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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/26/2008	.	
	.	
	.	

1 The Committee on Health Regulation (Peaden) recommended the
 2 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) "Community service settings" mean 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, and
 14 federally qualified health centers if such community service
 15 programs and institutions immediately report to the Board of
 16 Dentistry all violations of s. 466.027, s. 466.028, and other
 17 practice act or standard of care violations related to the

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18 actions or inactions of a dentist, dental hygienist, or dental
19 assistant engaged in the delivery of dental care in such
20 settings.

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

23 466.006 Examination of dentists.--

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

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

30 2. Has an active community-service dental license in this
31 state; and

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

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

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

51 d. The applicant has not been convicted or pled nolo
52 contendere to, regardless of adjudication, a crime in any
53 jurisdiction.

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

56 466.0067 Application for community-service dental
57 license.--The Legislature finds that there is an important state
58 interest in attracting dentists to practice in underserved
59 community service settings in this state and further, that
60 allowing out-of-state dentists who meet certain criteria to
61 practice in community service settings without the supervision of
62 a dentist licensed in this state is substantially related to
63 achieving this important state interest. Therefore,
64 notwithstanding the requirements of s. 466.006, the board shall
65 grant a community service dental license to practice dentistry in
66 this state in community service settings as defined in s.
67 466.003(14) to an applicant that:

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

69 (2) Pays an application license fee for a community service
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 community-service 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;

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

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106 accredited dental school within the preceding 5 years, submits
107 proof of continuous clinical practice providing direct patient
108 care since graduation; and

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

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

114 466.00671 Renewal of the community-service dental
115 license.--

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

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

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

128 (c) Has paid a renewal fee set by the board. The fee
129 specified herein may not differ from the renewal fee adopted by
130 the board pursuant to s. 466.013;

131 (d) Has not failed the examination specified in s. 466.006
132 since initially receiving a community-service dental license or
133 since the last renewal; and

134 (e) Has not been reported to the National Practitioner Data
135 Bank.

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136 (2) The board may undertake measures to independently
137 verify the community-service dental licensee's ongoing employment
138 status in the community service setting.

139 Section 5. Section 466.00672, Florida Statutes, is created
140 to read:

141 466.00672 Revocation of community-service dental license.--

142 (1) The board shall revoke a community-service dental
143 license upon:

144 (a) The licensee's termination from employment from a
145 qualifying community service setting;

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

150 (c) Failing the Florida dental licensure examination.

151 (2) Failure of an individual licensed pursuant to s.
152 466.0067 to limit the practice of dentistry to community service
153 settings as defined in s. 466.003, is the unlicensed practice of
154 dentistry.

155 Section 6. Section 466.00673, Florida Statutes, is created
156 to read:

157 466.00673 Repeal of a community-service dental
158 license.--Effective January 1, 2015, ss. 466.0067-466.00673 are
159 repealed unless reenacted by the Legislature. Any community-
160 service dental license issued before January 1, 2015, shall
161 remain valid according to ss. 466.0067-466.00673, without effect
162 from repeal.

163 Section 7. Paragraph (a) of subsection (3) of section
164 466.007, Florida Statutes, is amended to read:

165 466.007 Examination of dental hygienists.--



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166 (3) A graduate of a dental college or school shall be
167 entitled to take the examinations required in this section to
168 practice dental hygiene in this state if, in addition to the
169 requirements specified in subsection (2), the graduate meets the
170 following requirements:

171 (b) Successfully completes one or more courses, of a scope
172 and duration approved and defined by board rule, that meet the
173 requirements of law for instructing health care providers on the
174 human immunodeficiency virus and acquired immune deficiency
175 syndrome. If the applicant fails to pass the clinical examination
176 ~~In addition,~~ the board may require an applicant who graduated
177 from a nonaccredited dental college or school to successfully
178 complete additional coursework, as defined by board rule, at an
179 educational institution approved by the board or accredited as
180 provided in subparagraph (2)(b)1. A graduate of a foreign dental
181 college or school not accredited in accordance with s.
182 466.006(2)(b) may not take the coursework set forth in this
183 paragraph until the board has approved the credentials required
184 by paragraph (a).

185 Section 8. Section 466.00775, Florida Statutes, is created
186 to read:

187 466.00775 Rulemaking.--The board shall adopt rules pursuant
188 to ss. 120.536(1) and 120.54 to administer ss. 466.003(14),
189 466.0067, 466.00671, 466.00672, 466.00673, 466.021, and 466.032.

190 Section 9. Section 466.008, Florida Statutes, is repealed.

191 Section 10. Section 466.011, Florida Statutes, is amended
192 to read:

193 466.011 Licensure.--The board shall certify for licensure
194 by the department any applicant who satisfies the requirements of
195 s. 466.006, s. 466.0067, or s. 466.007. The board may refuse to

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196 certify an applicant who has violated any of the provisions of s.
197 466.026 or s. 466.028.

198 Section 11. Section 466.021, Florida Statutes, is amended
199 to read:

200 466.021 Retention ~~Employment~~ of dental laboratories
201 ~~unlicensed persons~~ by dentist; penalty.--~~Each~~ Every duly licensed
202 dentist who uses the services of any dental laboratory ~~unlicensed~~
203 ~~person~~ for the purpose of constructing, altering, repairing, or
204 duplicating any denture, implant, veneer, partial denture, bridge
205 splint, ~~or~~ orthodontic or other prosthetic appliance, or other
206 suitable form of artificial oral restorative device shall be
207 required to furnish the dental laboratory ~~such unlicensed person~~
208 with a written prescription ~~work order~~ in a such form as
209 prescribed by rule of the board. This prescription ~~form~~ shall be
210 dated and signed by the ~~such~~ dentist and shall include the
211 license number of the dentist, the patient's name or number with
212 sufficient descriptive information to clearly identify the case
213 ~~for~~ each separate and individual piece of work to be performed by
214 the dental laboratory, and a specification of materials to be
215 contained in each work product. A copy of the prescription ~~such~~
216 ~~work order~~ shall be retained in a file in the prescribing
217 dentist's office for a period of 4 years following the date the
218 prescription was issued, and the original prescription ~~work order~~
219 shall be retained in a file by the dental laboratory for a period
220 of 4 years ~~by such unlicensed person in her or his place of~~
221 ~~business.~~ A registered dental laboratory shall disclose in
222 writing at the time of delivery of the final restoration to the
223 prescribing dentist the materials and all certificates of
224 authenticity that constitute each product manufactured and the
225 point of origin of manufacture of each restoration, including the



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226 address and contact information of the dental laboratory. The
227 ~~Such~~ file of prescriptions ~~work orders~~ to be kept by the ~~such~~
228 dentist and the dental laboratory ~~or by such unlicensed person~~
229 shall be open to inspection at any reasonable time by the
230 department or its ~~duly~~ constituted agent. Failure of the dentist
231 to keep records of each prescription ~~such work orders~~ shall
232 subject the dentist to suspension or revocation of her or his
233 license to practice dentistry in this state. Failure of a dental
234 laboratory that has accepted a prescription to have the original
235 or electronic copy of each prescription and to ensure the
236 accuracy of each product's material disclosure at the time it is
237 delivered to the prescribing dentist ~~such unlicensed person to~~
238 ~~have in her or his possession a work order~~ as required by this
239 section is ~~shall be~~ admissible evidence of a violation of this
240 chapter and constitutes ~~shall constitute~~ a misdemeanor of the
241 second degree, punishable as provided in s. 775.082 or s.
242 775.083. This section does not preclude a registered dental
243 laboratory from working for another registered dental laboratory
244 if, ~~provided~~ that ~~such~~ work is performed pursuant to written
245 authorization, in a form to be prescribed by rule of the board,
246 which evidences that the originating laboratory has obtained a
247 valid prescription ~~work order~~ and which sets forth the work to be
248 performed and the resulting material certifications to be
249 provided. A dental laboratory accepting prescriptions from
250 dentists is liable for damages caused by inaccuracies in the
251 material disclosure, certificates of authenticity, or point of
252 origin provided by the dental laboratory to the prescribing
253 dentist. This section does not preclude a registered laboratory
254 from providing its services to dentists licensed and practicing
255 in another state if, ~~provided~~ that ~~such~~ work is requested or

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256 otherwise authorized in written form that ~~which~~ clearly
257 identifies the name and address of the requesting dentist and
258 ~~which~~ sets forth the work to be performed and otherwise complies
259 with all applicable laws and treaties.

260 Section 12. Subsections (7), (8), and (9) are added to
261 section 466.023, Florida Statutes, to read:

262 466.023 Dental hygienists; scope and area of practice.--

263 (7) A dental hygienist may perform the following tasks,
264 without supervision and without prior authorization of a dentist,
265 in a community service setting, as defined in s. 466.003(14):

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

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

268 (c) Applying fluoride treatments, including the use of
269 fluoride varnishes;

270 (d) Doing impressions for study casts which are not being
271 made for the purpose of fabricating any intra-oral appliances,
272 restorations, or orthodontic appliances and which are conveyed to
273 a dentist for review and development of a treatment plan; and

274 (e) Taking medical and dental history conveyed to a dentist
275 for review and development of a treatment plan.

276 (8) Patients receiving services listed in paragraphs
277 (7) (c), (d), and (e) from a hygienist without supervision or
278 prior authorization must be examined by a dentist before the
279 hygienist performs any additional services without supervision or
280 prior authorization.

281 (9) A dental hygienist may perform the following tasks
282 under general supervision:

283 (a) Applying dental sealants.

284 (b) Placing subgingival resorbable chlorhexidine,
285 doxycycline hyclate, or minocycline hydrochloride.

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286 Section 13. Subsection (5) is added to section 466.032,
287 Florida Statutes, to read:

288 466.032 Registration.--

289 (5) The dental laboratory owner or at least one employee of
290 any dental laboratory renewing registration on or after July 1,
291 2010, shall complete 18 hours of continuing education biennially.
292 Programs of continuing education shall be programs of learning
293 that contribute directly to the education of the dental
294 technician and may include, but are not limited to, attendance at
295 lectures, study clubs, college courses, or scientific sessions of
296 conventions; and research.

297 (a) The aim of continuing education for dental technicians
298 is to improve dental health care delivery to the public as such
299 is impacted through the design, manufacture, and use of
300 artificial human oral prosthetics and related restorative
301 appliances.

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

305 1. Laboratory and technological subjects, including, but
306 not limited to, laboratory techniques and procedures, materials,
307 and equipment; and

308 2. Subjects pertinent to oral health, infection control,
309 and safety.

310 (c) Programs meeting the general requirements of continuing
311 education may be developed and offered to dental technicians by
312 the Florida Dental Laboratory Association and the Florida Dental
313 Association. Other organizations, schools, or agencies may also
314 be approved to develop and offer continuing education in
315 accordance with specific criteria established by the department.



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316 (d) Any dental laboratory renewing a registration on or
 317 after July 1, 2010, shall submit a sworn affidavit, on a form
 318 approved by the department, attesting that either the dental
 319 laboratory owner or one dental technician employed by the
 320 registered dental laboratory has completed the continuing
 321 education required in this subsection in accordance with the
 322 guidelines and provisions of this subsection and listing the
 323 date, location, sponsor, subject matter, and hours of completed
 324 continuing education courses. The dental laboratory shall retain
 325 in its records such receipts, vouchers, or certificates as may be
 326 necessary to document completion of the continuing education
 327 courses listed in accordance with this subsection. With cause,
 328 the department may request that the documentation be provided by
 329 the applicant. The department may also request the documentation
 330 from applicants selected at random without cause.

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

334 2. A dental laboratory in another state or country which
 335 provides service to a dentist licensed under this chapter is not
 336 required to register with the state and may continue to provide
 337 services to such dentist with a proper prescription. A dental
 338 laboratory in another state or country, however, may voluntarily
 339 comply with this subsection.

340 Section 14. This act shall take effect January 1, 2009.

341
 342 ===== T I T L E A M E N D M E N T =====

343 And the title is amended as follows:

344 Delete everything before the enacting clause
 345 and insert:

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346 A bill to be entitled
347 An act relating to dentistry; amending s. 466.003, F.S.;
348 providing a definition; amending s. 466.006, F.S.;
349 revising the requirements for entitlement to take the
350 necessary examinations to practice dentistry in this
351 state; creating s. 466.0067, F.S.; providing requirements
352 for application for a community-service dental license in
353 this state; creating s. 466.00671, F.S.; providing
354 requirements for renewal of a community-service dental
355 license; creating s. 466.00672, F.S.; providing conditions
356 in which the Board of Dentistry of the Department of
357 Health may revoke a community-service dental license;
358 providing that the failure of a holder of a community-
359 service dental license to limit the practice of dentistry
360 to community service settings is the unlicensed practice
361 of dentistry; creating s. 466.00673, F.S.; providing for
362 the repeal of statutory language regarding community-
363 service dental licensure; amending s. 466.007, F.S.;
364 authorizing the board to require certain applicants to
365 successfully complete additional coursework if they fail
366 to pass the clinical examination to practice dental
367 hygiene; creating s. 466.00775, F.S.; requiring the board
368 to adopt rules; repealing s. 466.008, F.S., relating to
369 certification of foreign educational institutions;
370 amending s. 466.011, F.S.; conforming provisions to
371 changes made in this act; amending s. 466.021, F.S.;
372 revising requirements relating to retention of dental
373 laboratories by dentists; changing terminology to reflect
374 employment of dental laboratories and to change references
375 to work orders to prescriptions; requiring a dental

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376 laboratory to keep the original or electronic copy of
377 prescriptions; amending s. 466.023, F.S.; authorizing
378 dental hygienists to do certain tasks with and without
379 general supervision; amending s. 466.032, F.S.; requiring
380 specified continuing education for renewal of registration
381 of a dental laboratory by a time certain; providing a
382 listing of agencies or organizations that are authorized
383 to develop and offer continuing education; requiring a
384 dental laboratory owner to submit a sworn statement
385 attesting to compliance with continuing education
386 requirements and providing specified information;
387 authorizing the Department of Health to request
388 documentation of continuing education; authorizing the
389 department to request such documentation at random without
390 cause; providing exemptions from continuing education
391 requirements; providing for voluntary compliance by
392 certain dental laboratories; providing an effective date.