

1 A bill to be entitled
 2 An act relating to dentistry and dental hygiene; amending
 3 s. 466.003, F.S.; revising the definition of the term
 4 "health access settings" for purposes of provisions
 5 regulating the practice of dentistry; amending s. 466.023,
 6 F.S.; revising the scope of practice for dental
 7 hygienists; amending s. 466.0235, F.S.; revising the
 8 locations at which dental hygienists may perform dental
 9 charting; amending s. 466.024, F.S.; authorizing dental
 10 hygienists to perform certain duties without supervision
 11 by a dentist; amending ss. 466.006 and 466.0067, F.S.;
 12 conforming cross-references; reenacting s. 466.00672(2),
 13 F.S., relating to the revocation of health access dental
 14 licenses, to incorporate the amendment made by the act to
 15 s. 466.003, F.S., in a reference thereto; providing an
 16 effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Subsection (14) of section 466.003, Florida
 21 Statutes, is amended to read:

22 466.003 Definitions.—As used in this chapter:

23 (14) "Health access setting ~~settings~~" means a program or
 24 institution ~~programs and institutions~~ of the Department of
 25 Children and Family Services, the Department of Health, the
 26 Department of Juvenile Justice, a nonprofit community health
 27 center ~~centers~~, a Head Start center ~~centers~~, a federally
 28 qualified health center or look-alike ~~centers (FQHCs), FQHC~~

29 ~~look-alikes~~ as defined by federal law, a school-based prevention
 30 program, or a clinic ~~and clinics~~ operated by an accredited
 31 college ~~colleges~~ of dentistry in this state if such community
 32 service program or institution ~~programs and institutions~~
 33 immediately reports ~~report~~ to the Board of Dentistry all
 34 violations of s. 466.027, s. 466.028, or other practice act or
 35 standard of care violations related to the actions or inactions
 36 of a dentist, dental hygienist, or dental assistant engaged in
 37 the delivery of dental care in such setting ~~settings~~.

38 Section 2. Subsection (3) of section 466.023, Florida
 39 Statutes, is amended to read:

40 466.023 Dental hygienists; scope and area of practice.—

41 (3) Dental hygienists may, without supervision, provide
 42 educational programs, faculty or staff training programs, and
 43 authorized fluoride rinse programs; apply fluoride varnishes;
 44 instruct and supervise patients in oral hygiene; ~~and perform~~
 45 other services which do not involve diagnosis or treatment of
 46 dental conditions and which services are approved by rule of the
 47 board.

48 Section 3. Subsection (2) of section 466.0235, Florida
 49 Statutes, is amended to read:

50 466.0235 Dental charting.—

51 (2) A dental hygienist may, without supervision and within
 52 the lawful scope of his or her duties as authorized by law,
 53 perform dental charting of hard and soft tissues in public and
 54 private educational institutions of the state and Federal
 55 Government, nursing homes, assisted living and long-term care
 56 facilities, community health centers, county health departments,

57 mobile dental or health units, health access settings, and
 58 epidemiological surveys for public health. A dental hygienist
 59 may also perform dental charting on a volunteer basis at health
 60 fairs.

61 Section 4. Subsections (2) through (6) of section 466.024,
 62 Florida Statutes, are renumbered as subsections (3) through (7),
 63 respectively, present subsections (2) and (4) are amended, and a
 64 new subsection (2) is added to that section, to read:

65 466.024 Delegation of duties; expanded functions.—

66 (2) The following remediable tasks may be performed by a
 67 dental hygienist in a health access setting without supervision
 68 by a dentist:

69 (a) Perform dental charting as defined in s. 466.0235 or
 70 as authorized by board rule.

71 (b) Measure and record a patient's blood pressure, pulse
 72 rate, respiratory rate, and oral temperature.

73 (c) Record a patient's case history.

74 (d) Remove calculus deposits, accretions, and stains from
 75 exposed surfaces of teeth and from tooth surfaces within the
 76 gingival sulcus. This paragraph does not authorize a dental
 77 hygienist to perform root planing or gingival curettage without
 78 supervision by a dentist.

79 (e) Apply topical fluorides that are approved by the
 80 American Dental Association or the United States Food and Drug
 81 Administration, including, but not limited to, fluoride
 82 varnishes.

83 (f) Apply dental sealants.

84 (3)-(2) Notwithstanding subsections subsection (1) and (2),

85 a dentist may delegate the tasks of gingival curettage and root
 86 planing to a dental hygienist but not to a dental assistant.

87 (5)~~(4)~~ Notwithstanding subsections ~~subsection~~ (1) and (2),
 88 a dentist may not delegate to anyone other than another licensed
 89 dentist:

90 (a) Any prescription of drugs or medications requiring the
 91 written order or prescription of a licensed dentist or
 92 physician.

93 (b) Any diagnosis for treatment or treatment planning.

94 Section 5. Paragraph (c) of subsection (2) of section
 95 466.006, Florida Statutes, is amended to read:

96 466.006 Examination of dentists.—

97 (2) An applicant shall be entitled to take the
 98 examinations required in this section to practice dentistry in
 99 this state if the applicant:

100 (c)1. Has successfully completed the National Board of
 101 Dental Examiners dental examination within 10 years of the date
 102 of application; or

103 2. Has an active health access dental license in this
 104 state; and

105 a. The applicant has at least 5,000 hours within 4
 106 consecutive years of clinical practice experience providing
 107 direct patient care in a health access setting as defined in s.
 108 466.003~~(14)~~; the applicant is a retired veteran dentist of any
 109 branch of the United States Armed Services who has practiced
 110 dentistry while on active duty and has at least 3,000 hours
 111 within 3 consecutive years of clinical practice experience
 112 providing direct patient care in a health access setting as

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113 defined in s. 466.003~~(14)~~; or the applicant has provided a
114 portion of his or her salaried time teaching health profession
115 students in any public education setting, including, but not
116 limited to, a community college, college, or university, and has
117 at least 3,000 hours within 3 consecutive years of clinical
118 practice experience providing direct patient care in a health
119 access setting as defined in s. 466.003~~(14)~~;

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

122 c. The applicant has not filed a report pursuant to s.
123 456.049; and

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

127 Section 6. Section 466.0067, Florida Statutes, is amended
128 to read:

129 466.0067 Application for health access dental license.—The
130 Legislature finds that there is an important state interest in
131 attracting dentists to practice in underserved health access
132 settings in this state and further, that allowing out-of-state
133 dentists who meet certain criteria to practice in health access
134 settings without the supervision of a dentist licensed in this
135 state is substantially related to achieving this important state
136 interest. Therefore, notwithstanding the requirements of s.
137 466.006, the board shall grant a health access dental license to
138 practice dentistry in this state in health access settings as
139 defined in s. 466.003~~(14)~~ to an applicant that:

140 (1) Files an appropriate application approved by the

141 board;

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

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

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

152 (5) Submits documentation that she or he has completed, or
 153 will obtain prior to licensure, continuing education equivalent
 154 to this state's requirement for dentists licensed under s.
 155 466.006 for the last full reporting biennium before applying for
 156 a health access dental license;

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

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

166 (8) Has never had a license revoked from another of these
 167 United States, the District of Columbia, or a United States
 168 territory;

169 (9) Has never failed the examination specified in s.
 170 466.006, unless the applicant was reexamined pursuant to s.
 171 466.006 and received a license to practice dentistry in this
 172 state;

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

176 (11) Submits proof that he or she has been engaged in the
 177 active, clinical practice of dentistry providing direct patient
 178 care for 5 years immediately preceding the date of application,
 179 or in instances when the applicant has graduated from an
 180 accredited dental school within the preceding 5 years, submits
 181 proof of continuous clinical practice providing direct patient
 182 care since graduation; and

183 (12) Has passed an examination covering the laws and rules
 184 of the practice of dentistry in this state as described in s.
 185 466.006(4)(a).

186 Section 7. For the purpose of incorporating the amendment
 187 made by this act to section 466.003, Florida Statutes, in a
 188 reference thereto, subsection (2) of section 466.00672, Florida
 189 Statutes, is reenacted to read:

190 466.00672 Revocation of health access dental license.—

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 8. This act shall take effect September 1, 2010.