

CHAMBER ACTION

1 The Health & Families Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to dentistry; amending s. 466.002, F.S.;
7 revising an exemption of certain instructors from ch. 466,
8 F.S.; amending s. 466.004, F.S.; providing Board of
9 Dentistry membership term limits; amending s. 466.006,
10 F.S.; clarifying the requirements to be licensed as a
11 dentist; amending s. 466.007, F.S.; revising postsecondary
12 education requirements to sit for the dental hygiene
13 examination; amending s. 466.0135, F.S.; authorizing a
14 continuing education course in practice management;
15 amending s. 466.021, F.S.; increasing storage requirements
16 for work orders; amending s. 466.025, F.S.; clarifying
17 that temporary certificates to practice in state and
18 county government facilities be issued only to graduates
19 of accredited dental schools; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Subsection (6) of section 466.002, Florida
24 Statutes, is amended to read:

25 466.002 Persons exempt from operation of chapter.--Nothing
26 in this chapter shall apply to the following practices, acts,
27 and operations:

28 (6) Instructors in Florida schools of dentistry,
29 instructors in dental programs that prepare persons holding a
30 D.M.D. or D.D.S. degree for specialty board certification
31 wherein such programs had United States accreditation by January
32 1, 2005, in the same manner as the board recognizes
33 accreditation for Florida schools of dentistry but which are not
34 otherwise affiliated with a Florida school of dentistry, or
35 instructors in Florida schools of dental hygiene or dental
36 assistant educational programs, while performing regularly
37 assigned instructional duties under the curriculum of such
38 schools or programs. A full-time dental instructor at a dental
39 school or dental program approved by the board may be allowed to
40 practice dentistry at the teaching facilities of such school or
41 program, upon receiving a teaching permit issued by the board,
42 in strict compliance with such rules as are adopted by the board
43 pertaining to the teaching permit and with the established rules
44 and procedures of the dental school or program as recognized
45 herein.

46 Section 2. Subsection (1) of section 466.004, Florida
47 Statutes, is amended to read:

48 466.004 Board of Dentistry.--

49 (1) To carry out the provisions of this chapter, there is
50 created within the department the Board of Dentistry consisting

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51 of 11 members who shall be appointed by the Governor and subject
52 to confirmation by the Senate. Seven members of the board must
53 be licensed dentists actively engaged in the clinical practice
54 of dentistry in this state; two members must be licensed dental
55 hygienists actively engaged in the practice of dental hygiene in
56 this state; and the remaining two members must be laypersons who
57 are not, and have never been, dentists, dental hygienists, or
58 members of any closely related profession or occupation. Each
59 member of the board who is a licensed dentist must have been
60 actively engaged in the practice of dentistry primarily as a
61 clinical practitioner for at least 5 years immediately preceding
62 the date of her or his appointment to the board and must remain
63 primarily in clinical practice during all subsequent periods of
64 appointment to the board. Each member of the board who is
65 connected in any way with any dental college or community
66 college must be in compliance with s. 456.007. At least one
67 member of the board must be 60 years of age or older. Members
68 shall be appointed for 4-year terms; however, no member may
69 serve more than 10 cumulative years.

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

72 466.006 Examination of dentists.--

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

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

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

82 a. Two restorations, and the board by rule shall determine
83 the class of such restorations and whether they shall be
84 performed on mannequins, live patients, or both. At least one
85 restoration shall be on a live patient;

86 b. A demonstration of periodontal skills on a live
87 patient;

88 c. A demonstration of prosthetics and restorative skills
89 in complete and partial dentures and crowns and bridges and the
90 utilization of practical methods of evaluation, specifically
91 including the evaluation by the candidate of completed
92 laboratory products such as, but not limited to, crowns and
93 inlays filled to prepared model teeth;

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

97 e. A demonstration of endodontic skills.

98 2. The department shall consult with the board in planning
99 the times, places, physical facilities, training of personnel,
100 and other arrangements concerning the administration of the
101 examination. The board or a duly designated committee thereof
102 shall approve the final plans for the administration of the
103 examination.

104 3. If the applicant fails to pass the clinical examination
105 in three attempts, the applicant shall not be eligible for

106 reexamination unless she or he completes additional educational
107 requirements established by the board; and

108 (c) A diagnostic skills examination demonstrating ability
109 to diagnose conditions within the human oral cavity and its
110 adjacent tissues and structures from photographs, slides,
111 radiographs, or models pursuant to rules of the board. If an
112 applicant fails to pass the diagnostic skills examination in
113 three attempts, the applicant shall not be eligible for
114 reexamination unless she or he completes additional educational
115 requirements established by the board.

116 (d) The board may by rule provide for additional
117 procedures which are to be tested, provided such procedures
118 shall be common to the practice of general dentistry. The board
119 by rule shall determine the passing grade for each procedure and
120 the acceptable variation for examiners. No such rule shall apply
121 retroactively.

122
123 The department shall require a mandatory standardization
124 exercise for all examiners prior to each practical or clinical
125 examination and shall retain for employment only those dentists
126 who have substantially adhered to the standard of grading
127 established at such exercise.

128 Section 4. Paragraph (a) of subsection (3) of section
129 466.007, Florida Statutes, is amended to read:

130 466.007 Examination of dental hygienists.--

131 (3) A graduate of a dental college or school shall be
132 entitled to take the examinations required in this section to
133 practice dental hygiene in this state if, in addition to the

134 requirements specified in subsection (2), the graduate meets the
135 following requirements:

136 (a) Submits the following credentials for review by the
137 board:

138 1. Transcripts totaling ~~of pre-dental education and dental~~
139 ~~education totaling 5 academic years of postsecondary education,~~
140 ~~including~~ 4 academic years of postsecondary dental education;
141 and

142 2. A dental school diploma which is comparable to a D.D.S.
143 or D.M.D.

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145 Such credentials shall be submitted in a manner provided by rule
146 of the board. The board shall approve those credentials which
147 comply with this paragraph and with rules of the board adopted
148 under ~~pursuant to~~ this paragraph. The provisions of this
149 paragraph notwithstanding, an applicant of a foreign dental
150 college or school not accredited in accordance with s.

151 466.006(2)(b) who cannot produce the credentials required by
152 this paragraph, as a result of political or other conditions in
153 the country in which the applicant received his or her
154 education, may seek the board's approval of his or her
155 educational background by submitting, in lieu of the credentials
156 required in this paragraph, such other reasonable and reliable
157 evidence as may be set forth by board rule. The board shall not
158 accept such other evidence until it has made a reasonable
159 attempt to obtain the credentials required by this paragraph
160 from the educational institutions the applicant is alleged to

161 have attended, unless the board is otherwise satisfied that such
162 credentials cannot be obtained.

163 Section 5. Paragraph (b) of subsection (1) of section
164 466.0135, Florida Statutes, is amended to read:

165 466.0135 Continuing education; dentists.--

166 (1) In addition to the other requirements for renewal set
167 out in this chapter, each licensed dentist shall be required to
168 complete biennially not less than 30 hours of continuing
169 professional education in dental subjects. Programs of
170 continuing education shall be programs of learning that
171 contribute directly to the dental education of the dentist and
172 may include, but shall not be limited to, attendance at
173 lectures, study clubs, college postgraduate courses, or
174 scientific sessions of conventions; and research, graduate
175 study, teaching, or service as a clinician. Programs of
176 continuing education shall be acceptable when adhering to the
177 following general guidelines:

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

181 1. Basic medical and scientific subjects, including, but
182 not limited to, biology, physiology, pathology, biochemistry,
183 and pharmacology;

184 2. Clinical and technological subjects, including, but not
185 limited to, clinical techniques and procedures, materials, and
186 equipment; and

187 3. Subjects pertinent to oral health and safety.

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189 Additionally, the board may authorize up to 3 credit hours
 190 biennially for a course on practice management that includes,
 191 but is not limited to, principles of ethical practice
 192 management, provider substance abuse, effective communications
 193 with patients, time management, and burnout prevention.

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

196 466.021 Employment of unlicensed persons by dentist;
 197 penalty.--Every duly licensed dentist who uses the services of
 198 any unlicensed person for the purpose of constructing, altering,
 199 repairing, or duplicating any denture, partial denture, bridge
 200 splint, or orthodontic or prosthetic appliance shall be required
 201 to furnish such unlicensed person with a written work order in
 202 such form as prescribed by rule of the board. This form shall be
 203 dated and signed by such dentist and shall include the patient's
 204 name or number with sufficient descriptive information to
 205 clearly identify the case for each separate and individual piece
 206 of work. A copy of such work order shall be retained in a
 207 ~~permanent~~ file in the dentist's office for a period of 4 2
 208 years, and the original work order shall be retained in a
 209 ~~permanent~~ file for a period of 4 2 years by such unlicensed
 210 person in her or his place of business. Such ~~permanent~~ file of
 211 work orders to be kept by such dentist or by such unlicensed
 212 person shall be open to inspection at any reasonable time by the
 213 department or its duly constituted agent. Failure of the dentist
 214 to keep such ~~permanent~~ records of such work orders shall subject
 215 the dentist to suspension or revocation of her or his license to
 216 practice dentistry. Failure of such unlicensed person to have in

217 her or his possession a work order as required by this section
 218 shall be admissible evidence of a violation of this chapter and
 219 shall constitute a misdemeanor of the second degree, punishable
 220 as provided in s. 775.082 or s. 775.083. Nothing in this section
 221 shall preclude a registered dental laboratory from working for
 222 another registered dental laboratory, provided that such work is
 223 performed pursuant to written authorization, in a form to be
 224 prescribed by rule of the board, which evidences that the
 225 originating laboratory has obtained a valid work order and which
 226 sets forth the work to be performed. Furthermore, ~~nothing in~~
 227 this section does not shall preclude a registered laboratory
 228 from providing its services to dentists licensed and practicing
 229 in another state, provided that such work is requested or
 230 otherwise authorized in written form which clearly identifies
 231 the name and address of the requesting dentist and which sets
 232 forth the work to be performed.

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

235 466.025 Permitting of dental interns serving at state
 236 institutions; certification of dentists practicing at government
 237 facilities; permitting of nonprofit corporations.--

238 (2) The department shall have the authority to issue
 239 temporary certificates to graduates of accredited dental schools
 240 ~~dentists~~ to practice in state and county government facilities,
 241 working under the general supervision of licensed dentists of
 242 this state in the state or county facility, provided such
 243 certificates shall be issued only to graduates of schools
 244 approved by the board and further subject to cancellation for

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245 | just cause. A certificate issued under this section is valid
246 | only for such time as the dentist remains employed by a state or
247 | county government facility.

248 | Section 8. This act shall take effect July 1, 2005.