

By the Committee on Health Regulation; and Senator Peaden

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1 A bill to be entitled

2 An act relating to dentistry; amending s. 466.003, F.S.;

3 providing a definition; amending s. 466.006, F.S.;

4 revising the requirements for entitlement to take the

5 necessary examinations to practice dentistry in this

6 state; creating s. 466.0067, F.S.; providing requirements

7 for application for a community-service dental license in

8 this state; creating s. 466.00671, F.S.; providing

9 requirements for renewal of a community-service dental

10 license; creating s. 466.00672, F.S.; providing conditions

11 in which the Board of Dentistry of the Department of

12 Health may revoke a community-service dental license;

13 providing that the failure of a holder of a community-

14 service dental license to limit the practice of dentistry

15 to community service settings is the unlicensed practice

16 of dentistry; creating s. 466.00673, F.S.; providing for

17 the repeal of statutory language regarding community-

18 service dental licensure; amending s. 466.007, F.S.;

19 authorizing the board to require certain applicants to

20 successfully complete additional coursework if they fail

21 to pass the clinical examination to practice dental

22 hygiene; creating s. 466.00775, F.S.; requiring the board

23 to adopt rules; repealing s. 466.008, F.S., relating to

24 certification of foreign educational institutions;

25 amending s. 466.011, F.S.; conforming provisions to

26 changes made in this act; amending s. 466.021, F.S.;

27 revising requirements relating to retention of dental

28 laboratories by dentists; changing terminology to reflect

29 employment of dental laboratories and to change references

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30 to work orders to prescriptions; requiring a dental
31 laboratory to keep the original or electronic copy of
32 prescriptions; amending s. 466.023, F.S.; authorizing
33 dental hygienists to do certain tasks with and without
34 general supervision; amending s. 466.032, F.S.; requiring
35 specified continuing education for renewal of registration
36 of a dental laboratory by a time certain; providing a
37 listing of agencies or organizations that are authorized
38 to develop and offer continuing education; requiring a
39 dental laboratory owner to submit a sworn statement
40 attesting to compliance with continuing education
41 requirements and providing specified information;
42 authorizing the Department of Health to request
43 documentation of continuing education; authorizing the
44 department to request such documentation at random without
45 cause; providing exemptions from continuing education
46 requirements; providing for voluntary compliance by
47 certain dental laboratories; providing an effective date.
48

49 Be It Enacted by the Legislature of the State of Florida:
50

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

53 466.003 Definitions.--As used in this chapter:

54 (14) "Community service settings" mean programs and
55 institutions of the Department of Children and Family Services,
56 the Department of Health, the Department of Juvenile Justice,
57 nonprofit community health centers, Head Start centers, and
58 federally qualified health centers if such community service

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59 programs and institutions immediately report to the Board of
60 Dentistry all violations of s. 466.027, s. 466.028, and other
61 practice act or standard of care violations related to the
62 actions or inactions of a dentist, dental hygienist, or dental
63 assistant engaged in the delivery of dental care in such
64 settings.

65 Section 2. Paragraph (c) of subsection (2) of section
66 466.006, Florida Statutes, is amended to read:

67 466.006 Examination of dentists.--

68 (2) An applicant shall be entitled to take the examinations
69 required in this section to practice dentistry in this state if
70 the applicant:

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

74 2. Has an active community-service dental license in this
75 state; and

76 a. The applicant has at least 5,000 hours within 4
77 consecutive years of clinical practice experience providing
78 direct patient care in a community service setting as defined in
79 s. 466.003(14); the applicant is a retired veteran dentist of any
80 branch of the United States Armed Services who has practiced
81 dentistry while on active duty and has at least 3,000 hours
82 within 3 consecutive years of clinical practice experience
83 providing direct patient care in a community service setting as
84 defined in s. 466.003(14); or the applicant has provided a
85 portion of his or her salaried time teaching health profession
86 students in any public education setting, including, but not
87 limited to, a community college, college, or university, and has

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88 at least 3,000 hours within 3 consecutive years of clinical
89 practice experience providing direct patient care in a community
90 service setting as defined in s. 466.003(14);

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

93 c. The applicant has not filed a report pursuant to s.
94 456.049; and

95 d. The applicant has not been convicted or pled nolo
96 contendere to, regardless of adjudication, a crime in any
97 jurisdiction.

98 Section 3. Section 466.0067, Florida Statutes, is created
99 to read:

100 466.0067 Application for community-service dental
101 license.--The Legislature finds that there is an important state
102 interest in attracting dentists to practice in underserved
103 community service settings in this state and further, that
104 allowing out-of-state dentists who meet certain criteria to
105 practice in community service settings without the supervision of
106 a dentist licensed in this state is substantially related to
107 achieving this important state interest. Therefore,
108 notwithstanding the requirements of s. 466.006, the board shall
109 grant a community service dental license to practice dentistry in
110 this state in community service settings as defined in s.
111 466.003(14) to an applicant that:

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

113 (2) Pays an application license fee for a community service
114 dental license, laws-and-rule exam fee, and an initial licensure
115 fee. The fees specified in this subsection may not differ from an
116 applicant seeking licensure pursuant to s. 466.006;

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117 (3) Has not been convicted or pled guilty or nolo
118 contendere to, regardless of adjudication, a crime in any
119 jurisdiction;

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

123 (5) Submits documentation that she or he has completed, or
124 will obtain prior to licensure, continuing education equivalent
125 to this state's requirement for dentists licensed under s.
126 466.006 for the last full reporting biennium before applying for
127 a community-service dental license;

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

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

137 (8) Has never had a license revoked from another of these
138 United States, the District of Columbia, or a United States
139 territory;

140 (9) Has never failed the examination specified in s.
141 466.006, unless the applicant was reexamined pursuant to s.
142 466.006 and received a license to practice dentistry in this
143 state;

144 (10) Has not been reported to the National Practitioner
145 Data Bank;

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146 (11) Submits proof that he or she has been engaged in the
147 active, clinical practice of dentistry providing direct patient
148 care for 5 years immediately preceding the date of application,
149 or in instances when the applicant has graduated from an
150 accredited dental school within the preceding 5 years, submits
151 proof of continuous clinical practice providing direct patient
152 care since graduation; and

153 (12) Has passed an examination covering the laws and rules
154 of the practice of dentistry in this state as described in s.
155 466.006(4) (a).

156 Section 4. Section 466.00671, Florida Statutes, is created
157 to read:

158 466.00671 Renewal of the community-service dental
159 license.--

160 (1) A community-service dental licensee shall apply for
161 renewal each biennium. At the time of renewal, the licensee shall
162 sign a statement that she or he has complied with all continuing
163 education requirements of an active dentist licensee. The board
164 shall renew a community-service dental license for an applicant
165 that:

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

169 (b) Has not been convicted or pled guilty or nolo
170 contendere to, regardless of adjudication, a crime in any
171 jurisdiction;

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

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

178 (e) Has not been reported to the National Practitioner Data
179 Bank.

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

183 Section 5. Section 466.00672, Florida Statutes, is created
184 to read:

185 466.00672 Revocation of community-service dental license.--

186 (1) The board shall revoke a community-service dental
187 license upon:

188 (a) The licensee's termination from employment from a
189 qualifying community service setting;

190 (b) Final agency action determining that the licensee has
191 violated any provision of s. 466.027 or s. 466.028, other than
192 infractions constituting citation offenses or minor violations;
193 or

194 (c) Failing the Florida dental licensure examination.

195 (2) Failure of an individual licensed pursuant to s.
196 466.0067 to limit the practice of dentistry to community service
197 settings as defined in s. 466.003, is the unlicensed practice of
198 dentistry.

199 Section 6. Section 466.00673, Florida Statutes, is created
200 to read:

201 466.00673 Repeal of a community-service dental
202 license.--Effective January 1, 2015, ss. 466.0067-466.00673 are
203 repealed unless reenacted by the Legislature. Any community-

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204 service dental license issued before January 1, 2015, shall
205 remain valid according to ss. 466.0067-466.00673, without effect
206 from repeal.

207 Section 7. Paragraph (a) of subsection (3) of section
208 466.007, Florida Statutes, is amended to read:

209 466.007 Examination of dental hygienists.--

210 (3) A graduate of a dental college or school shall be
211 entitled to take the examinations required in this section to
212 practice dental hygiene in this state if, in addition to the
213 requirements specified in subsection (2), the graduate meets the
214 following requirements:

215 (b) Successfully completes one or more courses, of a scope
216 and duration approved and defined by board rule, that meet the
217 requirements of law for instructing health care providers on the
218 human immunodeficiency virus and acquired immune deficiency
219 syndrome. If the applicant fails to pass the clinical examination
220 ~~In addition,~~ the board may require an applicant who graduated
221 from a nonaccredited dental college or school to successfully
222 complete additional coursework, as defined by board rule, at an
223 educational institution approved by the board or accredited as
224 provided in subparagraph (2) (b) 1. A graduate of a foreign dental
225 college or school not accredited in accordance with s.
226 466.006(2) (b) may not take the coursework set forth in this
227 paragraph until the board has approved the credentials required
228 by paragraph (a).

229 Section 8. Section 466.00775, Florida Statutes, is created
230 to read:

231 466.00775 Rulemaking.--The board shall adopt rules pursuant
232 to ss. 120.536(1) and 120.54 to administer ss. 466.003(14),

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233 466.0067, 466.00671, 466.00672, 466.00673, 466.021, and 466.032.

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

235 Section 10. Section 466.011, Florida Statutes, is amended
236 to read:

237 466.011 Licensure.--The board shall certify for licensure
238 by the department any applicant who satisfies the requirements of
239 s. 466.006, s. 466.0067, or s. 466.007. The board may refuse to
240 certify an applicant who has violated any of the provisions of s.
241 466.026 or s. 466.028.

242 Section 11. Section 466.021, Florida Statutes, is amended
243 to read:

244 466.021 Retention ~~Employment~~ of dental laboratories
245 ~~unlicensed persons~~ by dentist; penalty.--Each ~~Every~~ duly licensed
246 dentist who uses the services of any dental laboratory ~~unlicensed~~
247 ~~person~~ for the purpose of constructing, altering, repairing, or
248 duplicating any denture, implant, veneer, partial denture, bridge
249 splint, ~~or~~ orthodontic or other prosthetic appliance, or other
250 suitable form of artificial oral restorative device shall be
251 required to furnish the dental laboratory ~~such unlicensed person~~
252 with a written prescription ~~work order~~ in a ~~such~~ form as
253 prescribed by rule of the board. This prescription ~~form~~ shall be
254 dated and signed by the ~~such~~ dentist and shall include the
255 license number of the dentist, the patient's name or number with
256 sufficient descriptive information to clearly identify ~~the case~~
257 ~~for~~ each separate and individual piece of work to be performed by
258 the dental laboratory, and a specification of materials to be
259 contained in each work product. A copy of the prescription ~~such~~
260 ~~work order~~ shall be retained in a file in the prescribing
261 dentist's office for a period of 4 years following the date the

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262 prescription was issued, and the original prescription ~~work order~~
263 shall be retained in a file by the dental laboratory for a period
264 of 4 years ~~by such unlicensed person in her or his place of~~
265 ~~business~~. A registered dental laboratory shall disclose in
266 writing at the time of delivery of the final restoration to the
267 prescribing dentist the materials and all certificates of
268 authenticity that constitute each product manufactured and the
269 point of origin of manufacture of each restoration, including the
270 address and contact information of the dental laboratory. The
271 ~~Such~~ file of prescriptions ~~work orders~~ to be kept by the ~~such~~
272 dentist and the dental laboratory ~~or by such unlicensed person~~
273 shall be open to inspection at any reasonable time by the
274 department or its ~~duly~~ constituted agent. Failure of the dentist
275 to keep records of each prescription ~~such work orders~~ shall
276 subject the dentist to suspension or revocation of her or his
277 license to practice dentistry in this state. Failure of a dental
278 laboratory that has accepted a prescription to have the original
279 or electronic copy of each prescription and to ensure the
280 accuracy of each product's material disclosure at the time it is
281 delivered to the prescribing dentist ~~such unlicensed person to~~
282 ~~have in her or his possession a work order~~ as required by this
283 section ~~is~~ ~~shall be~~ admissible evidence of a violation of this
284 chapter and constitutes ~~shall constitute~~ a misdemeanor of the
285 second degree, punishable as provided in s. 775.082 or s.
286 775.083. This section does not preclude a registered dental
287 laboratory from working for another registered dental laboratory
288 ~~if, provided~~ that ~~such~~ work is performed pursuant to written
289 authorization, in a form to be prescribed by rule of the board,
290 which evidences that the originating laboratory has obtained a

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291 | valid prescription ~~work order~~ and which sets forth the work to be
292 | performed and the resulting material certifications to be
293 | provided. A dental laboratory accepting prescriptions from
294 | dentists is liable for damages caused by inaccuracies in the
295 | material disclosure, certificates of authenticity, or point of
296 | origin provided by the dental laboratory to the prescribing
297 | dentist. This section does not preclude a registered laboratory
298 | from providing its services to dentists licensed and practicing
299 | in another state ~~if, provided~~ that ~~such~~ work is requested or
300 | otherwise authorized in written form that ~~which~~ clearly
301 | identifies the name and address of the requesting dentist and
302 | ~~which~~ sets forth the work to be performed and otherwise complies
303 | with all applicable laws and treaties.

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

306 | 466.023 Dental hygienists; scope and area of practice.--

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

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

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

312 | (c) Applying fluoride treatments, including the use of
313 | fluoride varnishes;

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

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

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320 (8) Patients receiving services listed in paragraphs
321 (7) (c), (d), and (e) from a hygienist without supervision or
322 prior authorization must be examined by a dentist before the
323 hygienist performs any additional services without supervision or
324 prior authorization.

325 (9) A dental hygienist may perform the following tasks
326 under general supervision:

327 (a) Applying dental sealants.

328 (b) Placing subgingival resorbable chlorhexidine,
329 doxycycline hyclate, or minocycline hydrochloride.

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

332 466.032 Registration.--

333 (5) The dental laboratory owner or at least one employee of
334 any dental laboratory renewing registration on or after July 1,
335 2010, shall complete 18 hours of continuing education biennially.
336 Programs of continuing education shall be programs of learning
337 that contribute directly to the education of the dental
338 technician and may include, but are not limited to, attendance at
339 lectures, study clubs, college courses, or scientific sessions of
340 conventions; and research.

341 (a) The aim of continuing education for dental technicians
342 is to improve dental health care delivery to the public as such
343 is impacted through the design, manufacture, and use of
344 artificial human oral prosthetics and related restorative
345 appliances.

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

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349 1. Laboratory and technological subjects, including, but
350 not limited to, laboratory techniques and procedures, materials,
351 and equipment; and

352 2. Subjects pertinent to oral health, infection control,
353 and safety.

354 (c) Programs meeting the general requirements of continuing
355 education may be developed and offered to dental technicians by
356 the Florida Dental Laboratory Association and the Florida Dental
357 Association. Other organizations, schools, or agencies may also
358 be approved to develop and offer continuing education in
359 accordance with specific criteria established by the department.

360 (d) Any dental laboratory renewing a registration on or
361 after July 1, 2010, shall submit a sworn affidavit, on a form
362 approved by the department, attesting that either the dental
363 laboratory owner or one dental technician employed by the
364 registered dental laboratory has completed the continuing
365 education required in this subsection in accordance with the
366 guidelines and provisions of this subsection and listing the
367 date, location, sponsor, subject matter, and hours of completed
368 continuing education courses. The dental laboratory shall retain
369 in its records such receipts, vouchers, or certificates as may be
370 necessary to document completion of the continuing education
371 courses listed in accordance with this subsection. With cause,
372 the department may request that the documentation be provided by
373 the applicant. The department may also request the documentation
374 from applicants selected at random without cause.

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

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378 2. A dental laboratory in another state or country which
379 provides service to a dentist licensed under this chapter is not
380 required to register with the state and may continue to provide
381 services to such dentist with a proper prescription. A dental
382 laboratory in another state or country, however, may voluntarily
383 comply with this subsection.

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