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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 setting" and defining the term "school-  
5           based prevention program" for purposes of provisions  
6           regulating the practice of dentistry; amending s. 466.023,  
7           F.S.; revising the scope and area of practice for dental  
8           hygienists; amending s. 466.0235, F.S.; revising the  
9           locations at which dental hygienists may perform dental  
10          charting; amending s. 466.024, F.S.; authorizing dental  
11          hygienists to perform certain duties without supervision  
12          or authorization by a dentist; providing exceptions;  
13          requiring that dental hygienists in a health access  
14          setting provide a certain disclaimer to patients before a  
15          procedure is performed; providing that a health access  
16          setting may bill for certain services; requiring that  
17          dental hygienists provide a referral, encourage the  
18          establishment of a dental home, and maintain insurance  
19          coverage in specified circumstances; amending ss. 466.006  
20          and 466.0067, F.S.; conforming cross-references;  
21          reenacting s. 466.00672(2), F.S., relating to the  
22          revocation of health access dental licenses, to  
23          incorporate the amendment made by the act to s. 466.003,  
24          F.S., in a reference thereto; providing an effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

27  
28          Section 1.   Subsection (14) of section 466.003, Florida

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

31 466.003 Definitions.—As used in this chapter:

32 (14) "Health access setting settings" means a program or  
 33 an institution ~~programs and institutions~~ of the Department of  
 34 Children and Family Services, the Department of Health, the  
 35 Department of Juvenile Justice, a nonprofit community health  
 36 center centers, a Head Start center centers, a federally  
 37 qualified health center or look-alike centers (FQHCs), ~~FQHC~~  
 38 ~~look-alikes~~ as defined by federal law, a school-based prevention  
 39 program, a clinic and clinics operated by an accredited college  
 40 ~~colleges~~ of dentistry, or an accredited dental hygiene program  
 41 in this state if such community service program or institution  
 42 ~~programs and institutions~~ immediately reports report to the  
 43 Board of Dentistry all violations of s. 466.027, s. 466.028, or  
 44 other practice act or standard of care violations related to the  
 45 actions or inactions of a dentist, dental hygienist, or dental  
 46 assistant engaged in the delivery of dental care in such setting  
 47 settings.

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

54 Section 2. Subsections (2) and (3) of section 466.023,  
 55 Florida Statutes, are amended to read:

56 466.023 Dental hygienists; scope and area of practice.—

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57 (2) Dental hygienists may perform their duties:  
 58 (a) In the office of a licensed dentist;  
 59 (b) In public health programs and institutions of the  
 60 Department of Children and Family Services, Department of  
 61 Health, and Department of Juvenile Justice under the general  
 62 supervision of a licensed dentist; ~~or~~  
 63 (c) In a health access setting as defined in s. 466.003;  
 64 or  
 65 (d) ~~(e)~~ Upon a patient of record of a dentist who has  
 66 issued a prescription for the services of a dental hygienist,  
 67 which prescription shall be valid for 2 years unless a shorter  
 68 length of time is designated by the dentist, in:  
 69 1. Licensed public and private health facilities;  
 70 2. Other public institutions of the state and federal  
 71 government;  
 72 3. Public and private educational institutions;  
 73 4. The home of a nonambulatory patient; and  
 74 5. Other places in accordance with the rules of the board.  
 75  
 76 However, the dentist issuing such prescription shall remain  
 77 responsible for the care of such patient. As used in this  
 78 subsection, "patient of record" means a patient upon whom a  
 79 dentist has taken a complete medical history, completed a  
 80 clinical examination, recorded any pathological conditions, and  
 81 prepared a treatment plan.  
 82 (3) Dental hygienists may, without supervision, provide  
 83 educational programs, faculty or staff training programs, and  
 84 authorized fluoride rinse programs; apply fluorides; instruct a

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85 patient in oral hygiene care; supervise the oral hygiene care of  
86 a patient;~~7~~ and perform other services that ~~which~~ do not involve  
87 diagnosis or treatment of dental conditions and that ~~which~~  
88 ~~services~~ are approved by rule of the board.

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

91 466.0235 Dental charting.—

92 (2) A dental hygienist may, without supervision and within  
93 the lawful scope of his or her duties as authorized by law,  
94 perform dental charting of hard and soft tissues in public and  
95 private educational institutions of the state and Federal  
96 Government, nursing homes, assisted living and long-term care  
97 facilities, community health centers, county health departments,  
98 mobile dental or health units, health access settings as defined  
99 in s. 466.003, and epidemiological surveys for public health. A  
100 dental hygienist may also perform dental charting on a volunteer  
101 basis at health fairs.

102 Section 4. Section 466.024, Florida Statutes, is amended  
103 to read:

104 466.024 Delegation of duties; expanded functions.—

105 (1) A dentist may not delegate irremediable tasks to a  
106 dental hygienist or dental assistant, except as provided by law.  
107 A dentist may delegate remediable tasks to a dental hygienist or  
108 dental assistant when such tasks pose no risk to the patient. A  
109 dentist may only delegate remediable tasks so defined by law or  
110 rule of the board. The board by rule shall designate which tasks  
111 are remediable and delegable, except that the following are by  
112 law found to be remediable and delegable:

113 (a) Taking impressions for study casts but not for the  
 114 purpose of fabricating any intraoral restorations or orthodontic  
 115 appliance.

116 (b) Placing periodontal dressings.

117 (c) Removing periodontal or surgical dressings.

118 (d) Removing sutures.

119 (e) Placing or removing rubber dams.

120 (f) Placing or removing matrices.

121 (g) Placing or removing temporary restorations.

122 (h) Applying cavity liners, varnishes, or bases.

123 (i) Polishing amalgam restorations.

124 (j) Polishing clinical crowns of the teeth for the purpose  
 125 of removing stains but not changing the existing contour of the  
 126 tooth.

127 (k) Obtaining bacteriological cytological specimens not  
 128 involving cutting of the tissue.

129  
 130 ~~Nothing in~~ This subsection does not ~~shall be construed to~~ limit  
 131 delegable tasks to those specified herein.

132 (2) A dental hygienist licensed in this state may perform  
 133 the following remediable tasks in a health access setting as  
 134 defined in s. 466.003 without the physical presence, prior  
 135 examination, or authorization of a dentist:

136 (a) Perform dental charting as defined in s. 466.0235 and  
 137 as provided by rule.

138 (b) Measure and record a patient's blood pressure rate,  
 139 pulse rate, respiration rate, and oral temperature.

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

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141 (d) Apply topical fluorides, including fluoride varnishes,  
142 which are approved by the American Dental Association or the  
143 Food and Drug Administration.

144 (e) Apply dental sealants.

145 (f) Remove calculus deposits, accretions, and stains from  
146 exposed surfaces of the teeth and from tooth surfaces within the  
147 gingival sulcus.

148 1. A dentist licensed under this chapter or a physician  
149 licensed under chapter 458 or chapter 459 must give medical  
150 clearance before a dental hygienist removes calculus deposits,  
151 accretions, and stains from exposed surfaces of the teeth or  
152 from tooth surfaces within the gingival sulcus.

153 2. A dentist shall conduct a dental examination on a  
154 patient within 13 months after a dental hygienist removes the  
155 patient's calculus deposits, accretions, and stains from exposed  
156 surfaces of the teeth or from tooth surfaces within the gingival  
157 sulcus. Additional oral hygiene services may not be performed  
158 under this paragraph without a clinical examination by a dentist  
159 who is licensed under this chapter.

160  
161 This subsection does not authorize a dental hygienist to perform  
162 root planing or gingival curettage without supervision by a  
163 dentist.

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

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

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

173 (4) This section does not prevent a program operated by  
174 one of the health access settings as defined in s. 466.003 or a  
175 nonprofit organization that is exempt from federal income  
176 taxation under s. 501(a) of the Internal Revenue Code and  
177 described in s. 501(c)(3) of the Internal Revenue Code from  
178 billing and obtaining reimbursement for the services described  
179 in this section which are provided by a dental hygienist or from  
180 making or maintaining any records pursuant to s. 456.057  
181 necessary to obtain reimbursement.

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

184 (a) Provide a dental referral in strict compliance with  
185 federal and state patient referral, anti-kickback, and patient  
186 brokering laws.

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

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

192 (6) ~~(2)~~ Notwithstanding subsection (1) or subsection (2), a  
193 dentist may delegate the tasks of gingival curettage and root  
194 planing to a dental hygienist but not to a dental assistant.

195 (7) ~~(3)~~ All other remediable tasks shall be performed under  
196 the direct, indirect, or general supervision of a dentist, as

197 determined by rule of the board, and after such formal or on-  
 198 the-job training by the dental hygienist or dental assistant as  
 199 the board by rule may require. The board by rule may establish a  
 200 certification process for expanded-duty dental assistants,  
 201 establishing such training or experience criteria or  
 202 examinations as it deems necessary and specifying which tasks  
 203 may be delegable only to such assistants. If the board does  
 204 establish such a certification process, the department shall  
 205 implement the application process for such certification and  
 206 administer any examinations required.

207 (8)~~(4)~~ Notwithstanding subsection (1) or subsection (2), a  
 208 dentist may not delegate to anyone other than another licensed  
 209 dentist:

210 (a) Any prescription of drugs or medications requiring the  
 211 written order or prescription of a licensed dentist or  
 212 physician.

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

214 (9)~~(5)~~ Notwithstanding any other provision of law, a  
 215 dentist is primarily responsible for all procedures delegated by  
 216 her or him.

217 (10)~~(6)~~ A ~~No~~ dental assistant may not ~~shall~~ perform an  
 218 intraoral procedure except after such formal or on-the-job  
 219 training as the board by rule shall prescribe.

220 Section 5. Paragraph (c) of subsection (2) of section  
 221 466.006, Florida Statutes, is amended to read:

222 466.006 Examination of dentists.—

223 (2) An applicant shall be entitled to take the  
 224 examinations required in this section to practice dentistry in



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225 | this state if the applicant:

226 |       (c)1. Has successfully completed the National Board of  
 227 | Dental Examiners dental examination within 10 years after ~~of~~ the  
 228 | date of application; or

229 |       2. Has an active health access dental license in this  
 230 | state; and

231 |       a. The applicant has at least 5,000 hours within 4  
 232 | consecutive years of clinical practice experience providing  
 233 | direct patient care in a health access setting as defined in s.  
 234 | 466.003 ~~s. 466.003(14)~~; the applicant is a retired veteran  
 235 | dentist of any branch of the United States Armed Services who  
 236 | has practiced dentistry while on active duty and has at least  
 237 | 3,000 hours within 3 consecutive years of clinical practice  
 238 | experience providing direct patient care in a health access  
 239 | setting as defined in s. 466.003 ~~s. 466.003(14)~~; or the  
 240 | applicant has provided a portion of his or her salaried time  
 241 | teaching health profession students in any public education  
 242 | setting, including, but not limited to, a community college,  
 243 | college, or university, and has at least 3,000 hours within 3  
 244 | consecutive years of clinical practice experience providing  
 245 | direct patient care in a health access setting as defined in s.  
 246 | 466.003 ~~s. 466.003(14)~~;

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

249 |       c. The applicant has not filed a report pursuant to s.  
 250 | 456.049; and

251 |       d. The applicant has not been convicted of or pled nolo  
 252 | contendere to, regardless of adjudication, any felony or

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253 | misdemeanor related to the practice of a health care profession.

254 |       Section 6. Section 466.0067, Florida Statutes, is amended  
255 | to read:

256 |       466.0067 Application for health access dental license.—The  
257 | Legislature finds that there is an important state interest in  
258 | attracting dentists to practice in underserved health access  
259 | settings in this state and further, that allowing out-of-state  
260 | dentists who meet certain criteria to practice in health access  
261 | settings without the supervision of a dentist licensed in this  
262 | state is substantially related to achieving this important state  
263 | interest. Therefore, notwithstanding the requirements of s.  
264 | 466.006, the board shall grant a health access dental license to  
265 | practice dentistry in this state in health access settings as  
266 | defined in s. 466.003 ~~s. 466.003(14)~~ to an applicant that:

267 |       (1) Files an appropriate application approved by the  
268 | board;

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

273 |       (3) Has not been convicted of or pled nolo contendere to,  
274 | regardless of adjudication, any felony or misdemeanor related to  
275 | the practice of a health care profession;

276 |       (4) Submits proof of graduation from a dental school  
277 | accredited by the Commission on Dental Accreditation of the  
278 | American Dental Association or its successor agency;

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

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281 to this state's requirement for dentists licensed under s.  
282 466.006 for the last full reporting biennium before applying for  
283 a health access dental license;

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

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

293 (8) Has never had a license revoked from another of the  
294 United States, the District of Columbia, or a United States  
295 territory;

296 (9) Has never failed the examination specified in s.  
297 466.006, unless the applicant was reexamined pursuant to s.  
298 466.006 and received a license to practice dentistry in this  
299 state;

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

303 (11) Submits proof that he or she has been engaged in the  
304 active, clinical practice of dentistry providing direct patient  
305 care for 5 years immediately preceding the date of application,  
306 or in instances when the applicant has graduated from an  
307 accredited dental school within the preceding 5 years, submits  
308 proof of continuous clinical practice providing direct patient

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309 | care since graduation; and

310 |       (12) Has passed an examination covering the laws and rules  
311 | of the practice of dentistry in this state as described in s.  
312 | 466.006(4) (a) .

313 |       Section 7. For the purpose of incorporating the amendment  
314 | made by this act to section 466.003, Florida Statutes, in a  
315 | reference thereto, subsection (2) of section 466.00672, Florida  
316 | Statutes, is reenacted to read:

317 |       466.00672 Revocation of health access dental license.—

318 |       (2) Failure of an individual licensed pursuant to s.  
319 | 466.0067 to limit the practice of dentistry to health access  
320 | settings as defined in s. 466.003 constitutes the unlicensed  
321 | practice of dentistry.

322 |       Section 8. This act shall take effect upon becoming a law.