

By the Committees on Health and Human Services Appropriations;  
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 health access dental license in this

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

9 for renewal of a health access dental license; creating s.

10 466.00672, F.S.; providing conditions in which the Board

11 of Dentistry of the Department of Health may revoke a

12 health access dental license; providing that the failure

13 of a holder of a health access dental license to limit the

14 practice of dentistry to health access settings is the

15 unlicensed practice of dentistry; creating s. 466.00673,

16 F.S.; providing for the repeal of statutory language

17 regarding health access dental licensure; creating s.

18 466.00775, F.S.; requiring the board to adopt rules;

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

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

21 revising requirements relating to retention of dental

22 laboratories by dentists; changing terminology to reflect

23 employment of dental laboratories and to change references

24 to work orders to prescriptions; requiring a dental

25 laboratory to keep the original or an electronic copy of

26 prescriptions; amending s. 466.023, F.S.; authorizing

27 dental hygienists to do certain tasks with and without

28 general supervision; amending s. 466.032, F.S.; requiring

29 specified continuing education for renewal of registration

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30 of a dental laboratory by a time certain; providing a  
31 listing of agencies or organizations that are authorized  
32 to develop and offer continuing education; requiring a  
33 dental laboratory owner to submit a sworn statement  
34 attesting to compliance with continuing education  
35 requirements and providing specified information;  
36 authorizing the Department of Health to request  
37 documentation of continuing education; authorizing the  
38 department to request such documentation at random without  
39 cause; providing exemptions from continuing education  
40 requirements; providing for voluntary compliance by  
41 certain dental laboratories; providing an effective date.

42  
43 Be It Enacted by the Legislature of the State of Florida:

44  
45 Section 1. Subsection (14) is added to section 466.003,  
46 Florida Statutes, to read:

47 466.003 Definitions.--As used in this chapter:

48 (14) "Health access settings" means programs and  
49 institutions of the Department of Children and Family Services,  
50 the Department of Health, the Department of Juvenile Justice,  
51 nonprofit community health centers, Head Start centers, federally  
52 qualified health centers (FQHCs), FQHC look-alikes as defined by  
53 federal law, and clinics operated by accredited colleges of  
54 dentistry in this state if such community service programs and  
55 institutions immediately report to the Board of Dentistry all  
56 violations of s. 466.027, s. 466.028, or other practice act or  
57 standard of care violations related to the actions or inactions  
58 of a dentist, dental hygienist, or dental assistant engaged in

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59 the delivery of dental care in such settings.

60 Section 2. Paragraph (c) of subsection (2) of section  
61 466.006, Florida Statutes, is amended to read:

62 466.006 Examination of dentists.--

63 (2) An applicant shall be entitled to take the examinations  
64 required in this section to practice dentistry in this state if  
65 the applicant:

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

69 2. Has an active health access dental license in this  
70 state; and

71 a. The applicant has at least 5,000 hours within 4  
72 consecutive years of clinical practice experience providing  
73 direct patient care in a health access setting as defined in s.  
74 466.003(14); the applicant is a retired veteran dentist of any  
75 branch of the United States Armed Services who has practiced  
76 dentistry while on active duty and has at least 3,000 hours  
77 within 3 consecutive years of clinical practice experience  
78 providing direct patient care in a health access setting as  
79 defined in s. 466.003(14); or the applicant has provided a  
80 portion of his or her salaried time teaching health profession  
81 students in any public education setting, including, but not  
82 limited to, a community college, college, or university, and has  
83 at least 3,000 hours within 3 consecutive years of clinical  
84 practice experience providing direct patient care in a health  
85 access setting as defined in s. 466.003(14);

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

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88        c. The applicant has not filed a report pursuant to s.  
89 456.049; and

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

93        Section 3. Section 466.0067, Florida Statutes, is created  
94 to read:

95        466.0067 Application for health access dental license.--The  
96 Legislature finds that there is an important state interest in  
97 attracting dentists to practice in underserved health access  
98 settings in this state and further, that allowing out-of-state  
99 dentists who meet certain criteria to practice in health access  
100 settings without the supervision of a dentist licensed in this  
101 state is substantially related to achieving this important state  
102 interest. Therefore, notwithstanding the requirements of s.  
103 466.006, the board shall grant a health access dental license to  
104 practice dentistry in this state in health access settings as  
105 defined in s. 466.003(14) to an applicant that:

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

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

111        (3) Has not been convicted of or pled nolo contendere to,  
112 regardless of adjudication, any felony or misdemeanor related to  
113 the practice of a health care profession;

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

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117       (5) Submits documentation that she or he has completed, or  
118 will obtain prior to licensure, continuing education equivalent  
119 to this state's requirement for dentists licensed under s.  
120 466.006 for the last full reporting biennium before applying for  
121 a health access dental license;

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

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

131       (8) Has never had a license revoked from another of these  
132 United States, the District of Columbia, or a United States  
133 territory;

134       (9) Has never failed the examination specified in s.  
135 466.006, unless the applicant was reexamined pursuant to s.  
136 466.006 and received a license to practice dentistry in this  
137 state;

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

141       (11) Submits proof that he or she has been engaged in the  
142 active, clinical practice of dentistry providing direct patient  
143 care for 5 years immediately preceding the date of application,  
144 or in instances when the applicant has graduated from an  
145 accredited dental school within the preceding 5 years, submits

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146 proof of continuous clinical practice providing direct patient  
147 care since graduation; and

148 (12) Has passed an examination covering the laws and rules  
149 of the practice of dentistry in this state as described in s.  
150 466.006(4) (a).

151 Section 4. Section 466.00671, Florida Statutes, is created  
152 to read:

153 466.00671 Renewal of the health access dental license.--

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

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

162 (b) Has not been convicted of or pled nolo contendere to,  
163 regardless of adjudication, any felony or misdemeanor related to  
164 the practice of a health care profession;

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

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

173 (e) Has not been reported to the National Practitioner Data  
174 Bank, unless the applicant successfully appealed to have his or

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175 her name removed from the data bank.

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

179 Section 5. Section 466.00672, Florida Statutes, is created  
180 to read:

181 466.00672 Revocation of health access dental license.--

182 (1) The board shall revoke a health access dental license  
183 upon:

184 (a) The licensee's termination from employment from a  
185 qualifying health access setting;

186 (b) Final agency action determining that the licensee has  
187 violated any provision of s. 466.027 or s. 466.028, other than  
188 infractions constituting citation offenses or minor violations;  
189 or

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

191 (2) Failure of an individual licensed pursuant to s.  
192 466.0067 to limit the practice of dentistry to health access  
193 settings as defined in s. 466.003 constitutes the unlicensed  
194 practice of dentistry.

195 Section 6. Section 466.00673, Florida Statutes, is created  
196 to read:

197 466.00673 Repeal of a health access dental  
198 license.--Effective January 1, 2015, ss. 466.0067-466.00673 are  
199 repealed unless reenacted by the Legislature. Any health access  
200 dental license issued before January 1, 2015, shall remain valid  
201 according to ss. 466.0067-466.00673, without effect from repeal.

202 Section 7. Section 466.00775, Florida Statutes, is created  
203 to read:

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204        466.00775 Rulemaking.--The board shall adopt rules pursuant  
205 to ss. 120.536(1) and 120.54 to administer ss. 466.003(14),  
206 466.0067, 466.00671, 466.00672, 466.00673, 466.021, and 466.032.

207        Section 8. Section 466.011, Florida Statutes, is amended to  
208 read:

209        466.011 Licensure.--The board shall certify for licensure  
210 by the department any applicant who satisfies the requirements of  
211 s. 466.006, s. 466.0067, or s. 466.007. The board may refuse to  
212 certify an applicant who has violated any of the provisions of s.  
213 466.026 or s. 466.028.

214        Section 9. Section 466.021, Florida Statutes, is amended to  
215 read:

216        466.021 Retention ~~Employment~~ of dental laboratories  
217 ~~unlicensed persons~~ by dentist; penalty.--~~Each~~ Every duly licensed  
218 dentist who uses the services of any dental laboratory ~~unlicensed~~  
219 ~~person~~ for the purpose of constructing, altering, repairing, or  
220 duplicating any denture, implant, veneer, partial denture, bridge  
221 splint, ~~or~~ orthodontic or other prosthetic appliance, or other  
222 suitable form of artificial oral restorative device shall be  
223 required to furnish the dental laboratory ~~such unlicensed person~~  
224 with a written prescription ~~work order~~ in a ~~such~~ form as  
225 prescribed by rule of the board. This prescription ~~form~~ shall be  
226 dated and signed by the ~~such~~ dentist and shall include the  
227 license number of the dentist, the patient's name or number with  
228 sufficient descriptive information to clearly identify the case  
229 ~~for~~ each separate and individual piece of work to be performed by  
230 the dental laboratory, and a specification of materials to be  
231 contained in each work product. A copy of the prescription ~~such~~  
232 ~~work order~~ shall be retained in a file in the prescribing



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233 dentist's office for a period of 4 years following the date the  
234 prescription was issued, and the original prescription ~~work order~~  
235 shall be retained in a file by the dental laboratory for a period  
236 of 4 years ~~by such unlicensed person in her or his place of~~  
237 ~~business~~. A registered dental laboratory shall disclose in  
238 writing at the time of delivery of the final restoration to the  
239 prescribing dentist the materials and all certificates of  
240 authenticity that constitute each product manufactured and the  
241 point of origin of manufacture of each restoration, including the  
242 address and contact information of the dental laboratory. The  
243 ~~Such~~ file of prescriptions ~~work orders~~ to be kept by the ~~such~~  
244 dentist and the dental laboratory ~~or by such unlicensed person~~  
245 shall be open to inspection at any reasonable time by the  
246 department or its ~~duly~~ constituted agent. Failure of the dentist  
247 to keep records of each prescription ~~such work orders~~ shall  
248 subject the dentist to suspension or revocation of her or his  
249 license to practice dentistry in this state. Failure of a dental  
250 laboratory that has accepted a prescription to have the original  
251 or electronic copy of each prescription and to ensure the  
252 accuracy of each product's material disclosure at the time it is  
253 delivered to the prescribing dentist ~~such unlicensed person to~~  
254 ~~have in her or his possession a work order~~ as required by this  
255 section ~~is~~ shall be admissible evidence of a violation of this  
256 chapter and constitutes ~~shall constitute~~ a misdemeanor of the  
257 second degree, punishable as provided in s. 775.082 or s.  
258 775.083. This section does not preclude a registered dental  
259 laboratory from working for another registered dental laboratory  
260 ~~if, provided~~ that ~~such~~ work is performed pursuant to written  
261 authorization, in a form to be prescribed by rule of the board,

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262 | which evidences that the originating laboratory has obtained a  
263 | valid prescription ~~work order~~ and which sets forth the work to be  
264 | performed and the resulting material certifications to be  
265 | provided. A dental laboratory accepting prescriptions from  
266 | dentists is liable for damages caused by inaccuracies in the  
267 | material disclosure, certificates of authenticity, or point of  
268 | origin provided by the dental laboratory to the prescribing  
269 | dentist. This section does not preclude a registered laboratory  
270 | from providing its services to dentists licensed and practicing  
271 | in another state ~~if, provided~~ that ~~such~~ work is requested or  
272 | otherwise authorized in written form that ~~which~~ clearly  
273 | identifies the name and address of the requesting dentist and  
274 | ~~which~~ sets forth the work to be performed and otherwise complies  
275 | with all applicable laws and treaties.

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

278 | 466.023 Dental hygienists; scope and area of practice.--

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

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

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

284 | (c) Applying fluoride treatments, including the use of  
285 | fluoride varnishes;

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

290 | (e) Taking medical and dental history conveyed to a dentist

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291 for review and development of a treatment plan.

292 (8) Patients receiving services listed in paragraphs  
293 (7) (c), (d), and (e) from a hygienist without supervision or  
294 prior authorization must be examined by a dentist before the  
295 hygienist performs any additional services without supervision or  
296 prior authorization.

297 (9) A dental hygienist may perform the following tasks  
298 under general supervision:

299 (a) Applying dental sealants.

300 (b) Placing subgingival resorbable chlorhexidine,  
301 doxycycline hyclate, or minocycline hydrochloride.

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

304 466.032 Registration.--

305 (5) The dental laboratory owner or at least one employee of  
306 any dental laboratory renewing registration on or after July 1,  
307 2010, shall complete 18 hours of continuing education biennially.  
308 Programs of continuing education shall be programs of learning  
309 that contribute directly to the education of the dental  
310 technician and may include, but are not limited to, attendance at  
311 lectures, study clubs, college courses, or scientific sessions of  
312 conventions and research.

313 (a) The aim of continuing education for dental technicians  
314 is to improve dental health care delivery to the public as such  
315 is impacted through the design, manufacture, and use of  
316 artificial human oral prosthetics and related restorative  
317 appliances.

318 (b) Continuing education courses shall address one or more  
319 of the following areas of professional development, including,

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320 but not limited to:

321 1. Laboratory and technological subjects, including, but  
322 not limited to, laboratory techniques and procedures, materials,  
323 and equipment; and

324 2. Subjects pertinent to oral health, infection control,  
325 and safety.

326 (c) Programs meeting the general requirements of continuing  
327 education may be developed and offered to dental technicians by  
328 the Florida Dental Laboratory Association and the Florida Dental  
329 Association. Other organizations, schools, or agencies may also  
330 be approved to develop and offer continuing education in  
331 accordance with specific criteria established by the department.

332 (d) Any dental laboratory renewing a registration on or  
333 after July 1, 2010, shall submit a sworn affidavit, on a form  
334 approved by the department, attesting that either the dental  
335 laboratory owner or one dental technician employed by the  
336 registered dental laboratory has completed the continuing  
337 education required in this subsection in accordance with the  
338 guidelines and provisions of this subsection and listing the  
339 date, location, sponsor, subject matter, and hours of completed  
340 continuing education courses. The dental laboratory shall retain  
341 in its records such receipts, vouchers, or certificates as may be  
342 necessary to document completion of the continuing education  
343 courses listed in accordance with this subsection. With cause,  
344 the department may request that the documentation be provided by  
345 the applicant. The department may also request the documentation  
346 from applicants selected at random without cause.

347 (e)1. This subsection does not apply to a dental laboratory  
348 that is physically located within a dental practice operated by a

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349 dentist licensed under this chapter.

350 2. A dental laboratory in another state or country which  
351 provides service to a dentist licensed under this chapter is not  
352 required to register with the state and may continue to provide  
353 services to such dentist with a proper prescription. A dental  
354 laboratory in another state or country, however, may voluntarily  
355 comply with this subsection.

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