

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill places additional requirements on Florida dentists, DOH and dental laboratories operating or conducting business in Florida.

B. EFFECT OF PROPOSED CHANGES:

Florida dentist could only use the services of registered dental laboratories for crowns, bridges, dentures, and other dental prosthetics work. Dental laboratories would need to employ at least one certified dental technician beginning July 1, 2009 and submit the documentation with its biennially registration with DOH. Dental laboratories operating or conducting business in Florida regardless of where they are located would be required to register with DOH and comply with state law and applicable rules. DOH would need to conduct periodic inspections of dental laboratories operating or conducting business in Florida including dental laboratories that might be located in other states or countries.

BACKGROUND

Use of Unlicensed Person

Current law requires licensed dentists who use the services of any unlicensed person for constructing, altering, repairing, or duplicating any denture, partial denture, bridge splint, or orthodontic or prosthetic appliance to furnish a written work order to that person in a form prescribed by rule of the Board of Dentistry. A copy of the work order must be retained in a permanent file in the dentist's office for a period of four years, and the original work order must be retained in a permanent file for a period of two years by the unlicensed person in her or his place of business. The permanent file of work orders must be open for inspection at any reasonable time by DOH or its duly constituted agent. A dentist's failure to maintain permanent records of the work orders makes the dentist liable for a license revocation or suspension.¹

Dental Laboratories

A dental laboratory is defined as:

[A]ny person, firm, or corporation who performs for a fee of any kind, gratuitously, or otherwise, directly or through an agent or employee, by any means or method, or who in any way supplies or manufactures artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, or reproduces or repairs any prosthetic denture, bridge, or appliance to be worn in the human mouth or who in any way holds itself out as a dental laboratory.²

The definition of dental laboratory excludes any dental laboratory technician who constructs or repairs dental prosthetic appliances in the office of a licensed dentist for such dentist only and under her or his supervision and work order.

Every dental laboratory operating in Florida must register with DOH every two years.³ The registration fee is \$200 and there are penalties for failure to comply with the registration requirements.⁴ There are currently 1143 registered dental laboratories operating in the state. However, many out of state and out of country laboratories are currently being utilized by Florida dentists, and are not registered with

¹ s. 466.021, F.S.

² s. 466.031, F.S.

³ s. 466.032, F.S.

⁴ F.A.C. 64B27-1.002

DOH because they are not operating in Florida.⁵ DOH is required to perform periodic inspection of dental laboratories operating in the state but is not required to perform inspections for dental laboratories outside of Florida. Each dental laboratory must comply with practice requirements and a procedure delineated in rules and is subject to periodic inspections at least one time during each calendar year.⁶ Eighteen legally sufficient complaints against dental laboratories were received by DOH in fiscal year 2004/05, mainly resulting from unsanitary conditions upon inspection by staff or expired dental laboratory licenses.⁷

DOH is prohibited from requiring an examination to operate as a dental laboratory, but is required to issue a registration certificate upon completion of the registration form and compliance with any rules promulgated by DOH.⁸

The federal Food and Drug Administration (FDA) regulates materials used and the manufacturing process but not the final product of dental laboratories. These regulations apply to any finished device intended for human use that is manufactured, imported, or offered for import in any state.⁹ The 1997 Food and Drug Modernization Act, requires all foreign dental laboratories to register and list with the FDA.¹⁰

As with most market sectors, globalization is also affecting the U.S. dental laboratory market. Pressure to keep cost down is increasingly shifting dental laboratory work to offshore establishments. Foreign laboratories that cater to the U.S. market offer cost-effective pricing. Overseas laboratories charge fees that are typically one-half to two-thirds lower compared to U.S. dental laboratories. For some U.S. laboratory owners, out sourcing to overseas laboratories is an important factor in their ability to expand their laboratories or keep cost down.¹¹

Dental Laboratory Technicians - Description of Occupation¹²

Dental laboratory technicians fill prescriptions from dentists for crowns, bridges, dentures, and other dental prosthetics. Nationally, dental laboratory technicians held about 47,000 jobs in 2002. Approximately 7 out of 10 jobs were in medical equipment and supply manufacturing laboratories, which usually are small, privately owned businesses with fewer than five employees. However, some laboratories are large; a few employ more than 50 technicians. Some dental laboratory technicians work in offices of dentists.

Most dental laboratory technicians learn their craft on the job. They begin with simple tasks, such as pouring plaster into an impression, and progress to more complex procedures, such as making porcelain crowns and bridges. Becoming a fully trained technician requires an average of 3 to 4 years.

Training in dental laboratory technology is also available through community and junior colleges, vocational-technical institutes, and the U.S. Armed Forces. Formal training programs vary greatly both in length and in the level of skill they impart. In 2002, 25 programs in dental laboratory technology were approved (accredited) by the Commission on Dental Accreditation in conjunction with the American Dental Association (ADA). These programs provide classroom instruction in dental materials science, oral anatomy, fabrication procedures, ethics, and related subjects. In addition, each student is given supervised practical experience in a school or an associated dental laboratory. Accredited programs normally take 2 years to complete and lead to an associate degree. Graduates of 2-year training programs need additional hands-on experience to become fully qualified. Each dental laboratory owner

⁵ Department of Health Bill Analysis HB 855

⁶ F.A.C. 64B27-1.001

⁷ Department of Health Bill Analysis HB 855

⁸ s. 466.033, F.S.

⁹ 21 CFR 820 and 872

¹⁰ Public Law 105-115

¹¹ Offshore outsourcing: shopping in a global market, April 2005, *Lab Management Today*,

<http://www.lmtcommunications.com/articles/offshoreoutsourcing.asp>

¹² Source: U.S. Department of Labor, Bureau of Labor Statistics 2005. <http://www.bls.gov/oco/pdf/ocos238.pdf>

operates in a different way, and classroom instruction does not necessarily expose students to techniques and procedures favored by individual laboratory owners.

The National Board for Certification, an independent board established by the National Association of Dental Laboratories (NADL), offers certification in dental laboratory technology.

The overall dental health of the population has improved because of fluoridation of drinking water, which has reduced the incidence of dental cavities, and greater emphasis on preventive dental care since the early 1960s has also improve the overall dental health of the population. As a result, full dentures will be less common, as most people will need only a bridge or crown. However, during the last few years, demand has arisen from an aging public that is growing increasingly interested in cosmetic prostheses.

Job opportunities for dental laboratory technicians should be favorable, despite expected slower-than-average growth in the occupation through the year 2012. Employers have difficulty filling trainee positions, probably because entry-level salaries are relatively low and because the public is not familiar with the occupation.

The mean hourly wage in 2005 for dental laboratory technicians in Florida was \$16.50. The mean annual wage or salary was \$34,333. The number of dental laboratory technicians employed in Florida in 2004 was 4,454. It is projected that in 2012 there will be 5,114. This represents an annual average growth rate of 1.8 percent, slower than 1.9 percent growth rate for all occupations in Florida.¹³

Growth plus replacement needs for dental laboratory technicians in Florida are estimated to average about 177 openings per year. Of these estimated 177 openings per year, 46.9 percent of these openings are due to growth (new positions) and 53.1 percent of these openings are due to replacements. This compares with all occupations in Florida where 46.7 percent of annual openings are due to growth and 53.3 percent of annual openings are due to replacements. These figures do not take into account how many workers will be competing for these openings. The industry with the highest employment for dental laboratory technicians in Florida for 2004 was Medical Equipment and Supplies Manufacturing with 73.8 percent of the total employment. The next largest industry for this occupation was Undefined Self-Employed Workers, Primary Job with 13.1 percent of the total employment. The third largest was Industry Offices of Dentists with 8.4 percent of the total employment.¹⁴

Dental Laboratory Technicians Certification

The requirements for certification as a dental technician by the National Board for Certification in Dental Laboratory Technology (NBC) include either five years of experience as a dental technician or a combination of five years of experience and formal education and three examinations.¹⁵ A person with the experience and/or educational background must take three examinations to be certified. The three examinations are taken in any order within a four-year period include: a written comprehensive, a specialty practical, and a specialty written.¹⁶ The five specialties to choose from are:

- complete dentures
- partial dentures
- crown and bridge
- ceramics
- orthodontics

The fees for the three examinations:

- Comprehensive Written Exams: \$190
- Specialty Written Exams: \$190
- Practical Exam: \$455

¹³ Employ Florida Marketplace <http://www.employflorida.com/>

¹⁴ Ibid

¹⁵ Source: The National Board for Certification in Dental Laboratory Technology <http://www.nbccert.org>

¹⁶ Ibid

There is financial assistance available to meet this cost for certain qualified individuals from the NADL.¹⁷

In addition, to maintain the certified dental technician designation a person must accumulate on an annual basis 12 hours of continuing education credit during the one-year renewal cycle. Those requirements include:

- One hour of documented infectious disease control or other documented Occupational Safety & Health Administration (OSHA) compliance education.
- Six hours must be documented scientific credit, which at least three hours must be NBC-Pre approved courses.
- Five hours in any of the following: documented scientific, infection control, or professional development credits, or other non-documented credit.

There are three accredited dental laboratory technology education programs in Florida where a person may pursue a two-year program of education in dental laboratory technology. The cost to complete a dental laboratory technology program ranges from \$1,100 to \$3,700. There is financial aide and scholarships available for students enrolled in these programs.¹⁸ The accredited programs in dental laboratory technology include:

- Indian River Community College, Ft Pierce
- Lindsey Hopkins Technical Educational Center, Miami
- McFatter Vocational Technical School, Davie (Broward County)

According to the NADL the benefits of becoming a certified dental technician include:

- Demonstration of a significant mastery of knowledge needed in dental technology.
- Demonstration of a significant mastery of applied skills needed in dental technology.
- Demonstration of competency to peers and the public.
- Indication of being at the top of the dental technology profession.
- Establishing a basis for networking, professional recognition, friendships and life-long learning.¹⁹

Current law does not require that a certified dental technician be employed in a dental laboratory to operate in Florida. There are 426 certified dental laboratory technicians in this state.²⁰

C. SECTION DIRECTORY:

Section 1. Amends s. 466.021, F.S.

Section 2. Amends s. 466.032, F.S.

Section 3. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹⁷ The NADL Pillar Scholarship is designed to allow qualified candidates the opportunity to sit for the three examinations that comprise the Certified Dental Technician examination process. The Pillar Scholarship covers the application and testing fees for a candidate to take the written comprehensive exam, the written specialty exam and the hands-on practical examination, one time each. It also awards the candidate a certificate that can be used to purchase study materials through NADL. <http://www.nadl.org/Scholarship.shtml>

¹⁸ The Florida Dental Health Foundation in cooperation with the Florida Dental Laboratory Association and the faculty of the accredited training programs, awards scholarships to needy students enrolled in a dental laboratory technology program. Source Florida Dental Association. <http://www.floridadental.org/public/careers/labtech.html>. In addition, other types of financial support are available through the Department of Education. <http://www.firn.edu/doe/bin00065/splist.htm>

¹⁹ NADL http://www.nbccert.org/why_cdt.shtml

²⁰ Department of Health Bill Analysis HB 855

1. Revenues:

DOH could not determine the specific amount of the revenue associated with act. (See Fiscal Comments)

2. Expenditures:

DOH could not determine the specific amount of expenditures associated with this act. (See Fiscal Comments)

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If certified dental technicians command higher wages, then there is a possibility the employment of certified dental technicians as required by this act may increase the operating costs of a dentist and as a result could increase the cost to the consumer.

A one person operation would have to become a certified dental technician, hire an individual that is certified, seek employment in a laboratory that employs a certified dental technician or work in the office of a licensed dentist in order to meet the July 1, 2009 deadline for certification.

There are 426 certified dental laboratory technicians in this state and 1143 registered dental laboratories operating in the state. Even if one assumed that each of 426 certified technicians work in different dental laboratories, there would be a need for a minimum of 717 additional certified dental laboratory technicians within the next three years to comply with the requirements of this bill.²¹ The need for certified technician will obviously be greater because it is unlikely that all current certified dental technicians in Florida work in different laboratories, because of the already noted favorable growth rate for the industry, and because of the predicted growth of Florida's population.²²

The private organizations that have training programs and prepare an individual to take the certification examinations and continuing education requirements could experience an increase in demand and revenue. The National Board for Certification in Dental Laboratory Technology could experience an increase in demand for examinations and increase in revenue from examination fees and other related educational materials.

D. FISCAL COMMENTS:

According to DOH, the state may realize an increase in revenue from registration by out of state and out of country dental labs which would be required to register under this new law. There would be an expense associated with the inspection of these out of state and out of country dental laboratories.²³

DOH also anticipates the potential for an increase in the number of complaints that would require investigation and prosecution but could not estimate the costs of these investigations and prosecutions.

²¹ This scenario excludes the effect of the bill on dental laboratories located outside the state of Florida but doing business in the state.

²² Florida's current population of approximately 18.5 million is expected to be 19.3 million by 2009. Source: FI Legislature Office of Economic and Demographic Research <http://edr.state.fl.us/index.html>

²³ Department of Health Bill Analysis HB 855

Some types of complaints may include 1) the dentist is not using a dental laboratory that is employing a certified dental technician; 2) the dentist is not using a registered dental laboratory; or 3) the dental laboratory does not have a certified dental technician.²⁴

There could be an increase in enrollment in public educational facilities that provide a program of education in dental laboratory technology.

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 action requiring the expenditure of funds. This bill does not reduce the percentage of 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:

Current law provides DOH rule making authority to address changes in rules to address the requirements of this act.²⁵

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

²⁴ Ibid

²⁵ s. 466.038, F.S.