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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. 466.032, F.S.; requiring  
27          specified continuing education for renewal of registration  
28          of a dental laboratory by a time certain; providing a  
29          listing of agencies or organizations that are authorized

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

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

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

45 466.003 Definitions.--As used in this chapter:

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

58 Section 2. Paragraph (c) of subsection (2) of section

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59 466.006, Florida Statutes, is amended to read:

60 466.006 Examination of dentists.--

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

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

67 2. Has an active health access dental license in this  
68 state; and

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

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

86 c. The applicant has not filed a report pursuant to s.  
87 456.049; and

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

91 Section 3. Section 466.0067, Florida Statutes, is created  
92 to read:

93 466.0067 Application for health access dental license.--The  
94 Legislature finds that there is an important state interest in  
95 attracting dentists to practice in underserved health access  
96 settings in this state and further, that allowing out-of-state  
97 dentists who meet certain criteria to practice in health access  
98 settings without the supervision of a dentist licensed in this  
99 state is substantially related to achieving this important state  
100 interest. Therefore, notwithstanding the requirements of s.  
101 466.006, the board shall grant a health access dental license to  
102 practice dentistry in this state in health access settings as  
103 defined in s. 466.003(14) to an applicant that:

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

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

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

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

115 (5) Submits documentation that she or he has completed, or  
116 will obtain prior to licensure, continuing education equivalent

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117 to this state's requirement for dentists licensed under s.  
118 466.006 for the last full reporting biennium before applying for  
119 a health access dental license;

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

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

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

132 (9) Has never failed the examination specified in s.  
133 466.006, unless the applicant was reexamined pursuant to s.  
134 466.006 and received a license to practice dentistry in this  
135 state;

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

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

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

149 Section 4. Section 466.00671, Florida Statutes, is created  
150 to read:

151 466.00671 Renewal of the health access dental license.--

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

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

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

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

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

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

174 (2) The board may undertake measures to independently

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175 verify the health access dental licensee's ongoing employment  
176 status in the health access setting.

177 Section 5. Section 466.00672, Florida Statutes, is created  
178 to read:

179 466.00672 Revocation of health access dental license.--

180 (1) The board shall revoke a health access dental license  
181 upon:

182 (a) The licensee's termination from employment from a  
183 qualifying health access setting;

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

187 or

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

189 (2) Failure of an individual licensed pursuant to s.  
190 466.0067 to limit the practice of dentistry to health access  
191 settings as defined in s. 466.003 constitutes the unlicensed  
192 practice of dentistry.

193 Section 6. Section 466.00673, Florida Statutes, is created  
194 to read:

195 466.00673 Repeal of a health access dental  
196 license.--Effective January 1, 2015, ss. 466.0067-466.00673 are  
197 repealed unless reenacted by the Legislature. Any health access  
198 dental license issued before January 1, 2015, shall remain valid  
199 according to ss. 466.0067-466.00673, without effect from repeal.

200 Section 7. Section 466.00775, Florida Statutes, is created  
201 to read:

202 466.00775 Rulemaking.--The board shall adopt rules pursuant  
203 to ss. 120.536(1) and 120.54 to administer ss. 466.003(14),

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204 466.0067, 466.00671, 466.00672, 466.00673, 466.021, and 466.032.

205 Section 8. Section 466.011, Florida Statutes, is amended to  
206 read:

207 466.011 Licensure.--The board shall certify for licensure  
208 by the department any applicant who satisfies the requirements of  
209 s. 466.006, s. 466.0067, or s. 466.007. The board may refuse to  
210 certify an applicant who has violated any of the provisions of s.  
211 466.026 or s. 466.028.

212 Section 9. Section 466.021, Florida Statutes, is amended to  
213 read:

214 466.021 Retention ~~Employment~~ of dental laboratories  
215 ~~unlicensed persons~~ by dentist; penalty.--Each ~~Every~~ duly licensed  
216 dentist who uses the services of any dental laboratory ~~unlicensed~~  
217 ~~person~~ for the purpose of constructing, altering, repairing, or  
218 duplicating any denture, implant, veneer, partial denture, bridge  
219 splint, ~~or~~ orthodontic or other prosthetic appliance, or other  
220 suitable form of artificial oral restorative device shall be  
221 required to furnish the dental laboratory ~~such unlicensed person~~  
222 with a written prescription ~~work order~~ in a ~~such~~ form as  
223 prescribed by rule of the board. This prescription ~~form~~ shall be  
224 dated and signed by the ~~such~~ dentist and shall include the  
225 license number of the dentist, the patient's name or number with  
226 sufficient descriptive information to clearly identify ~~the case~~  
227 ~~for~~ each separate and individual piece of work to be performed by  
228 the dental laboratory, and a specification of materials to be  
229 contained in each work product. A copy of the prescription ~~such~~  
230 ~~work order~~ shall be retained in a file in the prescribing  
231 dentist's office for a period of 4 years following the date the  
232 prescription was issued, and the original prescription ~~work order~~



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

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

274 Section 10. Subsection (5) is added to section 466.032,  
275 Florida Statutes, to read:

276 466.032 Registration.--

277 (5) The dental laboratory owner or at least one employee of  
278 any dental laboratory renewing registration on or after July 1,  
279 2010, shall complete 18 hours of continuing education biennially.  
280 Programs of continuing education shall be programs of learning  
281 that contribute directly to the education of the dental  
282 technician and may include, but are not limited to, attendance at  
283 lectures, study clubs, college courses, or scientific sessions of  
284 conventions and research.

285 (a) The aim of continuing education for dental technicians  
286 is to improve dental health care delivery to the public as such  
287 is impacted through the design, manufacture, and use of  
288 artificial human oral prosthetics and related restorative  
289 appliances.

290 (b) Continuing education courses shall address one or more

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291 of the following areas of professional development, including,  
292 but not limited to:

293 1. Laboratory and technological subjects, including, but  
294 not limited to, laboratory techniques and procedures, materials,  
295 and equipment; and

296 2. Subjects pertinent to oral health, infection control,  
297 and safety.

298 (c) Programs meeting the general requirements of continuing  
299 education may be developed and offered to dental technicians by  
300 the Florida Dental Laboratory Association and the Florida Dental  
301 Association. Other organizations, schools, or agencies may also  
302 be approved to develop and offer continuing education in  
303 accordance with specific criteria established by the department.

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

319 (e)1. This subsection does not apply to a dental laboratory

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320 that is physically located within a dental practice operated by a  
321 dentist licensed under this chapter.

322 2. A dental laboratory in another state or country which  
323 provides service to a dentist licensed under this chapter is not  
324 required to register with the state and may continue to provide  
325 services to such dentist with a proper prescription. A dental  
326 laboratory in another state or country, however, may voluntarily  
327 comply with this subsection.

328 Section 11. This act shall take effect January 1, 2009.