

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 463 Examination of Dentists
SPONSOR(S): Health & Human Services Committee; Rodríguez
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	12 Y, 0 N	Holt	O'Callaghan
2) Health Care Appropriations Subcommittee	11 Y, 0 N	Rodriguez	Pridgeon
3) Health & Human Services Committee	15 Y, 0 N, As CS	Holt	Calamas

SUMMARY ANALYSIS

In 2012, the Legislature changed the educational standards for graduates of dental schools not accredited by American Dental Association Commission on Dental Accreditation (e.g. foreign-trained dentists) and specified that the required 2-year supplemental educational program must be in general dentistry, not a specialty program. The new requirement became effective on March 3, 2012. At that time, the Board of Dentistry had approximately 25 applicants who had completed a 2-year specialty program and there were other individuals enrolled in a specialty program at the time the bill became effective. The new law did not include a grandfather clause for these applicants or students.

The bill amends s. 466.006(3)(b), F.S., to include a grandfather provision and allow individuals enrolled in an accredited 2-year supplemental education specialty program in Dentistry on March 23, 2013, to sit for the national examination. The bill authorizes the exception until January 15, 2015. The bill also clarifies what types of programs fulfill the 2-year supplemental program requirements.

This bill has an insignificant positive fiscal impact on state revenues and no fiscal impact on local governments.

The bill provides an effect date of upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Accredited Dental Schools

The American Dental Association, Commission on Dental Accreditation (CODA), established in 1975, is nationally recognized by the United States Department of Education to accredit dental and dental-related education programs conducted at the post-secondary level. The CODA functions independently and autonomously in matters of developing and approving accreditation standards, making accreditation decisions on educational programs and developing and approving procedures that are used in the accreditation process.¹

Dental education, dental assisting, dental hygiene, dental laboratory technology, and advanced dental education programs, including dental specialties, general practice residencies, and advanced education in general dentistry are evaluated in accordance with published accreditation standards by the CODA.²

Florida Dental Exam

Each applicant applying for a Florida dental license is required to successfully pass three examinations. The examinations consist of a Written Examination, a Practical or Clinical Examination, and a Diagnostic Skills Examination. All three examinations are required to be conducted in English. The practical or clinical examination and the diagnostic skills examination covering the full scope of the practice of dentistry are included in the American Dental Licensing Examination (ADLEX).³ The ADLEX is administered by the State of Florida and graded by Florida licensed dentists. All parts of the ADLEX are required to be completed within 18 months from the initial start of any portion of the examination.⁴

An applicant seeking a Florida dental license is permitted to sit to take the ADLEX if the applicant is at least 18 years of age or older and:⁵

- Is a graduate of a CODA accredited dental school; or
- Is a dental student in the final year of a program at an accredited dental school and has completed all the coursework necessary to successfully pass the examinations;
or
- Has successfully completed the National Board of Dental Examiners dental examination⁶;
or
- Has an active health access dental license in this state; and
- Has at least 5,000 hours within 4 consecutive years of clinical practice experience providing direct patient care in a health access setting as defined in s. 466.003; the applicant is a retired veteran dentist of any branch of the United States Armed Services who has practiced dentistry while on active duty and has at least 3,000 hours within 3 consecutive years of clinical practice experience providing direct patient care in a health access setting as defined in s. 466.003; or the applicant has provided a portion of his or her salaried time teaching health profession students in any public education setting, including, but not limited to, a community college, college, or university, and has at least 3,000 hours within 3 consecutive years of clinical practice experience providing direct patient care in a health access setting as defined in s. 466.003;
- Has not been disciplined by the board, except for citation offenses or minor violations;

¹ American Dental Association, Dental Education: Schools & Programs, available at: <http://www.ada.org/103.aspx> (last viewed February 10, 2013).

² *Id.*

³ Rule 64B5-2.013, F.A.C.

⁴ *Id.*

⁵ S. 466.006(2), F.S.

⁶ Prior to October 1, 2011, the National Board of Dental Examiners dental examination was required for Florida licensure. See Rule 64B5-2.013, F.A.C.

- Has not filed a report pursuant to s. 456.049; and
- Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession.

In Florida prior to 2012, graduates of dental schools not accredited by CODA were required to complete a 2-year supplemental program at an accredited dental school and receive a dental diploma as evidence of program completion in order to sit for the ADLEX.⁷ The Board of Dentistry (board), by rule, defined the supplemental dental education program as any American Dental Association (ADA) recognized dental specialty program.⁸

The 9 ADA recognized specialties are: dental public health, endodontics, periodontics, pediatric dentistry, orthodontics and dentofacial orthopedics, prosthodontics, oral and maxillofacial surgery, oral and maxillofacial pathology, and oral and maxillofacial radiology.⁹ The board permitted applicants, who filed for a variance of and waiver to this rule¹⁰, to sit for the ADLEX with the completion of 2 one-year accredited programs in an ADA specialty.¹¹

In 2012, the Legislature passed SB 1040, specifying that the 2-year supplemental educational program must be in General Dentistry.¹² The bill became a law March 3, 2012. At that time, the board had approximately 25 applications of individuals who had completed a 2-year specialty program and there were other individuals enrolled in a specialty program at the time the bill became effective. The bill did not include a grandfather clause for these applicants or students.¹³

According to DOH, the board has discussed this issue and the members are in agreement that any applicants that were “in the pipeline” at the time of the effective date of the law should be permitted to sit for the ADLEX upon completion of their specialty program.¹⁴

Foreign Trained Dentists

Section 466.08, F.S., provides guidelines for certifying foreign dental schools. The foreign schools must prove that their educational program is reasonably comparable to that of similar accredited institutions in the United States and that the program adequately prepares its students for the practice of dentistry.¹⁵

In Florida, any dentist who did not attend a CODA accredited dental program (e.g., foreign trained dentists) is required to complete a 2-year supplemental education program at a CODA accredited dental school before they can sit for the Florida dental licensure examinations.¹⁶ The 2-year supplemental program must provide didactic and clinical education at the level of a D.D.S. or D.M.D.

Four states and the U.S. Virgin Islands do not grant an unrestricted dental license by credentials (grant reciprocity): Delaware, Florida, Hawaii, and Nevada.¹⁷

Effect of Proposed Changes

The bill amends s. 466.006(3)(b), F.S., to provide a grandfather clause for individuals continually enrolled in a CODA accredited dental specialty program on March 23, 2012, if they:

⁷ S. 466.006(3)(b), F.S. (2011)

⁸ Rule 64B5-2.0146(2)(a), F.A.C.

⁹ American Dental Association, Definitions of Recognized Dental Specialties. Available at: <http://www.ada.org/495.aspx> (last viewed February 10, 2013).

¹⁰ Rule 64B5-2.0146(2)(a), F.A.C.

¹¹ Department of Health, Bill Analysis HB 463 relating to the Examination of Dentists, dated January 25, 2013, on file with the Health Quality Subcommittee staff.

¹² Section 1, Ch. 2012-14, L.O.F.

¹³ *Id.*

¹⁴ *Supra fn 14.*

¹⁵ S. 466.008(4), F.S.

¹⁶ S. 466.006(3), F.S. and ch. 64B5-2.0146, F.A.C.

¹⁷ American Dental Association, Department of State Government Affairs, April 6, 2011, available at: http://www.ada.org/sections/advocacy/pdfs/licensure_recognition.pdf (last viewed February 10, 2013).

- Complete a full-time, matriculated specialty training program accredited by CODA in an approved specialty area; and
- Present to the board official transcripts that verify completion of all didactic and clinical requirements, and an official certificate from the sponsoring institution indicating successful completion of the program.

The bill provides that the grandfather clause expires on January 15, 2015. The bill requires all applicants requesting licensure under the grandfather clause to be licensed on or before January 15, 2015.

The bill provides further clarification that a supplemental general dentistry does not include a dental specialty program, but may include a 2-year advanced education in general dentistry or a 2-year general practice residency. But, the program must be specifically designed as a supplemental general dentistry program that provides didactic and clinical education at the level of a D.D.S. or D.M.D. program.

B. SECTION DIRECTORY:

Section 1. Amends s. 466.006, F.S., relating to examination of dentists.

Section 2. Provides an effective date of becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill has an insignificant positive impact on state revenues that may be realized if additional prospective dentists, as identified in the bill, are allowed to take the Florida Dental Exam. If these applicants pass the examination, they will be eligible for a dental license. Dental license application, renewal and other fees are deposited into the state's Medical Quality Assurance Trust Fund. The total initial dental licensure fee is \$485. $\$485 \times 25 = \$12,125$.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The board has sufficient rule-making authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 22, 2013, the Health & Human Services Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Postpones the expiration of the grandfather clause from October 1, 2014 to January 15, 2015.
- Requires all applicants requesting licensure under the grandfather clause to be licensed on or before January 15, 2015.
- Restructures the language to clarify intent.

This analysis is drafted to the committee substitute as passed by the Health & Human Services Committee.