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LEGISLATIVE ACTION

Senate

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House

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Senator Altman moved the following:

Senate Amendment (with title amendment)

Delete lines 102 - 111

and insert:

Section 3. Present subsections (1) through (4) of section 459.0076, Florida Statutes, are renumbered as subsections (2) through (5), respectively, and a new subsection (1) is added to that section, to read:

459.0076 Temporary certificate for practice in areas of critical need.—

(1) A certificate issued pursuant to this section may be cited as the "Rear Admiral LeRoy Collins, Jr., Temporary Certificate for Practice in Areas of Critical Need."

Section 4. Subsection (14) of section 466.003, Florida



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14 Statutes, is amended, and subsection (15) is added to that
15 section, to read:

16 466.003 Definitions.—As used in this chapter:

17 (14) "Health access setting settings" means a program or an
18 institution ~~programs and institutions~~ of the Department of
19 Children and Family Services, the Department of Health, the
20 Department of Juvenile Justice, a nonprofit community health
21 center centers, a Head Start center centers, a federally
22 qualified health center or look-alike centers (FQHCs), FQHC
23 look-alikes as defined by federal law, a school-based prevention
24 program, a clinic and clinics operated by an accredited college
25 colleges of dentistry, or an accredited dental hygiene program
26 in this state if such community service program or institution
27 ~~programs and institutions~~ immediately reports report to the
28 Board of Dentistry all violations of s. 466.027, s. 466.028, or
29 other practice act or standard of care violations related to the
30 actions or inactions of a dentist, dental hygienist, or dental
31 assistant engaged in the delivery of dental care in such setting
32 settings.

33 (15) "School-based prevention program" means preventive
34 oral health services offered at a school by one of the entities
35 defined in subsection (14) or by a nonprofit organization that
36 is exempt from federal income taxation under s. 501(a) of the
37 Internal Revenue Code, and described in s. 501(c) (3) of the
38 Internal Revenue Code.

39 Section 5. Subsections (2) and (3) of section 466.023,
40 Florida Statutes, are amended to read:

41 466.023 Dental hygienists; scope and area of practice.—

42 (2) Dental hygienists may perform their duties:



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43 (a) In the office of a licensed dentist;

44 (b) In public health programs and institutions of the
45 Department of Children and Family Services, Department of
46 Health, and Department of Juvenile Justice under the general
47 supervision of a licensed dentist; ~~or~~

48 (c) In a health access setting as defined in s. 466.003; or
49 (d) ~~(e)~~ Upon a patient of record of a dentist who has issued
50 a prescription for the services of a dental hygienist, which
51 prescription shall be valid for 2 years unless a shorter length
52 of time is designated by the dentist, in:

53 1. Licensed public and private health facilities;

54 2. Other public institutions of the state and federal
55 government;

56 3. Public and private educational institutions;

57 4. The home of a nonambulatory patient; and

58 5. Other places in accordance with the rules of the board.

59

60 However, the dentist issuing such prescription shall remain
61 responsible for the care of such patient. As used in this
62 subsection, "patient of record" means a patient upon whom a
63 dentist has taken a complete medical history, completed a
64 clinical examination, recorded any pathological conditions, and
65 prepared a treatment plan.

66 (3) Dental hygienists may, without supervision, provide
67 educational programs, faculty or staff training programs, and
68 authorized fluoride rinse programs; apply fluorides; instruct a
69 patient in oral hygiene care; supervise the oral hygiene care of
70 a patient; ~~7~~ and perform other services that ~~which~~ do not involve
71 diagnosis or treatment of dental conditions and that ~~which~~



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72 ~~services~~ are approved by rule of the board.

73 Section 6. Subsection (2) of section 466.0235, Florida
74 Statutes, is amended to read:

75 466.0235 Dental charting.—

76 (2) A dental hygienist may, without supervision and within
77 the lawful scope of his or her duties as authorized by law,
78 perform dental charting of hard and soft tissues in public and
79 private educational institutions of the state and Federal
80 Government, nursing homes, assisted living and long-term care
81 facilities, community health centers, county health departments,
82 mobile dental or health units, health access settings as defined
83 in s. 466.003, and epidemiological surveys for public health. A
84 dental hygienist may also perform dental charting on a volunteer
85 basis at health fairs.

86 Section 7. Section 466.024, Florida Statutes, is amended to
87 read:

88 466.024 Delegation of duties; expanded functions.—

89 (1) A dentist may not delegate irremediable tasks to a
90 dental hygienist or dental assistant, except as provided by law.
91 A dentist may delegate remediable tasks to a dental hygienist or
92 dental assistant when such tasks pose no risk to the patient. A
93 dentist may only delegate remediable tasks so defined by law or
94 rule of the board. The board by rule shall designate which tasks
95 are remediable and delegable, except that the following are by
96 law found to be remediable and delegable:

97 (a) Taking impressions for study casts but not for the
98 purpose of fabricating any intraoral restorations or orthodontic
99 appliance.

100 (b) Placing periodontal dressings.



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- 101 (c) Removing periodontal or surgical dressings.
102 (d) Removing sutures.
103 (e) Placing or removing rubber dams.
104 (f) Placing or removing matrices.
105 (g) Placing or removing temporary restorations.
106 (h) Applying cavity liners, varnishes, or bases.
107 (i) Polishing amalgam restorations.
108 (j) Polishing clinical crowns of the teeth for the purpose
109 of removing stains but not changing the existing contour of the
110 tooth.
111 (k) Obtaining bacteriological cytological specimens not
112 involving cutting of the tissue.
113
114 ~~Nothing in~~ This subsection does not shall be construed to limit
115 delegable tasks to those specified herein.
116 (2) A dental hygienist licensed in this state may perform
117 the following remediable tasks in a health access setting as
118 defined in s. 466.003 without the physical presence, prior
119 examination, or authorization of a dentist:
120 (a) Perform dental charting as defined in s. 466.0235 and
121 as provided by rule.
122 (b) Measure and record a patient's blood pressure rate,
123 pulse rate, respiration rate, and oral temperature.
124 (c) Record a patient's case history.
125 (d) Apply topical fluorides, including fluoride varnishes,
126 which are approved by the American Dental Association or the
127 Food and Drug Administration.
128 (e) Apply dental sealants.
129 (f) Remove calculus deposits, accretions, and stains from



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130 exposed surfaces of the teeth and from tooth surfaces within the
131 gingival sulcus.

132 1. A dentist licensed under this chapter or a physician
133 licensed under chapter 458 or chapter 459 must give medical
134 clearance before a dental hygienist removes calculus deposits,
135 accretions, and stains from exposed surfaces of the teeth or
136 from tooth surfaces within the gingival sulcus.

137 2. A dentist shall conduct a dental examination on a
138 patient within 13 months after a dental hygienist removes the
139 patient's calculus deposits, accretions, and stains from exposed
140 surfaces of the teeth or from tooth surfaces within the gingival
141 sulcus. Additional oral hygiene services may not be performed
142 under this paragraph without a clinical examination by a dentist
143 who is licensed under this chapter.

144
145 This subsection does not authorize a dental hygienist to perform
146 root planing or gingival curettage without supervision by a
147 dentist.

148 (3) For all remediable tasks listed in subsection (2), the
149 following disclaimer must be provided to the patient in writing
150 before any procedure is performed:

151 (a) The services being offered are not a substitute for a
152 comprehensive dental exam by a dentist.

153 (b) The diagnosis of caries, soft tissue disease, oral
154 cancer, temporomandibular joint disease (TMJ), and dentofacial
155 malocclusions will be completed only by a dentist in the context
156 of delivering a comprehensive dental exam.

157 (4) This section does not prevent a program operated by one
158 of the health access settings as defined in s. 466.003 or a



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159 nonprofit organization that is exempt from federal income
160 taxation under s. 501(a) of the Internal Revenue Code and
161 described in s. 501(c)(3) of the Internal Revenue Code from
162 billing and obtaining reimbursement for the services described
163 in this section which are provided by a dental hygienist or from
164 making or maintaining any records pursuant to s. 456.057
165 necessary to obtain reimbursement.

166 (5) A dental hygienist who performs, without supervision,
167 the remediable tasks listed in subsection (2) shall:

168 (a) Provide a dental referral in strict compliance with
169 federal and state patient referral, anti-kickback, and patient
170 brokering laws.

171 (b) Encourage the establishment of a dental home.

172 (c) Maintain professional malpractice insurance coverage
173 that has minimum limits of \$100,000 per occurrence and \$300,000
174 in the aggregate through the employing health access setting or
175 individual policy.

176 (6)~~(2)~~ Notwithstanding subsection (1) or subsection (2), a
177 dentist may delegate the tasks of gingival curettage and root
178 planing to a dental hygienist but not to a dental assistant.

179 (7)~~(3)~~ All other remediable tasks shall be performed under
180 the direct, indirect, or general supervision of a dentist, as
181 determined by rule of the board, and after such formal or on-
182 the-job training by the dental hygienist or dental assistant as
183 the board by rule may require. The board by rule may establish a
184 certification process for expanded-duty dental assistants,
185 establishing such training or experience criteria or
186 examinations as it deems necessary and specifying which tasks
187 may be delegable only to such assistants. If the board does



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188 establish such a certification process, the department shall
189 implement the application process for such certification and
190 administer any examinations required.

191 (8)~~(4)~~ Notwithstanding subsection (1) or subsection (2), a
192 dentist may not delegate to anyone other than another licensed
193 dentist:

194 (a) Any prescription of drugs or medications requiring the
195 written order or prescription of a licensed dentist or
196 physician.

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

198 (9)~~(5)~~ Notwithstanding any other provision of law, a
199 dentist is primarily responsible for all procedures delegated by
200 her or him.

201 (10)~~(6)~~ A ~~No~~ dental assistant may not ~~shall~~ perform an
202 intraoral procedure except after such formal or on-the-job
203 training as the board by rule shall prescribe.

204 Section 8. For the purpose of incorporating the amendment
205 made by this act to section 466.003, Florida Statutes, in a
206 reference thereto, subsection (2) of section 466.00672, Florida
207 Statutes, is reenacted to read:

208 466.00672 Revocation of health access dental license.—

209 (2) Failure of an individual licensed pursuant to s.
210 466.0067 to limit the practice of dentistry to health access
211 settings as defined in s. 466.003 constitutes the unlicensed
212 practice of dentistry.

213 Section 9. Effective October 1, 2011, section 466.006,
214 Florida Statutes, is amended to read:

215 466.006 Examination of dentists.—

216 (1) (a) It is the intent of the Legislature to reduce the



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217 costs associated with an independent state-developed practical
218 or clinical examination to measure an applicant's ability to
219 practice the profession of dentistry and to use the American
220 Dental Licensing Examination developed by the American Board of
221 Dental Examiners, Inc., in lieu of an independent state-
222 developed practical or clinical examination. The Legislature
223 finds that the American Dental Licensing Examination, in both
224 its structure and function, consistently meets generally
225 accepted testing standards and has been found, as it is
226 currently organized and operating, to adequately and reliably
227 measure an applicant's ability to practice the profession of
228 dentistry.

229 (b) Any person desiring to be licensed as a dentist shall
230 apply to the department to take the licensure examinations and
231 shall verify the information required on the application by
232 oath. The application shall include two recent photographs.
233 There shall be an application fee set by the board not to exceed
234 \$100 which shall be nonrefundable. There shall also be an
235 examination fee set by the board, which shall not exceed \$425
236 plus the actual per applicant cost to the department for
237 purchase of some or all portions of the examination from the
238 American Board of Dental Examiners or its successor entity, if
239 any, provided the board finds the successor entity's clinical
240 examination complies with the provisions of this section. The
241 examination fee ~~Northeast Regional Board of Dental Examiners or~~
242 ~~a similar national organization, which~~ may be refundable if the
243 applicant is found ineligible to take the examinations.

244 (2) An applicant shall be entitled to take the examinations
245 required in this section to practice dentistry in this state if



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246 the applicant:

247 (a) Is 18 years of age or older.

248 (b)1. Is a graduate of a dental school accredited by the
249 American Dental Association Commission on Dental Accreditation
250 ~~Commission on Accreditation of the American Dental Association~~
251 or its successor entity agency, if any, or any other dental
252 ~~nationally recognized~~ accrediting entity recognized by the
253 United States Department of Education agency; or

254 2. Is a dental student in the final year of a program at
255 such an accredited dental school who has completed all the
256 coursework necessary to prepare the student to perform the
257 clinical and diagnostic procedures required to pass the
258 examinations. With respect to a dental student in the final year
259 of a program at a dental school, a passing score on the
260 examinations is valid for 365 ~~180~~ days after the date the
261 examinations were completed. A dental school student who takes
262 the licensure examinations during the student's final year of an
263 approved dental school must have graduated before being
264 certified for licensure pursuant to s. 466.011.

265 (c)1. Has successfully completed the National Board of
266 Dental Examiners dental examination ~~within 10 years of the date~~
267 ~~of application~~; or

268 2. Has an active health access dental license in this
269 state; and

270 a. The applicant has at least 5,000 hours within 4
271 consecutive years of clinical practice experience providing
272 direct patient care in a health access setting as defined in s.
273 466.003 ~~s. 466.003(14)~~; the applicant is a retired veteran
274 dentist of any branch of the United States Armed Services who



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275 has practiced dentistry while on active duty and has at least
276 3,000 hours within 3 consecutive years of clinical practice
277 experience providing direct patient care in a health access
278 setting as defined in s. 466.003 ~~s. 466.003(14)~~; or the
279 applicant has provided a portion of his or her salaried time
280 teaching health profession students in any public education
281 setting, including, but not limited to, a community college,
282 college, or university, and has at least 3,000 hours within 3
283 consecutive years of clinical practice experience providing
284 direct patient care in a health access setting as defined in s.
285 466.003 ~~s. 466.003(14)~~;

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

288 c. The applicant has not filed a report pursuant to s.
289 456.049; and

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

293 (3) If an applicant is a graduate of a dental college or
294 school not accredited in accordance with paragraph (2)(b) or of
295 a dental college or school not approved by the board, the
296 applicant shall not be entitled to take the examinations
297 required in this section to practice dentistry until she or he
298 satisfies one of the following:

299 (a) Completes a program of study, as defined by the board
300 by rule, at an accredited American dental school and
301 demonstrates receipt of a D.D.S. or D.M.D. from said school; or

302 (b) Completes a 2-year supplemental dental education
303 program at an accredited dental school and receives a dental



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304 diploma, degree, or certificate as evidence of program
305 completion.

306 (4) Notwithstanding any other provision of law in chapter
307 456 pertaining to the clinical dental licensure examination or
308 national examinations ~~s. 456.017(1)(c)~~, to be licensed as a
309 dentist in this state, an applicant must successfully complete
310 the following:

311 (a) A written examination on the laws and rules of the
312 state regulating the practice of dentistry;

313 (b)1. A practical or clinical examination, which shall be
314 the American Dental Licensing Examination produced by the
315 American Board of Dental Examiners, Inc., or its successor
316 entity, if any, which is administered in this state and graded
317 by dentists licensed in this state and employed by the
318 department for just such purpose, provided that the board has
319 attained, and continues to maintain thereafter, representation
320 on the board of directors of the American Board of Dental
321 Examiners, the examination development committee of the American
322 Board of Dental Examiners, and such other committees of the
323 American Board of Dental Examiners as the board deems
324 appropriate by rule to ensure that the standards established
325 herein are maintained organizationally. A passing score on the
326 American Dental Licensing Examination administered in this state
327 and graded by dentists who are licensed in this state is valid
328 for 365 days after the date the official examination results are
329 published.

330 2.a. As an alternative to the requirements of subparagraph
331 1., an applicant may submit scores from an American Dental
332 Licensing Examination previously administered in a jurisdiction



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333 other than this state after October 1, 2011, and such
334 examination results shall be recognized as valid for the purpose
335 of licensure in this state. A passing score on the American
336 Dental Licensing Examination administered out of state shall be
337 the same as the passing score for the American Dental Licensing
338 Examination administered in this state and graded by dentists
339 who are licensed in this state. The examination results are
340 valid for 365 days after the date the official examination
341 results are published. The applicant must have completed the
342 examination after October 1, 2011.

343 b. This subparagraph may not be given retroactive
344 application.

345 3. If the date of an applicant's passing American Dental
346 Licensing Examination scores from an examination previously
347 administered in a jurisdiction other than this state under
348 subparagraph 2. is older than 365 days, such scores shall
349 nevertheless be recognized as valid for the purpose of licensure
350 in this state, but only if the applicant demonstrates that all
351 of the following additional standards have been met:

352 a.(I) The applicant completed the American Dental Licensing
353 Examination after October 1, 2011;

354 (II) This sub-subparagraph may not be given retroactive
355 application;

356 b. The applicant graduated from a dental school accredited
357 by the American Dental Association Commission on Dental
358 Accreditation or its successor entity, if any, or any other
359 dental accrediting organization recognized by the United States
360 Department of Education. Provided however, if the applicant did
361 not graduate from such a dental school, the applicant may submit



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362 proof of having successfully completed a full-time supplemental
363 general dentistry program accredited by the American Dental
364 Association Commission on Dental Accreditation of at least 2
365 consecutive academic years at such accredited sponsoring
366 institution. Such program must provide didactic and clinical
367 education at the level of a D.D.S. or D.M.D. program accredited
368 by the American Dental Association Commission on Dental
369 Accreditation;

370 c. The applicant currently possesses a valid and active
371 dental license in good standing, with no restriction, which has
372 never been revoked, suspended, restricted, or otherwise
373 disciplined, from another state or territory of the United
374 States, the District of Columbia, or the Commonwealth of Puerto
375 Rico;

376 d. The applicant submits proof that he or she has never
377 been reported to the National Practitioner Data Bank, the
378 Healthcare Integrity and Protection Data Bank, or the American
379 Association of Dental Boards Clearinghouse. This sub-
380 paragraph does not apply if the applicant successfully
381 appealed to have his or her name removed from the data banks of
382 these agencies;

383 e.(I) In the 5 years immediately preceding the date of
384 application for licensure in this state, the applicant submits
385 proof of having been consecutively engaged in the full-time
386 practice of dentistry in another state or territory of the
387 United States, the District of Columbia, or the Commonwealth of
388 Puerto Rico, or, if the applicant has been licensed in another
389 state or territory of the United States, the District of
390 Columbia, or the Commonwealth of Puerto Rico for less than 5



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391 years, the applicant submits proof of having been engaged in the
392 full-time practice of dentistry since the date of his or her
393 initial licensure.

394 (II) As used in this section, "full-time practice" is
395 defined as a minimum of 1,200 hours per year for each and every
396 year in the consecutive 5-year period or, where applicable, the
397 period since initial licensure, and must include any combination
398 of the following:

399 (A) Active clinical practice of dentistry providing direct
400 patient care.

401 (B) Full-time practice as a faculty member employed by a
402 dental or dental hygiene school approved by the board or
403 accredited by the American Dental Association Commission on
404 Dental Accreditation.

405 (C) Full-time practice as a student at a postgraduate
406 dental education program approved by the board or accredited by
407 the American Dental Association Commission on Dental
408 Accreditation.

409 (III) The board shall develop rules to determine what type
410 of proof of full-time practice is required and to recoup the
411 cost to the board of verifying full-time practice under this
412 section. Such proof must, at a minimum, be:

413 (A) Admissible as evidence in an administrative proceeding;

414 (B) Submitted in writing;

415 (C) Submitted by the applicant under oath with penalties of
416 perjury attached;

417 (D) Further documented by an affidavit of someone unrelated
418 to the applicant who is familiar with the applicant's practice
419 and testifies with particularity that the applicant has been



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420 engaged in full-time practice; and

421 (E) Specifically found by the board to be both credible and
422 admissible.

423 (IV) An affidavit of only the applicant is not acceptable
424 proof of full-time practice unless it is further attested to by
425 someone unrelated to the applicant who has personal knowledge of
426 the applicant's practice. If the board deems it necessary to
427 assess credibility or accuracy, the board may require the
428 applicant or the applicant's witnesses to appear before the
429 board and give oral testimony under oath;

430 f. The applicant submits documentation that he or she has
431 completed, or will complete, prior to licensure in this state,
432 continuing education equivalent to this state's requirements for
433 the last full reporting biennium;

434 g. The applicant submits proof that he or she has never
435 been convicted of, or pled nolo contendere to, regardless of
436 adjudication, any felony or misdemeanor related to the practice
437 of a health care profession in any jurisdiction;

438 h. The applicant has successfully passed a written
439 examination on the laws and rules of this state regulating the
440 practice of dentistry and has successfully passed the computer-
441 based diagnostic skills examination; and

442 i. The applicant submits documentation that he or she has
443 successfully completed the National Board of Dental Examiners
444 dental examination.

445 (5) (a) The practical examination required under subsection
446 (4) shall be the American Dental Licensing Examination developed
447 by the American Board of Dental Examiners, Inc., or its
448 successor entity, if any, provided the board finds that the



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449 successor entity's clinical examination complies with the
450 provisions of this section, and shall include, at a minimum:

451 1. A comprehensive diagnostic skills examination covering
452 the full scope of dentistry and an examination on applied
453 clinical diagnosis and treatment planning in dentistry for
454 dental candidates.

455 ~~2.a. Two restorations on a live patient or patients., and~~
456 The board by rule shall determine the class of such restorations
457 and whether they shall be performed on mannequins, live
458 patients, or both. At least one restoration shall be on a live
459 patient;

460 ~~3.b. A demonstration of periodontal skills on a live~~
461 patient;

462 ~~4.e. A demonstration of prosthetics and restorative skills~~
463 in complete and partial dentures and crowns and bridges and the
464 utilization of practical methods of evaluation, specifically
465 including the evaluation by the candidate of completed
466 laboratory products such as, but not limited to, crowns and
467 inlays filled to prepared model teeth;

468 ~~5.d. A demonstration of restorative skills on a mannequin~~
469 which requires the candidate to complete procedures performed in
470 preparation for a cast restoration; and

471 ~~6.e. A demonstration of endodontic skills; and-~~

472 7. A diagnostic skills examination demonstrating ability to
473 diagnose conditions within the human oral cavity and its
474 adjacent tissues and structures from photographs, slides,
475 radiographs, or models pursuant to rules of the board. If an
476 applicant fails to pass the diagnostic skills examination in
477 three attempts, the applicant is not eligible for reexamination



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478 unless she or he completes additional educational requirements
479 established by the board.

480 (b)2. The department shall consult with the board in
481 planning the times, places, physical facilities, training of
482 personnel, and other arrangements concerning the administration
483 of the examination. The board or a duly designated committee
484 thereof shall approve the final plans for the administration of
485 the examination.

486 (c)3. If the applicant fails to pass the clinical
487 examination in three attempts, the applicant shall not be
488 eligible for reexamination unless she or he completes additional
489 educational requirements established by the board. ~~and~~

490 ~~(c) A diagnostic skills examination demonstrating ability~~
491 ~~to diagnose conditions within the human oral cavity and its~~
492 ~~adjacent tissues and structures from photographs, slides,~~
493 ~~radiographs, or models pursuant to rules of the board. If an~~
494 ~~applicant fails to pass the diagnostic skills examination in~~
495 ~~three attempts, the applicant shall not be eligible for~~
496 ~~reexamination unless she or he completes additional educational~~
497 ~~requirements established by the board.~~

498 (d) The board may by rule provide for additional procedures
499 which are to be tested, provided such procedures shall be common
500 to the practice of general dentistry. The board by rule shall
501 determine the passing grade for each procedure and the
502 acceptable variation for examiners. No such rule shall apply
503 retroactively.

504

505 The department shall require a mandatory standardization
506 exercise for all examiners prior to each practical or clinical



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507 examination and shall retain for employment only those dentists
508 who have substantially adhered to the standard of grading
509 established at such exercise.

510 (6) (a) It is the finding of the Legislature that absent a
511 threat to the health, safety, and welfare of the public, the
512 relocation of applicants to practice dentistry within the
513 geographic boundaries of this state who are lawfully and
514 currently practicing dentistry in another state or territory of
515 the United States, the District of Columbia, or the Commonwealth
516 of Puerto Rico, based on their scores from the American Dental
517 Licensing Examination administered in a state other than this
518 state, is substantially related to achieving the important state
519 interest of improving access to dental care for underserved
520 citizens of this state and furthering the economic development
521 goals of the state. Therefore, in order to maintain valid active
522 licensure in this state, all applicants for licensure who are
523 relocating to this state based on scores from the American
524 Dental Licensing Examination administered in a state other than
525 this state must actually engage in the full-time practice of
526 dentistry inside the geographic boundaries of this state within
527 1 year after receiving such licensure in this state. The
528 Legislature finds that, if such applicants do not actually
529 engage in the full-time practice of dentistry within the
530 geographic boundaries of this state within 1 year after
531 receiving such a license in this state, access to dental care
532 for the public will not significantly increase, patients'
533 continuity of care will not be attained, and the economic
534 development goals of the state will not be significantly met.

535 (b)1. As used in this section, the term "full-time practice



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536 of dentistry within the geographic boundaries of this state
537 within 1 year” is defined as a minimum of 1,200 hours in the
538 initial year of licensure, which must include any combination of
539 the following:

540 a. Active clinical practice of dentistry providing direct
541 patient care within the geographic boundaries of this state.

542 b. Full-time practice as a faculty member employed by a
543 dental or dental hygiene school approved by the board or
544 accredited by the American Dental Association Commission on
545 Dental Accreditation and located within the geographic
546 boundaries of this state.

547 c. Full-time practice as a student at a postgraduate dental
548 education program approved by the board or accredited by the
549 American Dental Association Commission on Dental Accreditation
550 and located within the geographic boundaries of this state.

551 2. The board shall develop rules to determine what type of
552 proof of full-time practice of dentistry within the geographic
553 boundaries of this state for 1 year is required in order to
554 maintain active licensure and shall develop rules to recoup the
555 cost to the board of verifying maintenance of such full-time
556 practice under this section. Such proof must, at a minimum:

557 a. Be admissible as evidence in an administrative
558 proceeding;

559 b. Be submitted in writing;

560 c. Be submitted by the applicant under oath with penalties
561 of perjury attached;

562 d. Be further documented by an affidavit of someone
563 unrelated to the applicant who is familiar with the applicant’s
564 practice and testifies with particularity that the applicant has



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565 been engaged in full-time practice of dentistry within the
566 geographic boundaries of this state within the last 365 days;
567 and

568 e. Include such additional proof as specifically found by
569 the board to be both credible and admissible.

570 3. An affidavit of only the applicant is not acceptable
571 proof of full-time practice of dentistry within the geographic
572 boundaries of this state within 1 year, unless it is further
573 attested to by someone unrelated to the applicant who has
574 personal knowledge of the applicant's practice within the last
575 365 days. If the board deems it necessary to assess credibility
576 or accuracy, the board may require the applicant or the
577 applicant's witnesses to appear before the board and give oral
578 testimony under oath.

579 (c) It is the further intent of the Legislature that a
580 license issued pursuant to paragraph (a) shall expire in the
581 event the board finds that it did not receive acceptable proof
582 of full-time practice within the geographic boundaries of this
583 state within 1 year after the initial issuance of the license.
584 The board shall make reasonable attempts within 30 days prior to
585 the expiration of such a license to notify the licensee in
586 writing at his or her last known address of the need for proof
587 of full-time practice in order to continue licensure. If the
588 board has not received a satisfactory response from the licensee
589 within the 30-day period, the licensee must be served with
590 actual or constructive notice of the pending expiration of
591 licensure and be given 20 days in which to submit proof required
592 in order to continue licensure. If the 20-day period expires and
593 the board finds it has not received acceptable proof of full-



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594 time practice within the geographic boundaries of this state
595 within 1 year after the initial issuance of the license, the
596 board must issue an administrative order finding that the
597 license has expired. Such an order may be appealed by the former
598 licensee in accordance with the provisions of chapter 120. In
599 the event of expiration, the licensee shall immediately cease
600 and desist from practicing dentistry and shall immediately
601 surrender to the board the wallet-size identification card and
602 wall card. A person who uses or attempts to use a license issued
603 pursuant to this section which has expired commits unlicensed
604 practice of dentistry, a felony of the third degree pursuant to
605 s. 466.026(1)(b), punishable as provided in s. 775.082, s.
606 775.083, or s. 775.084.

607 Section 10. Effective October 1, 2011, section 466.0067,
608 Florida Statutes, is amended, and, for the purpose of
609 incorporating the amendment made by this act to section 466.006,
610 Florida Statutes, in references thereto, subsections (2), (5),
611 (9), and (12) of that section are reenacted, to read:

612 466.0067 Application for health access dental license.—The
613 Legislature finds that there is an important state interest in
614 attracting dentists to practice in underserved health access
615 settings in this state and further, that allowing out-of-state
616 dentists who meet certain criteria to practice in health access
617 settings without the supervision of a dentist licensed in this
618 state is substantially related to achieving this important state
619 interest. Therefore, notwithstanding the requirements of s.
620 466.006, the board shall grant a health access dental license to
621 practice dentistry in this state in health access settings as
622 defined in s. 466.003 ~~s. 466.003(14)~~ to an applicant that:



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

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

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

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

634 (5) Submits documentation that she or he has completed, or
635 will obtain prior to licensure, continuing education equivalent
636 to this state's requirement for dentists licensed under s.
637 466.006 for the last full reporting biennium before applying for
638 a health access dental license;

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

644 (7) Currently holds a valid, active, dental license in good
645 standing which has not been revoked, suspended, restricted, or
646 otherwise disciplined from another of the United States, the
647 District of Columbia, or a United States territory;

648 (8) Has never had a license revoked from another of the
649 United States, the District of Columbia, or a United States
650 territory;

651 (9) Has never failed the examination specified in s.



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652 466.006, unless the applicant was reexamined pursuant to s.
653 466.006 and received a license to practice dentistry in this
654 state;

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

658 (11) Submits proof that he or she has been engaged in the
659 active, clinical practice of dentistry providing direct patient
660 care for 5 years immediately preceding the date of application,
661 or in instances when the applicant has graduated from an
662 accredited dental school within the preceding 5 years, submits
663 proof of continuous clinical practice providing direct patient
664 care since graduation; and

665 (12) Has passed an examination covering the laws and rules
666 of the practice of dentistry in this state as described in s.
667 466.006(4) (a).

668 Section 11. Effective October 1, 2011, for the purpose of
669 incorporating the amendment made by this act to section 466.006,
670 Florida Statutes, in a reference thereto, subsection (1) of
671 section 466.0065, Florida Statutes, is reenacted to read:

672 466.0065 Regional licensure examinations.—

673 (1) It is the intent of the Legislature that schools of
674 dentistry be allowed to offer regional licensure examinations to
675 dental students who are in the final year of a program at an
676 approved dental school for the sole purpose of facilitating the
677 student's licensing in other jurisdictions. This section does
678 not allow a person to be licensed as a dentist in this state
679 without taking the examinations as set forth in s. 466.006, nor
680 does this section mean that regional examinations administered



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681 under this section may be substituted for complying with testing
682 requirements under s. 466.006.

683 Section 12. Effective October 1, 2011, for the purpose of
684 incorporating the amendment made by this act to section 466.006,
685 Florida Statutes, in a reference thereto, paragraph (d) of
686 subsection (1) of section 466.00671, Florida Statutes, is
687 reenacted to read:

688 466.00671 Renewal of the health access dental license.—

689 (1) A health access dental licensee shall apply for renewal
690 each biennium. At the time of renewal, the licensee shall sign a
691 statement that she or he has complied with all continuing
692 education requirements of an active dentist licensee. The board
693 shall renew a health access dental license for an applicant
694 that:

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

698 Section 13. Effective October 1, 2011, for the purpose of
699 incorporating the amendment made by this act to section 466.006,
700 Florida Statutes, in references thereto, paragraph (b) of
701 subsection (2) and subsection (3) of section 466.007, Florida
702 Statutes, are reenacted to read:

703 466.007 Examination of dental hygienists.—

704 (2) An applicant shall be entitled to take the examinations
705 required in this section to practice dental hygiene in this
706 state if the applicant:

707 (b)1. Is a graduate of a dental hygiene college or school
708 approved by the board or accredited by the Commission on
709 Accreditation of the American Dental Association or its



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710 successor agency; or

711 2. Is a graduate of a dental college or school accredited
712 in accordance with s. 466.006(2)(b), or a graduate of an
713 unaccredited dental college or school, and has met the
714 requirements of subsection (3).

715 (3) A graduate of a dental college or school shall be
716 entitled to take the examinations required in this section to
717 practice dental hygiene in this state if, in addition to the
718 requirements specified in subsection (2), the graduate meets the
719 following requirements:

720 (a) Submits the following credentials for review by the
721 board:

722 1. Transcripts totaling 4 academic years of postsecondary
723 dental education; and

724 2. A dental school diploma which is comparable to a D.D.S.
725 or D.M.D.

726

727 Such credentials shall be submitted in a manner provided by rule
728 of the board. The board shall approve those credentials which
729 comply with this paragraph and with rules of the board adopted
730 pursuant to this paragraph. The provisions of this paragraph
731 notwithstanding, an applicant of a foreign dental college or
732 school not accredited in accordance with s. 466.006(2)(b) who
733 cannot produce the credentials required by this paragraph, as a
734 result of political or other conditions in the country in which
735 the applicant received his or her education, may seek the
736 board's approval of his or her educational background by
737 submitting, in lieu of the credentials required in this
738 paragraph, such other reasonable and reliable evidence as may be



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739 set forth by board rule. The board shall not accept such other
740 evidence until it has made a reasonable attempt to obtain the
741 credentials required by this paragraph from the educational
742 institutions the applicant is alleged to have attended, unless
743 the board is otherwise satisfied that such credentials cannot be
744 obtained.

745 (b) Successfully completes one or more courses, of a scope
746 and duration approved and defined by board rule, that meet the
747 requirements of law for instructing health care providers on the
748 human immunodeficiency virus and acquired immune deficiency
749 syndrome. In addition, the board may require an applicant who
750 graduated from a nonaccredited dental college or school to
751 successfully complete additional coursework, only after failing
752 the initial examination, as defined by board rule, at an
753 educational institution approved by the board or accredited as
754 provided in subparagraph (2)(b)1. A graduate of a foreign dental
755 college or school not accredited in accordance with s.
756 466.006(2)(b) may not take the coursework set forth in this
757 paragraph until the board has approved the credentials required
758 by paragraph (a).

759 Section 14. Effective October 1, 2011, for the purpose of
760 incorporating the amendment made by this act to section 466.006,
761 Florida Statutes, in a reference thereto, subsection (1) of
762 section 466.009, Florida Statutes, is reenacted to read:

763 466.009 Reexamination.—

764 (1) The department shall permit any person who fails an
765 examination which is required under s. 466.006 or s. 466.007 to
766 retake the examination. If the examination to be retaken is a
767 practical or clinical examination, the applicant shall pay a



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768 reexamination fee set by rule of the board in an amount not to
769 exceed the original examination fee.

770 Section 15. Effective October 1, 2011, for the purpose of
771 incorporating the amendment made by this act to section 466.006,
772 Florida Statutes, in a reference thereto, section 466.011,
773 Florida Statutes, is reenacted to read:

774 466.011 Licensure.—The board shall certify for licensure by
775 the department any applicant who satisfies the requirements of
776 s. 466.006, s. 466.0067, or s. 466.007. The board may refuse to
777 certify an applicant who has violated any of the provisions of
778 s. 466.026 or s. 466.028.

779 Section 16. Subsections (7), (8), and (9) of section
780 468.701, Florida Statutes, are renumbered as subsections (8),
781 (9), and (10), respectively, and a new subsection (7) is added
782 to that section, to read:

783 468.701 Definitions.—As used in this part, the term:

784 (7) "Board of Certification" means the nationally
785 accredited certifying body for athletic trainers or its
786 successor agency.

787 Section 17. Subsection (2) of section 468.703, Florida
788 Statutes, is amended to read:

789 468.703 Board of Athletic Training.—

790 (2) Five members of the board must be licensed athletic
791 trainers, certified by the Board of Certification. One member of
792 the board must be a physician licensed under chapter 458 or
793 chapter 459. One member of the board must be a physician
794 licensed under chapter 460. Two members of the board shall be
795 consumer members, each of whom must be a resident of this state
796 who has never worked as an athletic trainer, who has no



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797 financial interest in the practice of athletic training, and who
798 has never been a licensed health care practitioner as defined in
799 s. 456.001(4).

800 Section 18. Section 468.707, Florida Statutes, is amended
801 to read:

802 468.707 Licensure by examination; requirements.—

803 ~~(1)~~ Any person desiring to be licensed as an athletic
804 trainer shall apply to the department on a form approved by the
805 department. The department shall license each applicant who:

806 (1) ~~(a)~~ Has completed the application form and remitted the
807 required fees.

808 (2) ~~(b)~~ Is at least 21 years of age.

809 (3) ~~(c)~~ Has obtained a baccalaureate degree from a college
810 or university accredited by an accrediting agency recognized and
811 approved by the United States Department of Education or the
812 Commission on Recognition of Postsecondary Accreditation, ~~or~~
813 approved by the board, or recognized by the Board of
814 Certification.

815 (4) ~~(d)~~ If graduated after 2004, has completed an approved
816 athletic training curriculum from a college or university
817 accredited by a program recognized by the Board of Certification
818 ~~an accrediting agency recognized and approved by the United~~
819 ~~States Department of Education or the Commission on Recognition~~
820 ~~of Postsecondary Accreditation, or approved by the board.~~

821 (5) ~~(e)~~ Has current certification in cardiovascular
822 pulmonary resuscitation with an automated external defibrillator
823 from the American Red Cross or, the American Heart Association,
824 or an equivalent certification as determined by the board.

825 (6) ~~(f)~~ Has passed the ~~an~~ examination and is certified by



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826 the Board of Certification ~~administered or approved by the~~
827 ~~board.~~

828 ~~(2) Pursuant to the requirements of s. 456.034, each~~
829 ~~applicant shall complete a continuing education course on human~~
830 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
831 ~~as part of initial licensure.~~

832 Section 19. Section 468.711, Florida Statutes, is amended
833 to read:

834 468.711 Renewal of license; continuing education.—

835 (1) The department shall renew a license upon receipt of
836 the renewal application and fee, provided the applicant is in
837 compliance with the provisions of this section, chapter 456, and
838 rules promulgated pursuant thereto.

839 (2) The board may, by rule, prescribe continuing education
840 requirements, not to exceed 24 hours biennially. The criteria
841 for continuing education shall be approved by the board and must
842 ~~shall~~ include a current certificate in cardiovascular pulmonary
843 resuscitation with an automated external defibrillator from the
844 American Red Cross or the American Heart Association or an
845 equivalent training as determined by the board.

846 (3) If initially licensed after January 1, 1998, the
847 licensee must be currently certified by the Board of
848 Certification or its successor agency ~~Pursuant to the~~
849 ~~requirements of s. 456.034, each licensee shall complete a~~
850 ~~continuing education course on human immunodeficiency virus and~~
851 ~~acquired immune deficiency syndrome as part of biennial~~
852 ~~relicensure.~~

853 Section 20. If any provision of this act or its application
854 to any person or circumstance is held invalid by a court of



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855 competent jurisdiction, the invalidity does not affect other
856 provisions or applications of the act which can be given effect
857 without the invalid provision or application, and to this end
858 the provisions of this act are severable.

859 Section 21. Except as otherwise expressly provided in this
860 act, this act shall take effect upon becoming a law, and shall
861 not apply retroactively.

862
863 ===== T I T L E A M E N D M E N T =====

864 And the title is amended as follows:

865 Delete line 19

866 and insert:

867 Collins, Jr.; amending s. 466.003, F.S.; revising the
868 definition of the term "health access setting" and
869 defining the term "school-based prevention program"
870 for purposes of provisions regulating the practice of
871 dentistry; amending s. 466.023, F.S.; revising the
872 scope and area of practice for dental hygienists;
873 amending s. 466.0235, F.S.; revising the locations at
874 which dental hygienists may perform dental charting;
875 amending s. 466.024, F.S.; authorizing dental
876 hygienists to perform certain duties without
877 supervision or authorization by a dentist; providing
878 exceptions; requiring that dental hygienists in a
879 health access setting provide a certain disclaimer to
880 patients before a procedure is performed; providing
881 that a health access setting may bill for certain
882 services; requiring that dental hygienists provide a
883 referral, encourage the establishment of a dental



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884 home, and maintain insurance coverage in specified
885 circumstances; reenacting s. 466.00672(2), F.S.,
886 relating to the revocation of health access dental
887 licenses, to incorporate the amendment made by the act
888 to s. 466.003, F.S., in a reference thereto; amending
889 s. 466.006, F.S.; providing legislative intent with
890 respect to the use of the American Dental Licensing
891 Examination developed by the American Board of Dental
892 Examiners, Inc., in lieu of an independent state-
893 developed practical or clinical exam, to measure an
894 applicant's ability to practice the profession of
895 dentistry; providing for examination fees and use
896 thereof; revising criteria for applicants for
897 licensure with respect to accreditation of dental
898 schools and period of validity of examination scores;
899 adopting the American Dental Licensure Exam as the
900 clinical or practical licensure examination used for
901 licensure as a dentist in this state if specified
902 conditions are maintained; providing for the period of
903 validity of examination scores; authorizing applicants
904 to submit American Dental Licensing Examination scores
905 from a jurisdiction outside the state; specifying the
906 period of validity of such examination scores;
907 providing that authority to submit such examination
908 scores does not apply retroactively; providing that
909 such examination scores outside the period of validity
910 be recognized as valid upon demonstration that the
911 applicant has met specified additional standards;
912 designating the practical examination and specifying



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913 minimum standards therefor; requiring applicants for
914 licensure using American Dental Licensing Examination
915 scores from a state other than this state to engage in
916 the full-time practice of dentistry inside the
917 geographic boundaries of this state within 1 year
918 after receiving such licensure in this state;
919 providing legislative findings with respect thereto;
920 providing a definition; providing legislative intent
921 with respect to expiration of such licenses upon a
922 finding that acceptable proof of full-time practice
923 within the geographic boundaries of this state within
924 1 year after the initial issuance of the license was
925 not received by the board; providing procedures and
926 requirements with respect to determination of
927 compliance; providing procedures, requirements, and
928 prohibitions in the event of expiration; providing a
929 penalty for using or attempting to use a license that
930 has expired; amending s. 466.0067, F.S.; correcting a
931 cross-reference; reenacting ss. 466.0065(1),
932 466.0067(2), (5), (9), and (12), 466.00671(1)(d),
933 466.007(2)(b) and (3), 466.009(1), and 466.011, F.S.,
934 relating to regional licensure examinations,
935 application for health access dental license, renewal
936 of the health access dental license, examination of
937 dental hygienists, reexamination, and licensure,
938 respectively, to incorporate the amendments made to s.
939 466.006, F.S., in references thereto; amending s.
940 468.701, F.S.; defining "Board of Certification";
941 amending s. 468.703, F.S.; revising qualifications for



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942 certain members of the Board of Athletic
943 Training;amending s. 468.707, F.S.; revising
944 requirements for licensure by the Department of Health
945 as an athletic trainer; reorganizing provisions;
946 amending s. 468.711, F.S.; revising provisions
947 relating to renewal of license and continuing
948 education requirements for athletic trainers;
949 providing for severability; providing that the act
950 does not apply retroactively; providing effective
951 dates.