

1 A bill to be entitled
2 An act relating to dentistry; amending s.
3 466.002, F.S.; revising an exemption from the
4 application of ch. 466, F.S., to include
5 certain instructors; amending s. 466.004, F.S.;
6 limiting the time a member may serve on the
7 Board of Dentistry; revising requirements for
8 appointment to the Council on Dental Hygiene;
9 revising meeting times for the council;
10 revising requirements for the council's rule
11 and policy recommendations; amending s.
12 466.006, F.S.; clarifying examination
13 provisions; amending s. 466.007, F.S.; reducing
14 the postsecondary education required to take
15 the licensing examination; amending s.
16 466.0135, F.S.; authorizing the board to
17 authorize a continuing education
18 practice-management course; amending s.
19 466.021, F.S.; increasing the time that certain
20 work orders must be retained; amending s.
21 466.025, F.S.; providing for the board to issue
22 temporary certificates to certain unlicensed
23 persons practicing in government facilities;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (6) of section 466.002, Florida
29 Statutes, is amended to read:

30
31

1 466.002 Persons exempt from operation of
 2 chapter.--Nothing in this chapter shall apply to the following
 3 practices, acts, and operations:

4 (6) Instructors in Florida schools of dentistry,
 5 instructors in dental programs that prepare persons holding
 6 D.D.S. or D.M.D. degrees for certification by a specialty
 7 board and that are accredited in the United States by January
 8 1, 2005, in the same manner as the board recognizes
 9 accreditation for Florida schools of dentistry that are not
 10 otherwise affiliated with a Florida school of dentistry, or
 11 instructors in Florida schools of ~~or~~ dental hygiene or dental
 12 assistant educational programs, while performing regularly
 13 assigned instructional duties under the curriculum of such
 14 schools. A full-time dental instructor at a dental school or
 15 dental program approved by the board may be allowed to
 16 practice dentistry at the teaching facilities of such school
 17 or program, upon receiving a teaching permit issued by the
 18 board, in strict compliance with such rules as are adopted by
 19 the board pertaining to the teaching permit and with the
 20 established rules and procedures of the dental school or
 21 program as recognized in this section.

22 Section 2. Subsection (1) and paragraph (a) of
 23 subsection (2) of section 466.004, Florida Statutes, are
 24 amended to read:

25 466.004 Board of Dentistry.--

26 (1) To carry out the provisions of this chapter, there
 27 is created within the department the Board of Dentistry
 28 consisting of 11 members who shall be appointed by the
 29 Governor and subject to confirmation by the Senate. Seven
 30 members of the board must be licensed dentists actively
 31 engaged in the clinical practice of dentistry in this state;

1 two members must be licensed dental hygienists actively
2 engaged in the practice of dental hygiene in this state; and
3 the remaining two members must be laypersons who are not, and
4 have never been, dentists, dental hygienists, or members of
5 any closely related profession or occupation. Each member of
6 the board who is a licensed dentist must have been actively
7 engaged in the practice of dentistry primarily as a clinical
8 practitioner for at least 5 years immediately preceding the
9 date of her or his appointment to the board and must remain
10 primarily in clinical practice during all subsequent periods
11 of appointment to the board. Each member of the board who is
12 connected in any way with any dental college or community
13 college must be in compliance with s. 456.007. At least one
14 member of the board must be 60 years of age or older. Members
15 shall be appointed for 4-year terms, but may serve no more
16 than a total of 10 years.

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

28 (a) A Council on Dental Hygiene shall be appointed by
29 the board chair and shall include one dental hygienist member
30 of the board, who shall chair the council, one dental member
31 of the board, and three dental hygienists who are actively

1 engaged in the practice of dental hygiene in this state. In
2 making the appointments, the chair shall consider
3 recommendations from the Florida Dental Hygienists
4 Association. The council shall meet at the request of the
5 board chair, a majority of the members of the board, or the
6 council chair; however, the council must meet at least three
7 times a year. The council is charged with the responsibility
8 of and shall meet for the purpose of developing rules and
9 policies for recommendation to the board, which the board
10 shall consider, on matters pertaining to that part of
11 dentistry consisting of educational, preventive, or
12 therapeutic dental hygiene services; dental hygiene licensure,
13 discipline, or regulation; and dental hygiene education. Rule
14 and policy recommendations of the council shall be considered
15 by the board at its next regularly scheduled meeting in the
16 same manner in which it considers rule and policy
17 recommendations from designated subcommittees of the board.
18 Any rule or policy proposed by the board pertaining to the
19 specified part of dentistry defined by this subsection shall
20 be referred to the council for a recommendation before final
21 action by the board. The board may take final action on rules
22 pertaining to the specified part of dentistry defined by this
23 subsection without a council recommendation if the council
24 fails to submit a recommendation in a timely fashion as
25 prescribed by the board.

26 Section 3. Subsection (4) of section 466.006, Florida
27 Statutes, is amended to read:

28 466.006 Examination of dentists.--

29 (4) Notwithstanding s. 456.017(1)(c), to be licensed
30 as a dentist in this state, an applicant must successfully
31 complete the following:

1 (a) A written examination on the laws and rules of the
2 state regulating the practice of dentistry;

3 (b)1. A practical or clinical examination, which shall
4 be administered and graded by dentists licensed in this state
5 and employed by the department for just such purpose. The
6 practical examination shall include:

7 a. Two restorations, and the board by rule shall
8 determine the class of such restorations and whether they
9 shall be performed on mannequins, live patients, or both. At
10 least one restoration shall be on a live patient;

11 b. A demonstration of periodontal skills on a live
12 patient;

13 c. A demonstration of prosthetics and restorative
14 skills in complete and partial dentures and crowns and bridges
15 and the utilization of practical methods of evaluation,
16 specifically including the evaluation by the candidate of
17 completed laboratory products such as, but not limited to,
18 crowns and inlays filled to prepared model teeth;

19 d. A demonstration of restorative skills on a
20 mannequin which requires the candidate to complete procedures
21 performed in preparation for a cast restoration; and

22 e. A demonstration of endodontic skills.

23 2. The department shall consult with the board in
24 planning the times, places, physical facilities, training of
25 personnel, and other arrangements concerning the
26 administration of the examination. The board or a duly
27 designated committee thereof shall approve the final plans for
28 the administration of the examination.

29 3. If the applicant fails to pass the clinical
30 examination in three attempts, the applicant shall not be
31 eligible for reexamination unless she or he completes

1 additional educational requirements established by the board;
2 and

3 (c) A diagnostic skills examination demonstrating
4 ability to diagnose conditions within the human oral cavity
5 and its adjacent tissues and structures from photographs,
6 slides, radiographs, or models pursuant to rules of the board.
7 If an applicant fails to pass the diagnostic skills
8 examination in three attempts, the applicant shall not be
9 eligible for reexamination unless she or he completes
10 additional educational requirements established by the board.

11 (d) The board may by rule provide for additional
12 procedures which are to be tested, provided such procedures
13 shall be common to the practice of general dentistry. The
14 board by rule shall determine the passing grade for each
15 procedure and the acceptable variation for examiners. No such
16 rule shall apply retroactively.

17
18 The department shall require a mandatory standardization
19 exercise for all examiners prior to each practical or clinical
20 examination and shall retain for employment only those
21 dentists who have substantially adhered to the standard of
22 grading established at such exercise.

23 Section 4. Paragraph (a) of subsection (3) of section
24 466.007, Florida Statutes, is amended to read:

25 466.007 Examination of dental hygienists.--

26 (3) A graduate of a dental college or school shall be
27 entitled to take the examinations required in this section to
28 practice dental hygiene in this state if, in addition to the
29 requirements specified in subsection (2), the graduate meets
30 the following requirements:

31

1 (a) Submits the following credentials for review by
2 the board:

3 1. Transcripts totaling ~~of predental education and~~
4 ~~dental education totaling 5 academic years of postsecondary~~
5 ~~education, including~~ 4 academic years of postsecondary dental
6 education; and

7 2. A dental school diploma which is comparable to a
8 D.D.S. or D.M.D.

9
10 Such credentials shall be submitted in a manner provided by
11 rule of the board. The board shall approve those credentials
12 which comply with this paragraph and with rules of the board
13 adopted pursuant to this paragraph. The provisions of this
14 paragraph notwithstanding, an applicant of a foreign dental
15 college or school not accredited in accordance with s.
16 466.006(2)(b) who cannot produce the credentials required by
17 this paragraph, as a result of political or other conditions
18 in the country in which the applicant received his or her
19 education, may seek the board's approval of his or her
20 educational background by submitting, in lieu of the
21 credentials required in this paragraph, such other reasonable
22 and reliable evidence as may be set forth by board rule. The
23 board shall not accept such other evidence until it has made a
24 reasonable attempt to obtain the credentials required by this
25 paragraph from the educational institutions the applicant is
26 alleged to have attended, unless the board is otherwise
27 satisfied that such credentials cannot be obtained.

28 Section 5. Subsection (1) of section 466.0135, Florida
29 Statutes, is amended to read:

30 466.0135 Continuing education; dentists.--
31

1 (1) In addition to the other requirements for renewal
2 set out in this chapter, each licensed dentist shall be
3 required to complete biennially not less than 30 hours of
4 continuing professional education in dental subjects. Programs
5 of continuing education shall be programs of learning that
6 contribute directly to the dental education of the dentist and
7 may include, but shall not be limited to, attendance at
8 lectures, study clubs, college postgraduate courses, or
9 scientific sessions of conventions; and research, graduate
10 study, teaching, or service as a clinician. Programs of
11 continuing education shall be acceptable when adhering to the
12 following general guidelines:

13 (a) The aim of continuing education for dentists is to
14 improve all phases of dental health care delivery to the
15 public.

16 (b) Continuing education courses shall address one or
17 more of the following areas of professional development,
18 including, but not limited to:

19 1. Basic medical and scientific subjects, including,
20 but not limited to, biology, physiology, pathology,
21 biochemistry, and pharmacology;

22 2. Clinical and technological subjects, including, but
23 not limited to, clinical techniques and procedures, materials,
24 and equipment; and

25 3. Subjects pertinent to oral health and safety.

26 (c) The board may also authorize up to three hours of
27 credit biennially for a practice-management course that
28 includes principles of ethical practice management, provides
29 substance abuse, effective communication with patients, time
30 management, and burn-out prevention instruction.

31

1 ~~(d)(e)~~ Continuing education credits shall be earned at
2 the rate of one-half credit hour per 25-30 contact minutes of
3 instruction and one credit hour per 50-60 contact minutes of
4 instruction.

5 Section 6. Section 466.021, Florida Statutes, is
6 amended to read:

7 466.021 Employment of unlicensed persons by dentist;
8 penalty.--Every duly licensed dentist who uses the services of
9 any unlicensed person for the purpose of constructing,
10 altering, repairing, or duplicating any denture, partial
11 denture, bridge splint, or orthodontic or prosthetic appliance
12 shall be required to furnish such unlicensed person with a
13 written work order in such form as prescribed by rule of the
14 board. This form shall be dated and signed by such dentist and
15 shall include the patient's name or number with sufficient
16 descriptive information to clearly identify the case for each
17 separate and individual piece of work. A copy of such work
18 order shall be retained in a ~~permanent~~ file in the dentist's
19 office for a period of 4 2 years, and the original work order
20 shall be retained in a ~~permanent~~ file for a period of 4 2
21 years by such unlicensed person in her or his place of
22 business. Such ~~permanent~~ file of work orders to be kept by
23 such dentist or by such unlicensed person shall be open to
24 inspection at any reasonable time by the department or its
25 duly constituted agent. Failure of the dentist to keep ~~such~~
26 ~~permanent~~ records of such work orders shall subject the
27 dentist to suspension or revocation of her or his license to
28 practice dentistry. Failure of such unlicensed person to have
29 in her or his possession a work order as required by this
30 section shall be admissible evidence of a violation of this
31 chapter and shall constitute a misdemeanor of the second

1 degree, punishable as provided in s. 775.082 or s. 775.083.
2 ~~Nothing in~~ This section does not shall preclude a registered
3 dental laboratory from working for another registered dental
4 laboratory, provided that such work is performed pursuant to
5 written authorization, in a form to be prescribed by rule of
6 the board, which evidences that the originating laboratory has
7 obtained a valid work order and which sets forth the work to
8 be performed. ~~Furthermore, nothing in~~ This section does not
9 ~~shall~~ preclude a registered laboratory from providing its
10 services to dentists licensed and practicing in another state,
11 provided that such work is requested or otherwise authorized
12 in written form which clearly identifies the name and address
13 of the requesting dentist and which sets forth the work to be
14 performed.

15 Section 7. Subsection (2) of section 466.025, Florida
16 Statutes, is amended to read:

17 466.025 Permitting of dental interns serving at state
18 institutions; certification of dentists practicing at
19 government facilities; permitting of nonprofit corporations.--

20 (2) The department shall have the authority to issue
21 temporary certificates to graduates of accredited dental
22 schools dentists to practice in state and county government
23 facilities, working under the general supervision of licensed
24 dentists of this state in the state or county facility,
25 provided such certificates shall be issued only to graduates
26 of schools approved by the board and further subject to
27 cancellation for just cause. A certificate issued under this
28 section is valid only for such time as the dentist remains
29 employed by a state or county government facility.

30 Section 8. This act shall take effect July 1, 2005.
31