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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; amending s. 466.007, F.S.;
40 providing that certain applicants for examination for
41 licensure as a dental hygienist be required to complete
42 additional coursework only after failing to pass the
43 initial examination; providing an effective date.
44

45 Be It Enacted by the Legislature of the State of Florida:
46

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

49 466.003 Definitions.--As used in this chapter:

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

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59 standard of care violations related to the actions or inactions
60 of a dentist, dental hygienist, or dental assistant engaged in
61 the delivery of dental care in such settings.

62 Section 2. Paragraph (c) of subsection (2) of section
63 466.006, Florida Statutes, is amended to read:

64 466.006 Examination of dentists.--

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

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

71 2. Has an active health access dental license in this
72 state; and

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

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

90 c. The applicant has not filed a report pursuant to s.
91 456.049; and

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

95 Section 3. Section 466.0067, Florida Statutes, is created
96 to read:

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

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

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

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

116 (4) Submits proof of graduation from a dental school

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117 accredited by the Commission on Dental Accreditation of the
118 American Dental Association or its successor agency;

119 (5) Submits documentation that she or he has completed, or
120 will obtain prior to licensure, continuing education equivalent
121 to this state's requirement for dentists licensed under s.
122 466.006 for the last full reporting biennium before applying for
123 a health access dental license;

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

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

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

136 (9) Has never failed the examination specified in s.
137 466.006, unless the applicant was reexamined pursuant to s.
138 466.006 and received a license to practice dentistry in this
139 state;

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

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

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

150 (12) Has passed an examination covering the laws and rules
151 of the practice of dentistry in this state as described in s.
152 466.006(4) (a).

153 Section 4. Section 466.00671, Florida Statutes, is created
154 to read:

155 466.00671 Renewal of the health access dental license.--

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

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

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

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

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

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

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

181 Section 5. Section 466.00672, Florida Statutes, is created
182 to read:

183 466.00672 Revocation of health access dental license.--

184 (1) The board shall revoke a health access dental license
185 upon:

186 (a) The licensee's termination from employment from a
187 qualifying health access setting;

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

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

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

197 Section 6. Section 466.00673, Florida Statutes, is created
198 to read:

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

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204 Section 7. Section 466.00775, Florida Statutes, is created
205 to read:

206 466.00775 Rulemaking.--The board shall adopt rules pursuant
207 to ss. 120.536(1) and 120.54 to administer ss. 466.003(14),
208 466.0067, 466.00671, 466.00672, 466.00673, 466.021, and 466.032.

209 Section 8. Section 466.011, Florida Statutes, is amended to
210 read:

211 466.011 Licensure.--The board shall certify for licensure
212 by the department any applicant who satisfies the requirements of
213 s. 466.006, s. 466.0067, or s. 466.007. The board may refuse to
214 certify an applicant who has violated any of the provisions of s.
215 466.026 or s. 466.028.

216 Section 9. Section 466.021, Florida Statutes, is amended to
217 read:

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

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

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

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

280 466.032 Registration.--

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

289 (a) The aim of continuing education for dental technicians
290 is to improve dental health care delivery to the public as such

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291 is impacted through the design, manufacture, and use of
292 artificial human oral prosthetics and related restorative
293 appliances.

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

297 1. Laboratory and technological subjects, including, but
298 not limited to, laboratory techniques and procedures, materials,
299 and equipment; and

300 2. Subjects pertinent to oral health, infection control,
301 and safety.

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

308 (d) Any dental laboratory renewing a registration on or
309 after July 1, 2010, shall submit a sworn affidavit, on a form
310 approved by the department, attesting that either the dental
311 laboratory owner or one dental technician employed by the
312 registered dental laboratory has completed the continuing
313 education required in this subsection in accordance with the
314 guidelines and provisions of this subsection and listing the
315 date, location, sponsor, subject matter, and hours of completed
316 continuing education courses. The dental laboratory shall retain
317 in its records such receipts, vouchers, or certificates as may be
318 necessary to document completion of the continuing education
319 courses listed in accordance with this subsection. With cause,

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320 the department may request that the documentation be provided by
321 the applicant. The department may also request the documentation
322 from applicants selected at random without cause.

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

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

332 Section 11. Paragraph (b) of subsection (3) of section
333 466.007, Florida Statutes, is amended to read:

334 466.007 Examination of dental hygienists.--

335 (3) A graduate of a dental college or school shall be
336 entitled to take the examinations required in this section to
337 practice dental hygiene in this state if, in addition to the
338 requirements specified in subsection (2), the graduate meets the
339 following requirements:

340 (b) Successfully completes one or more courses, of a scope
341 and duration approved and defined by board rule, that meet the
342 requirements of law for instructing health care providers on the
343 human immunodeficiency virus and acquired immune deficiency
344 syndrome. In addition, the board may require an applicant who
345 graduated from a nonaccredited dental college or school to
346 successfully complete additional coursework, only after failing
347 the initial examination, as defined by board rule, at an
348 educational institution approved by the board or accredited as

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349 provided in subparagraph (2)(b)1. A graduate of a foreign dental
350 college or school not accredited in accordance with s.
351 466.006(2)(b) may not take the coursework set forth in this
352 paragraph until the board has approved the credentials required
353 by paragraph (a).

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