and appealed; the number and maximum and average  
195 duration of licenses suspended; the number of licenses revoked;  
196 the number of cases spanning more than 180, 270, and 365 days



197 after receipt of complaint to submission to the board's probable  
198 cause panel; the proportion of cases which were eligible for and  
199 the number of cases actually resolved by citation; the  
200 proportion of cases where probable cause was found; the number  
201 of cases where probable cause was found that were not prosecuted  
202 or that did not result in stipulated agreements; the number of  
203 cases involving stipulated agreements; the number of cases  
204 involving stipulated agreements that were changed by the board  
205 and the number of cases involving stipulated agreements that  
206 were rejected without modification by the board; the number of  
207 cases taking in excess of 1 year after the date of receipt of a  
208 complaint to final board action; the number of cases involving  
209 formal hearings; the status of all cases appealed; the number of  
210 cases where licensure suspension or revocation was stayed  
211 pending appeal; the number of emergency suspension orders  
212 issued; the average and maximum range of costs of complaint  
213 investigations and prosecutions; and the amount of fines and  
214 expenses collected by type of cases prosecuted.

215 7. The status of the development and implementation of  
216 rules providing for disciplinary guidelines pursuant to s.  
217 456.079.

218 8. Such recommendations for administrative and statutory  
219 changes necessary to facilitate efficient and cost-effective  
220 operation of the board and the department.

221 (b) The department shall include in the report any  
222 statement, comment, suggestion, recommendation, or objection  
223 made by the board in response to the report.





224 Section 3. Subsection (2) of section 466.006, Florida  
 225 Statutes, is amended to read:

226 466.006 Examination of dentists.--

227 (2) An applicant shall be entitled to take the  
 228 examinations required in this section to practice dentistry in  
 229 this state if the applicant:

230 (a) Is 18 years of age or older.

231 (b)1. Is a graduate of a dental school accredited by the  
 232 Commission on Accreditation of the American Dental Association  
 233 or its successor agency, if any, or any other nationally  
 234 recognized accrediting agency; ~~or-~~

235 2. Is a dental student in the final year of such an  
 236 accredited school who has completed all the coursework necessary  
 237 to prepare him or her to perform the clinical and diagnostic  
 238 procedures required to pass the examinations. With respect to a  
 239 dental student in his or her final year of dental school, a  
 240 passing score on the examinations is valid for 180 days after  
 241 the date the examinations were completed. A dental school  
 242 student who takes the licensure examinations during his or her  
 243 final year of an approved dental school must have graduated  
 244 before being certified for licensure pursuant to s. 466.011.

245 (c) Has successfully completed the National Board of  
 246 Dental Examiners dental examination within 10 years before ~~of~~  
 247 the date of application.

248 Section 4. Section 466.0065, Florida Statutes, is created  
 249 to read:

250 466.0065 Regional licensure examinations.--



251       (1) It is the intent of the Legislature that schools of  
252 dentistry be allowed to offer regional licensure examinations to  
253 dental students who are in the final year of an approved dental  
254 school for the sole purpose of facilitating the student's  
255 licensing in other jurisdictions. This section does not allow a  
256 person to be licensed as a dentist in this state without taking  
257 the examinations as set forth in s. 466.006, nor does this  
258 section mean that regional examinations administered under this  
259 section may be substituted for complying with testing  
260 requirements under s. 466.006.

261       (2) Each school of dentistry in this state which is  
262 accredited by the Commission on Accreditation of the American  
263 Dental Association or its successor agency may, upon written  
264 approval by the Board of Dentistry, offer regional licensure  
265 examinations only to dental students in the final year of an  
266 approved dental school, if the board has approved the hosting  
267 school's submitted written plan to comply with the following  
268 conditions:

269           (a) The examining body must be a member of the American  
270 Association of Dental Examiners.

271           (b) The student must have successfully completed parts I  
272 and II of the National Board of Dental Examiners dental  
273 examination within 2 years before taking the regional  
274 examination.

275           (c) The student must possess medical malpractice insurance  
276 in amounts that the board determines to be sufficient to cover  
277 any reasonably foreseeable incident of harm to a patient during  
278 the clinical portion of the regional examination.



279        (d) At least one of the examination monitors must be a  
280 Florida-licensed dentist who has completed all necessary  
281 standardization exercises required by the regional examination  
282 body.

283        (e) Adequate arrangements must be made, when necessary,  
284 for patients who require followup care as a result of procedures  
285 performed during the clinical portion of the regional  
286 examination.

287        (f) The board chair or the chair's designee must be  
288 allowed to observe testing while it is in progress.

289        (g) Each student, upon applying to take the regional  
290 examination, must receive written disclosure in at least 12-  
291 point boldface type which states: "This examination does not  
292 meet the licensure requirements of chapter 466, Florida  
293 Statutes, for licensure in the State of Florida. Persons wishing  
294 to practice dentistry in Florida must pass the Florida licensure  
295 examinations. For more information on Florida's licensure  
296 examination procedures, please contact the Florida Board of  
297 Dentistry."

298        (h) The student must be enrolled as a dental student in  
299 his or her final year of an approved dental school that is  
300 accredited by the Commission on Accreditation of the American  
301 Dental Association or its successor agency.

302        (i) The student must have completed all the coursework  
303 necessary to prepare him or her to perform all clinical and  
304 diagnostic procedures required to pass the regional examination.

305        (j) The student's academic record must not include any  
306 evidence suggesting that the student poses an unreasonable risk



307 to any live patients who are required for the clinical portion  
308 of the regional examination. In order to protect the health and  
309 safety of the residents of this state, the board may request  
310 additional information and documents pertaining to the  
311 candidate's mental and physical health in order to fully assess  
312 the candidate's fitness to engage in exercises involving a live  
313 patient.

314 (3) Neither a student who takes the examination pursuant  
315 to this section, nor a dental school submitting a plan pursuant  
316 to this section, nor a regional examination body which a dental  
317 school proposed to host pursuant to this section has standing to  
318 assert that a state agency has taken action for which a hearing  
319 may be sought under ss. 120.569 and 120.57.

320 Section 5. Paragraph (e) of subsection (2) of section  
321 381.7353, Florida Statutes, is amended to read:

322 381.7353 Reducing Racial and Ethnic Health Disparities:  
323 Closing the Gap grant program; administration; department  
324 duties.--

325 (2) The department shall:

326 (e) Coordinate with existing community-based programs,  
327 such as chronic disease community intervention programs, cancer  
328 prevention and control programs, diabetes control programs, oral  
329 health care programs, the Healthy Start program, the Florida  
330 Kidcare program, the HIV/AIDS program, immunization programs,  
331 and other related programs at the state and local levels, to  
332 avoid duplication of effort and promote consistency.

333 Section 6. Paragraph (a) of subsection (2) of section  
334 381.7355, Florida Statutes, is amended to read:



335 381.7355 Project requirements; review criteria.--

336 (2) A proposal must include each of the following  
337 elements:

338 (a) The purpose and objectives of the proposal, including  
339 identification of the particular racial or ethnic disparity the  
340 project will address. The proposal must address one or more of  
341 the following priority areas:

342 1. Decreasing racial and ethnic disparities in maternal  
343 and infant mortality rates.

344 2. Decreasing racial and ethnic disparities in morbidity  
345 and mortality rates relating to cancer.

346 3. Decreasing racial and ethnic disparities in morbidity  
347 and mortality rates relating to HIV/AIDS.

348 4. Decreasing racial and ethnic disparities in morbidity  
349 and mortality rates relating to cardiovascular disease.

350 5. Decreasing racial and ethnic disparities in morbidity  
351 and mortality rates relating to diabetes.

352 6. Increasing adult and child immunization rates in  
353 certain racial and ethnic populations.

354 7. Decreasing racial and ethnic disparities in oral health  
355 care.

356 Section 7. This act shall take effect July 1, 2003.