

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 325 CS Dentistry  
**SPONSOR(S):** Altman and others  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Health Care Regulation Committee	11 Y, 0 N, w/CS	Hamrick	Mitchell
2) Health & Families Council		Hamrick	Moore
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

HB 325 CS will limit membership terms of the Board of Dentistry to ten years. This will enable members to serve two full four year terms and have an additional two years available if finding an appropriate replacement is difficult. The Florida Dental Association believes that providing term limits will benefit the board process.

The bill also clarifies the clinical examination requirements for dentists. The Department of Health (DOH) currently administers the third part of the licensure examination, which is the clinical examination. A national clinical examination for part III may soon be implemented. Until the content of the proposed National Examination is known and it can be determined that the national examination meets state standards this bill will clarify the role of the current clinical examination process.

The bill revises dental hygienist licensure requirements. The bill decreases the postsecondary educational requirement by one year. This will allow graduates of an unaccredited dental college or school, who possess a dental school diploma comparable to a D.D.S. or D.M.D., to submit transcripts totaling 4 academic years of postsecondary dental education, rather than a transcript of pre-dental education and dental education totaling 5 academic years.

This bill authorizes the Board of Dentistry to allow up to 3 elective credit hours biannually for a course on practice management. Topics that may be included in the course are ethics, substance abuse, burnout prevention, and enhanced skills in patient communication.

The bill revises storage requirements for dental work orders, such that Dentists or unlicensed persons in dental labs are required to maintain copies of work orders for 4 years rather than 2 years, and deletes "permanent", relating to dentist's file or records.

In addition, the bill will also make changes to problematic language by changing the term "dentists" to "graduates of accredited dental schools" in s. 466.025 (2) F.S. This change was recommended by the Joint Administrative Procedures Committee.

The effective date of the bill is July 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to directly address any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Effect of Proposed Changes**

This bill will limit board membership to ten years, which will enable members to serve two full four year terms and an additional two years if finding an appropriate replacement is difficult.

The bill revises dental hygienist licensure requirements by decreasing the postsecondary education requirement from 5 to 4 years. This change will make it easier for some foreign trained dentists to qualify to take the state's examination.

The bill also clarifies the examination requirements for dentists. Currently, the Department of Health (DOH) administers the clinical part of the examination, which is Part III of the dental examination. Part I & II are National Examinations and are taken during dental school. A reason to clarify the examination requirement of dentists is that a new clinical National Examination may soon be implemented. Until Dentists in Florida understand the complexity and content of the proposed National Examination they wish to preserve the state clinical examination.

This bill authorizes the Board of Dentistry to allow up to 3 elective credit hours biannually for a course on practice management. Topics that may be included in the course are ethics, substance abuse, burnout prevention, and enhanced skills in patient communication.

The bill revises storage requirements for dental work orders by requiring Dentists and unlicensed persons in dental labs to maintain copies of work orders for 4 years rather than 2 years. It deletes "permanent", relating to dentist's file or records. These changes make the record retention requirement for this group consistent with other practitioners.

The bill will also makes changes to problematic language by changing the term "dentists" to "graduates of accredited dental schools" in s. 466.025 (2) F.S. This correction will enable anyone who graduates from an accredited dental school to be eligible for a temporary certificate to practice as a dental intern under supervision, at government facilities or county health facilities following graduation.

#### **PRESENT SITUATION:**

##### **Board Membership**

The Board of Dentistry consists of 11 members who are appointed by the Governor and subject to confirmation by the Senate. Seven members of the board must be licensed Dentists. Two members must be dental hygienists and the last two members must be laypersons. Members are appointed for 4 year terms. Current members of the Board of Medicine do not have term limits. The Florida Dental Association believes that providing term limits may foster new and creative ideas that would benefit the board process.

##### **Eligibility to take the Dental Examination**

A reason for clarifying the examination requirement of dentists is that a new National Examination may soon be implemented. The concern is that the proposed National Examination may not meet the

current state requirements. Until the Dentists understand the complexity and content of the proposed National Examination they want to keep the state's examination requirement.

To qualify to take the Florida dental licensure examination, an applicant must be 18 years of age or older, be a graduate of a dental school accredited by the American Dental Association, and have successfully completed the National Board of Dental Examiners (NBDE) dental examination within 10 years of his or her application. If an individual graduates from a non accredited dental school they must complete a 2-year supplemental dental education or a program of study where they receive a D.D.S. or D.M.D. The application fee to sit for the examination shall not exceed \$100 and the examination fee shall not exceed \$425 plus the actual per applicant cost to the DOH for purchase of portions of the national examination.

### **Dental Examination Requirements and the National Examination**

Any person wishing to practice dentistry must apply to the Department of Health and meet specified requirements that include successfully passing a examination. Section 466.006, F.S., requires dentistry licensure applicants to sit for and pass a state written and clinical dental examination as part of the requirements for licensure. The dental examination is composed of three parts. Parts I & II are written and are national examinations. The first two parts are usually done while the students are still in school and Part III is completed after graduation.

Part III is a practical or clinical examination which is currently administered and graded by dentists licensed in this state and employed by the DOH. The practical or clinical examination requires a graduate of a dental school to complete the following:

- Two restorations. The board by rule shall determine the class of such restorations and whether they shall be performed on mannequins, live patients, or both. At least one restoration must be on a live patient;
- A demonstration of periodontal skills on a live patient;
- A demonstration of prosthetics and restorative skills in complete and partial dentures and crowns and bridges and the utilization of practical methods of evaluation, including the evaluation by the candidate of completed laboratory products such as, crowns and inlays filled to prepared model teeth;
- A demonstration of restorative skills on a mannequin which requires the candidate to complete procedures performed in preparation for a cast restoration; and
- A demonstration of endodontic skills.

Another requirement for licensure is the successful completion of a diagnostic skills examination that demonstrates the ability to diagnose conditions within the mouth and adjacent tissues and structures from photographs, slides, x-rays, or models.

If the applicant fails to pass the clinical examination on the third attempt, the applicant is not eligible for reexamination unless she or he completes additional educational requirements established by the Board of Dentistry.

### **Eligibility for the Dental Hygienist Examination**

To be eligible to take the examination to practice dental hygiene in Florida the applicant must be at least 18 years old, a graduate of a dental hygiene program at an institution of higher learning approved by the Board of Dentistry or an institution accredited by a nationally recognized accrediting agency. An applicant who did not graduate from an accredited dental hygiene school or college must successfully pass the National Board of Dental Hygiene or the National board of Dental examiners dental examination. A Dental hygienist must also complete a practical or clinical competency examination.

## **Examination Requirement for Dental Hygienist**

The dental hygiene practical examination is administered by the Board of Dentistry and is offered twice a year in June and December. If an individual has difficulty with the clinical examination they can take it up to three times. After the third attempt the individual must attend one academic semester of school in a senior practice level refresher course prior to attempting an additional time<sup>1</sup>.

## **Graduates from Dental Schools may take the Dental Hygiene Examination**

Graduates of a dental college may also take the Dental Hygiene Examination if they submit the appropriate credentials, transcripts, dental school diploma which is comparable to a D.D.S or D.M.D., and meet the coursework requirements for HIV/AIDS training. Nonaccredited graduates from a dental school may be required by the Board of Dentistry to complete additional education. A graduate of a foreign dental college must complete the credential process prior to taking any additional coursework.

## **Creating a Practice Management Continuing Education Course**

According to Florida statute, dental continuing education must be relevant to the clinical practice of dentistry. Exceptions have been made in the past concerning mandates for education in the areas of HIV and domestic violence.

This bill authorizes the Board of Dentistry to allow up to 3 credit hours biannually for a course on practice management. The course is designed to help dentists develop their practice management skills. Poor practice management may result in financial difficulties, which may lead to situations where clinical appropriateness is no longer the main priority in a dental office. Topics that may be included in the course are ethics, substance abuse, burnout prevention, and enhanced skills in patient communication. This course will provide dentists with more choices in fulfilling their required continuing education hours. Participation in the new continuing education course in practice management is not mandatory.

## **Joint Administrative Procedure Committee (JAPC) Recommendation**

The bill will also make changes to problematic language by changing the term “dentists” to “graduates of accredited dental schools” in s. 466.025 (2) F.S. The change was recommended by the Joint Administrative Procedures Committee. One of the duties of JAPC is to identify inconsistencies within Florida Statutes.

JAPC identified a problem with a current statutory provision giving the Department of Health the authority to issue temporary certificates to dentists to practice in state and county government facilities. Currently, the issuance of a temporary permit is to a dentist, not a graduate of a dental school or college.

The statutes authorize the issuance of a temporary permit to a graduate student to practice as a dental intern at a government facility such as a county health department, to enable the graduate to gain supervised on the job experience while preparing for the state dentistry examination.

### **C. SECTION DIRECTORY:**

**Section 1.** Amends s. 466.004 F.S., to provide a term limit for board members.

**Section 2.** Amends s. 466.006 F.S., to remove dentistry from the examination provision found in s. 456.017.

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<sup>1</sup> See Administrative Rules 64B5-2.01351B.

- Section 3.** Amends s. 466.007 F.S., to decrease the requirements to sit for the dental hygienist examination to 4 years of postsecondary dental education and makes a minor language change.
- Section 4.** Amends s. 466.0135 F.S., to allow for a practice management continuing education course.
- Section 5.** Amends s. 466.021 F.S., to increase the amount of time work orders need to be stored; removes the term “permanent”; and makes a minor grammatical change.
- Section 6.** Amends s. 466.025 (2) F.S., to remove the term “dentists” and substitute “graduates of accredited dental schools,” regarding certain temporary permits.
- Section 7.** Provides an effective date of July 1, 2005.

## II. 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:

Decreasing the postsecondary dental education requirement to 4 years, may allow more foreign trained dentist to sit for the examination and increase the supply of dental hygienists in Florida. Foreign trained dentist usually have 4 years of post secondary training, but have to return to school to met current requirements of 5 years of post secondary education.

Allowing recent graduates of an accredited school, who are waiting to take Part III of their examination, to work as a dentist intern may attract recent graduates to the state.

Also, by correcting the language from the JAPC request from “dentist” to “graduates of accredited dental schools” would enable anyone who graduates from an accredited dental school to be eligible for a temporary certificate to practice at government facilities and may help to alleviate a shortage of dentists in government facilities.

### D. FISCAL COMMENTS:

The Department of Health states that the bill will not have a fiscal impact on the department.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The Board of Dentistry may have to promulgate rules in order to regulate the course content of the practice management course.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The Notwithstanding clause in the bill removes the required general examination provisions for health professions and occupations found in s. 456.017. The general provision provides the mechanism for the Department of Health to collect fees to cover the cost of the examination, administration services such as preparation, scoring, and evaluation of examinations.

Dental hygienists have expressed concern with the proposed reduction in educational standards for eligibility to take the dental hygiene examination in Florida. Dental education may not include extensive dental hygiene education to the same degree as accredited dental hygiene education. Accredited dental hygiene programs in Florida require about 88 credits or 3 years to graduate. Dental hygienists typically spend 1,948 hours of classroom instruction in a college setting, including more than 600 hours of pre-clinical and clinical instruction, under the supervision of dental hygiene educators<sup>2</sup>.

Dental hygienists also mentioned that increasing the number of dental hygienists in Florida may drive down salaries and increase unemployment rates for dental hygienists.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On February 23, 2005, the Health Care Regulation Committee adopted an amendment sponsored by Representative Homan. The amendment clarifies the notwithstanding clause. The change will keep all of s. 456.017 except (1) (c), thus permitting the board of dentistry to utilize a state examination. Without this provision the board of dentistry would have to utilize a national examination if one exists. The clarification also replaces the required general examination provisions that provide the mechanism to collect fees and administrative services that were removed in the original bill.

This analysis is drafted to the committee substitute.

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<sup>2</sup> The American Dental Hygienists' Association