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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/2/2008	.	
	.	
	.	

1 The Committee on Health and Human Services Appropriations
2 (Peaden) recommended the following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Subsection (14) is added to section 466.003,
8 Florida Statutes, to read:

9 466.003 Definitions.--As used in this chapter:

10 (14) "Health access settings" means programs and
11 institutions of the Department of Children and Family Services,
12 the Department of Health, the Department of Juvenile Justice,
13 nonprofit community health centers, Head Start centers, federally
14 qualified health centers (FQHCs), FQHC look-alikes as defined by
15 federal law, and clinics operated by accredited colleges of
16 dentistry in this state if such community service programs and
17 institutions immediately report to the Board of Dentistry all



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18 violations of s. 466.027, s. 466.028, and other practice act or
19 standard of care violations related to the actions or inactions
20 of a dentist, dental hygienist, or dental assistant engaged in
21 the delivery of dental care in such settings.

22 Section 2. Paragraph (c) of subsection (2) of section
23 466.006, Florida Statutes, is amended to read:

24 466.006 Examination of dentists.--

25 (2) An applicant shall be entitled to take the examinations
26 required in this section to practice dentistry in this state if
27 the applicant:

28 (c)1. Has successfully completed the National Board of
29 Dental Examiners dental examination within 10 years of the date
30 of application; ~~or-~~

31 2. Has an active health access dental license in this
32 state; and

33 a. The applicant has at least 5,000 hours within 4
34 consecutive years of clinical practice experience providing
35 direct patient care in a health access setting as defined in s.
36 466.003(14); the applicant is a retired veteran dentist of any
37 branch of the United States Armed Services who has practiced
38 dentistry while on active duty and has at least 3,000 hours
39 within 3 consecutive years of clinical practice experience
40 providing direct patient care in a health access setting as
41 defined in s. 466.003(14); or the applicant has provided a
42 portion of his or her salaried time teaching health profession
43 students in any public education setting, including, but not
44 limited to, a community college, college, or university, and has
45 at least 3,000 hours within 3 consecutive years of clinical
46 practice experience providing direct patient care in a health
47 access setting as defined in s. 466.003(14);



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48 b. The applicant has not been disciplined by the board,
49 except for citation offenses or minor violations;

50 c. The applicant has not filed a report pursuant to s.
51 456.049; and

52 d. The applicant has not been convicted of or pled nolo
53 contendere to, regardless of adjudication, any felony or
54 misdemeanor related to the practice of a health care profession.

55 Section 3. Section 466.0067, Florida Statutes, is created
56 to read:

57 466.0067 Application for health access dental license.--The
58 Legislature finds that there is an important state interest in
59 attracting dentists to practice in underserved health access
60 settings in this state and further, that allowing out-of-state
61 dentists who meet certain criteria to practice in health access
62 settings without the supervision of a dentist licensed in this
63 state is substantially related to achieving this important state
64 interest. Therefore, notwithstanding the requirements of s.
65 466.006, the board shall grant a health access dental license to
66 practice dentistry in this state in health access settings as
67 defined in s. 466.003(14) to an applicant that:

68 (1) Files an appropriate application approved by the board;

69 (2) Pays an application license fee for a health access
70 dental license, laws-and-rule exam fee, and an initial licensure
71 fee. The fees specified in this subsection may not differ from an
72 applicant seeking licensure pursuant to s. 466.006;

73 (3) Has not been convicted or pled guilty or nolo
74 contendere to, regardless of adjudication, a crime in any
75 jurisdiction;



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76 (4) Submits proof of graduation from a dental school
77 accredited by the Commission on Dental Accreditation of the
78 American Dental Association or its successor agency;

79 (5) Submits documentation that she or he has completed, or
80 will obtain prior to licensure, continuing education equivalent
81 to this state's requirement for dentists licensed under s.
82 466.006 for the last full reporting biennium before applying for
83 a health access dental license;

84 (6) Submits proof of her or his successful completion of
85 parts I and II of the dental examination by the National Board of
86 Dental Examiners and a state or regional clinical dental
87 licensing examination that the board has determined effectively
88 measures the applicant's ability to practice safely;

89 (7) Currently holds a valid, active, dental license in good
90 standing which has not been revoked, suspended, restricted, or
91 otherwise disciplined from another of these United States, the
92 District of Columbia, or a United States territory;

93 (8) Has never had a license revoked from another of these
94 United States, the District of Columbia, or a United States
95 territory;

96 (9) Has never failed the examination specified in s.
97 466.006, unless the applicant was reexamined pursuant to s.
98 466.006 and received a license to practice dentistry in this
99 state;

100 (10) Has not been reported to the National Practitioner
101 Data Bank, unless the applicant successfully appealed to have his
102 or her name removed from the data bank;

103 (11) Submits proof that he or she has been engaged in the
104 active, clinical practice of dentistry providing direct patient
105 care for 5 years immediately preceding the date of application,



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106 or in instances when the applicant has graduated from an
107 accredited dental school within the preceding 5 years, submits
108 proof of continuous clinical practice providing direct patient
109 care since graduation; and

110 (12) Has passed an examination covering the laws and rules
111 of the practice of dentistry in this state as described in s.
112 466.006(4)(a).

113 Section 4. Section 466.00671, Florida Statutes, is created
114 to read:

115 466.00671 Renewal of the health access dental license.--

116 (1) A health access dental licensee shall apply for renewal
117 each biennium. At the time of renewal, the licensee shall sign a
118 statement that she or he has complied with all continuing
119 education requirements of an active dentist licensee. The board
120 shall renew a health access dental license for an applicant that:

121 (a) Submits documentation, as approved by the board, from
122 the employer in the health access setting that the licensee has
123 at all times pertinent remained an employee;

124 (b) Has not been convicted or pled guilty or nolo
125 contendere to, regardless of adjudication, a crime in any
126 jurisdiction;

127 (c) Has paid a renewal fee set by the board. The fee
128 specified herein may not differ from the renewal fee adopted by
129 the board pursuant to s. 466.013. The department may provide
130 payment for these fees through the dentist's salary, benefits, or
131 other department funds;

132 (d) Has not failed the examination specified in s. 466.006
133 since initially receiving a health access dental license or since
134 the last renewal; and



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135 (e) Has not been reported to the National Practitioner Data
136 Bank, unless the applicant successfully appealed to have his or
137 her name removed from the data bank.

138 (2) The board may undertake measures to independently
139 verify the health access dental licensee's ongoing employment
140 status in the health access setting.

141 Section 5. Section 466.00672, Florida Statutes, is created
142 to read:

143 466.00672 Revocation of health access dental license.--

144 (1) The board shall revoke a health access dental license
145 upon:

146 (a) The licensee's termination from employment from a
147 qualifying health access setting;

148 (b) Final agency action determining that the licensee has
149 violated any provision of s. 466.027 or s. 466.028, other than
150 infractions constituting citation offenses or minor violations;
151 or

152 (c) Failure of the Florida dental licensure examination.

153 (2) Failure of an individual licensed pursuant to s.
154 466.0067 to limit the practice of dentistry to health access
155 settings as defined in s. 466.003 constitutes the unlicensed
156 practice of dentistry.

157 Section 6. Section 466.00673, Florida Statutes, is created
158 to read:

159 466.00673 Repeal of a health access dental
160 license.--Effective January 1, 2015, ss. 466.0067-466.00673 are
161 repealed unless reenacted by the Legislature. Any health access
162 dental license issued before January 1, 2015, shall remain valid
163 according to ss. 466.0067-466.00673, without effect from repeal.



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164 Section 7. Section 466.00775, Florida Statutes, is created
165 to read:

166 466.00775 Rulemaking.--The board shall adopt rules pursuant
167 to ss. 120.536(1) and 120.54 to administer ss. 466.003(14),
168 466.0067, 466.00671, 466.00672, 466.00673, 466.021, and 466.032.

169 Section 8. Section 466.011, Florida Statutes, is amended to
170 read:

171 466.011 Licensure.--The board shall certify for licensure
172 by the department any applicant who satisfies the requirements of
173 s. 466.006, s. 466.0067, or s. 466.007. The board may refuse to
174 certify an applicant who has violated any of the provisions of s.
175 466.026 or s. 466.028.

176 Section 9. Section 466.021, Florida Statutes, is amended to
177 read:

178 466.021 Retention ~~Employment~~ of dental laboratories
179 ~~unlicensed persons~~ by dentist; penalty.--Each ~~Every~~ ~~duly~~ licensed
180 dentist who uses the services of any dental laboratory ~~unlicensed~~
181 ~~person~~ for the purpose of constructing, altering, repairing, or
182 duplicating any denture, implant, veneer, partial denture, bridge
183 splint, ~~or~~ orthodontic or other prosthetic appliance, or other
184 suitable form of artificial oral restorative device shall be
185 required to furnish the dental laboratory ~~such unlicensed person~~
186 with a written prescription ~~work order~~ in a ~~such~~ form as
187 prescribed by rule of the board. This prescription ~~form~~ shall be
188 dated and signed by the ~~such~~ dentist and shall include the
189 license number of the dentist, the patient's name or number with
190 sufficient descriptive information to clearly identify ~~the case~~
191 ~~for~~ each separate and individual piece of work to be performed by
192 the dental laboratory, and a specification of materials to be
193 contained in each work product. A copy of the prescription ~~such~~



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194 ~~work order~~ shall be retained in a file in the prescribing
195 dentist's office for a period of 4 years following the date the
196 prescription was issued, and the original prescription ~~work order~~
197 shall be retained in a file by the dental laboratory for a period
198 of 4 years ~~by such unlicensed person in her or his place of~~
199 ~~business~~. A registered dental laboratory shall disclose in
200 writing at the time of delivery of the final restoration to the
201 prescribing dentist the materials and all certificates of
202 authenticity that constitute each product manufactured and the
203 point of origin of manufacture of each restoration, including the
204 address and contact information of the dental laboratory. The
205 ~~Such~~ file of prescriptions ~~work orders~~ to be kept by the ~~such~~
206 dentist and the dental laboratory ~~or by such unlicensed person~~
207 shall be open to inspection at any reasonable time by the
208 department or its ~~duly~~ constituted agent. Failure of the dentist
209 to keep records of each prescription ~~such work orders~~ shall
210 subject the dentist to suspension or revocation of her or his
211 license to practice dentistry in this state. Failure of a dental
212 laboratory that has accepted a prescription to have the original
213 or electronic copy of each prescription and to ensure the
214 accuracy of each product's material disclosure at the time it is
215 delivered to the prescribing dentist ~~such unlicensed person to~~
216 ~~have in her or his possession a work order~~ as required by this
217 section ~~is shall be~~ admissible evidence of a violation of this
218 chapter and constitutes ~~shall constitute~~ a misdemeanor of the
219 second degree, punishable as provided in s. 775.082 or s.
220 775.083. This section does not preclude a registered dental
221 laboratory from working for another registered dental laboratory
222 if, provided that ~~such~~ work is performed pursuant to written
223 authorization, in a form to be prescribed by rule of the board,



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224 | which evidences that the originating laboratory has obtained a
225 | valid prescription ~~work order~~ and which sets forth the work to be
226 | performed and the resulting material certifications to be
227 | provided. A dental laboratory accepting prescriptions from
228 | dentists is liable for damages caused by inaccuracies in the
229 | material disclosure, certificates of authenticity, or point of
230 | origin provided by the dental laboratory to the prescribing
231 | dentist. This section does not preclude a registered laboratory
232 | from providing its services to dentists licensed and practicing
233 | in another state if, ~~provided~~ that ~~such~~ work is requested or
234 | otherwise authorized in written form that ~~which~~ clearly
235 | identifies the name and address of the requesting dentist and
236 | ~~which~~ sets forth the work to be performed and otherwise complies
237 | with all applicable laws and treaties.

238 | Section 10. Subsections (7), (8), and (9) are added to
239 | section 466.023, Florida Statutes, to read:

240 | 466.023 Dental hygienists; scope and area of practice.--

241 | (7) A dental hygienist may perform the following tasks,
242 | without supervision and without prior authorization of a dentist,
243 | in a health access setting, as defined in s. 466.003(14):

244 | (a) Conducting services listed in s. 466.023(3);

245 | (b) Doing dental charting listed in s. 466.0235;

246 | (c) Applying fluoride treatments, including the use of
247 | fluoride varnishes;

248 | (d) Doing impressions for study casts that are not being
249 | made for the purpose of fabricating any intra-oral appliances,
250 | restorations, or orthodontic appliances and which are conveyed to
251 | a dentist for review and development of a treatment plan; and

252 | (e) Taking medical and dental history conveyed to a dentist
253 | for review and development of a treatment plan.



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254 (8) Patients receiving services listed in paragraphs
255 (7) (c), (d), and (e) from a hygienist without supervision or
256 prior authorization must be examined by a dentist before the
257 hygienist performs any additional services without supervision or
258 prior authorization.

259 (9) A dental hygienist may perform the following tasks
260 under general supervision:

261 (a) Applying dental sealants.

262 (b) Placing subgingival resorbable chlorhexidine,
263 doxycycline hyclate, or minocycline hydrochloride.

264 Section 11. Subsection (5) is added to section 466.032,
265 Florida Statutes, to read:

266 466.032 Registration.--

267 (5) The dental laboratory owner or at least one employee of
268 any dental laboratory renewing registration on or after July 1,
269 2010, shall complete 18 hours of continuing education biennially.
270 Programs of continuing education shall be programs of learning
271 that contribute directly to the education of the dental
272 technician and may include, but are not limited to, attendance at
273 lectures, study clubs, college courses, or scientific sessions of
274 conventions; and research.

275 (a) The aim of continuing education for dental technicians
276 is to improve dental health care delivery to the public as such
277 is impacted through the design, manufacture, and use of
278 artificial human oral prosthetics and related restorative
279 appliances.

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



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283 1. Laboratory and technological subjects, including, but
284 not limited to, laboratory techniques and procedures, materials,
285 and equipment; and

286 2. Subjects pertinent to oral health, infection control,
287 and safety.

288 (c) Programs meeting the general requirements of continuing
289 education may be developed and offered to dental technicians by
290 the Florida Dental Laboratory Association and the Florida Dental
291 Association. Other organizations, schools, or agencies may also
292 be approved to develop and offer continuing education in
293 accordance with specific criteria established by the department.

294 (d) Any dental laboratory renewing a registration on or
295 after July 1, 2010, shall submit a sworn affidavit, on a form
296 approved by the department, attesting that either the dental
297 laboratory owner or one dental technician employed by the
298 registered dental laboratory has completed the continuing
299 education required in this subsection in accordance with the
300 guidelines and provisions of this subsection and listing the
301 date, location, sponsor, subject matter, and hours of completed
302 continuing education courses. The dental laboratory shall retain
303 in its records such receipts, vouchers, or certificates as may be
304 necessary to document completion of the continuing education
305 courses listed in accordance with this subsection. With cause,
306 the department may request that the documentation be provided by
307 the applicant. The department may also request the documentation
308 from applicants selected at random without cause.

309 (e)1. This subsection does not apply to a dental laboratory
310 that is physically located within a dental practice operated by a
311 dentist licensed under this chapter.



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312 2. A dental laboratory in another state or country which
313 provides service to a dentist licensed under this chapter is not
314 required to register with the state and may continue to provide
315 services to such dentist with a proper prescription. A dental
316 laboratory in another state or country, however, may voluntarily
317 comply with this subsection.

318 Section 12. This act shall take effect January 1, 2009.

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320

321 ===== T I T L E A M E N D M E N T =====

322 And the title is amended as follows:

323 Delete everything before the enacting clause
324 and insert:

325 A bill to be entitled
326 An act relating to dentistry; amending s. 466.003, F.S.;
327 providing a definition; amending s. 466.006, F.S.;
328 revising the requirements for entitlement to take the
329 necessary examinations to practice dentistry in this
330 state; creating s. 466.0067, F.S.; providing requirements
331 for application for a health access dental license in this
332 state; creating s. 466.00671, F.S.; providing requirements
333 for renewal of a health access dental license; creating s.
334 466.00672, F.S.; providing conditions in which the Board
335 of Dentistry of the Department of Health may revoke a
336 health access dental license; providing that the failure
337 of a holder of a health access dental license to limit the
338 practice of dentistry to health access settings is the
339 unlicensed practice of dentistry; creating s. 466.00673,
340 F.S.; providing for the repeal of statutory language
341 regarding health access dental licensure; creating s.



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342 466.00775, F.S.; requiring the board to adopt rules;
343 amending s. 466.011, F.S.; conforming provisions to
344 changes made in this act; amending s. 466.021, F.S.;
345 revising requirements relating to retention of dental
346 laboratories by dentists; changing terminology to reflect
347 employment of dental laboratories and to change references
348 to work orders to prescriptions; requiring a dental
349 laboratory to keep the original or an electronic copy of
350 prescriptions; amending s. 466.023, F.S.; authorizing
351 dental hygienists to do certain tasks with and without
352 general supervision; amending s. 466.032, F.S.; requiring
353 specified continuing education for renewal of registration
354 of a dental laboratory by a time certain; providing a
355 listing of agencies or organizations that are authorized
356 to develop and offer continuing education; requiring a
357 dental laboratory owner to submit a sworn statement
358 attesting to compliance with continuing education
359 requirements and providing specified information;
360 authorizing the Department of Health to request
361 documentation of continuing education; authorizing the
362 department to request such documentation at random without
363 cause; providing exemptions from continuing education
364 requirements; providing for voluntary compliance by
365 certain dental laboratories; providing an effective date.