

1 A bill to be entitled
2 An act relating to dental therapy; amending s.
3 409.906, F.S.; authorizing Medicaid to reimburse for
4 dental services provided in a mobile dental unit that
5 is owned by, operated by, or contracted with a health
6 access setting or another similar setting or program;
7 amending s. 466.001, F.S.; revising legislative
8 purpose and intent; amending s. 466.002, F.S.;
9 providing applicability; amending s. 466.003, F.S.;
10 defining the terms "dental therapist" and "dental
11 therapy"; revising the definition of the term "health
12 access setting" to include certain dental therapy
13 programs; amending s. 466.004, F.S.; requiring the
14 chair of the Board of Dentistry to appoint a Council
15 on Dental Therapy effective after a specified
16 timeframe; providing for membership, meetings, and
17 purpose of the council; amending s. 466.006, F.S.;
18 revising the definition of the terms "full-time
19 practice" and "full-time practice of dentistry within
20 the geographic boundaries of this state within 1 year"
21 to include full-time faculty members of certain dental
22 therapy schools; amending s. 466.0075, F.S.;
23 authorizing the board to require any person who
24 applies to take the examination to practice dental
25 therapy in this state to maintain medical malpractice

26 insurance in a certain amount; amending s. 466.009,
27 F.S.; requiring the Department of Health to allow any
28 person who fails the dental therapy examination to
29 retake the examination; providing that a person who
30 fails a practical or clinical examination to practice
31 dental therapy and who has only failed one part or
32 procedure of the examination may only be required to
33 retake that part or procedure to pass the examination;
34 amending s. 466.011, F.S.; requiring the board to
35 certify applicants for licensure as a dental
36 therapist; creating s. 466.0136, F.S.; requiring the
37 board to require each licensed dental therapist to
38 complete a specified number of hours of continuing
39 professional education; requiring the board to adopt
40 rules and guidelines; authorizing the board to excuse
41 licensees from continuing education requirements in
42 certain circumstances; amending s. 466.016, F.S.;
43 requiring a practitioner of dental therapy to post and
44 display her or his license in each office where she or
45 he practices; amending s. 466.017, F.S.; requiring the
46 board to adopt certain rules relating to dental
47 therapists; authorizing a dental therapist under the
48 general supervision of a dentist to administer local
49 anesthesia and utilize an X-ray machine, expose dental
50 X-ray films, and interpret or read such films if

51 specified requirements are met; correcting a term;
52 amending s. 466.018, F.S.; providing that a dentist
53 remains primarily responsible for the dental treatment
54 of a patient regardless of whether the treatment is
55 provided by a dental therapist; requiring the initials
56 of a dental therapist who renders treatment to a
57 patient to be placed in the record of the patient;
58 creating s. 466.0225, F.S.; providing application
59 requirements and examination and licensure
60 qualifications for dental therapists; creating s.
61 466.0227, F.S.; providing legislative findings and
62 intent; limiting the practice of dental therapy to
63 specified settings; authorizing a dental therapist to
64 perform specified services under the general
65 supervision of a dentist under certain conditions;
66 specifying state-specific dental therapy services;
67 requiring a collaborative management agreement to be
68 signed by a supervising dentist and a dental therapist
69 and to include certain information; requiring the
70 supervising dentist to determine the number of hours
71 of practice that a dental therapist must complete
72 before performing certain authorized services;
73 authorizing a supervising dentist to restrict or limit
74 the dental therapist's practice in a collaborative
75 management agreement; providing that a supervising

76 dentist may authorize a dental therapist to provide
77 dental therapy services to a patient before the
78 dentist examines or diagnoses the patient under
79 certain conditions; requiring a supervising dentist to
80 be licensed and practicing in this state; specifying
81 that the supervising dentist is responsible for
82 certain services; amending s. 466.026, F.S.; providing
83 criminal penalties for practicing dental therapy
84 without an active license, selling or offering to sell
85 a diploma from a dental therapy school or college,
86 falsely using a specified name or initials, or holding
87 herself or himself out as an actively licensed dental
88 therapist; amending s. 466.028, F.S.; revising grounds
89 for denial of a license or disciplinary action to
90 include the practice of dental therapy; amending s.
91 466.0285, F.S.; prohibiting persons other than
92 licensed dentists from employing a dental therapist in
93 the operation of a dental office and from controlling
94 the use of any dental equipment or material in certain
95 circumstances; amending s. 466.051, F.S.; revising a
96 public records exemption to include personal
97 identifying information contained in a record provided
98 by a dental therapist in response to a dental
99 workforce survey and held by the department; requiring
100 the department, in consultation with the board and the

101 Agency for Health Care Administration, to provide
102 reports to the Legislature by specified dates;
103 requiring that certain information and recommendations
104 be included in the reports; providing an effective
105 date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Paragraph (c) of subsection (1) of section
110 409.906, Florida Statutes, is amended, and paragraph (e) is
111 added to subsection (6) of that section, to read:

112 409.906 Optional Medicaid services.—Subject to specific
113 appropriations, the agency may make payments for services which
114 are optional to the state under Title XIX of the Social Security
115 Act and are furnished by Medicaid providers to recipients who
116 are determined to be eligible on the dates on which the services
117 were provided. Any optional service that is provided shall be
118 provided only when medically necessary and in accordance with
119 state and federal law. Optional services rendered by providers
120 in mobile units to Medicaid recipients may be restricted or
121 prohibited by the agency. Nothing in this section shall be
122 construed to prevent or limit the agency from adjusting fees,
123 reimbursement rates, lengths of stay, number of visits, or
124 number of services, or making any other adjustments necessary to
125 comply with the availability of moneys and any limitations or

126 | directions provided for in the General Appropriations Act or
 127 | chapter 216. If necessary to safeguard the state's systems of
 128 | providing services to elderly and disabled persons and subject
 129 | to the notice and review provisions of s. 216.177, the Governor
 130 | may direct the Agency for Health Care Administration to amend
 131 | the Medicaid state plan to delete the optional Medicaid service
 132 | known as "Intermediate Care Facilities for the Developmentally
 133 | Disabled." Optional services may include:

134 | (1) ADULT DENTAL SERVICES.—

135 | (c) However, Medicaid will not provide reimbursement for
 136 | dental services provided in a mobile dental unit, except for a
 137 | mobile dental unit:

138 | 1. Owned by, operated by, or having a contractual
 139 | agreement with the Department of Health and complying with
 140 | Medicaid's county health department clinic services program
 141 | specifications as a county health department clinic services
 142 | provider.

143 | 2. Owned by, operated by, or having a contractual
 144 | arrangement with a federally qualified health center and
 145 | complying with Medicaid's federally qualified health center
 146 | specifications as a federally qualified health center provider.

147 | 3. Rendering dental services to Medicaid recipients, 21
 148 | years of age and older, at nursing facilities.

149 | 4. Owned by, operated by, or having a contractual
 150 | agreement with a state-approved dental educational institution.

151 5. Owned by, operated by, or having a contractual
152 relationship with a health access setting, as defined in s.
153 466.003, or a similar setting or program that serves underserved
154 or vulnerable populations who face serious barriers to accessing
155 dental services, which may include, but is not limited to, Early
156 Head Start programs, homeless shelters, schools, and the Special
157 Supplemental Nutrition Program for Women, Infants, and Children.

158 (6) CHILDREN'S DENTAL SERVICES.—The agency may pay for
159 diagnostic, preventive, or corrective procedures, including
160 orthodontia in severe cases, provided to a recipient under age
161 21, by or under the supervision of a licensed dentist. The
162 agency may also reimburse a health access setting as defined in
163 s. 466.003 for the remediable tasks that a licensed dental
164 hygienist is authorized to perform under s. 466.024(2). Services
165 provided under this program include treatment of the teeth and
166 associated structures of the oral cavity, as well as treatment
167 of disease, injury, or impairment that may affect the oral or
168 general health of the individual. However, Medicaid will not
169 provide reimbursement for dental services provided in a mobile
170 dental unit, except for a mobile dental unit:

171 (e) Owned by, operated by, or having a contractual
172 relationship with a health access setting, as defined in s.
173 466.003, or a similar setting or program that serves underserved
174 or vulnerable populations who face serious barriers to accessing
175 dental services, which may include, but is not limited to, Early

176 Head Start programs, homeless shelters, schools, and the Special
177 Supplemental Nutrition Program for Women, Infants, and Children.

178 Section 2. Section 466.001, Florida Statutes, is amended
179 to read:

180 466.001 Legislative purpose and intent.—The legislative
181 purpose for enacting this chapter is to ensure that every
182 dentist, dental therapist, or dental hygienist practicing in
183 this state meets minimum requirements for safe practice without
184 undue clinical interference by persons not licensed under this
185 chapter. It is the legislative intent that dental services be
186 provided only in accordance with ~~the provisions of~~ this chapter
187 and not be delegated to unauthorized individuals. It is the
188 further legislative intent that dentists, dental therapists, and
189 dental hygienists who fall below minimum competency or who
190 otherwise present a danger to the public shall be prohibited
191 from practicing in this state. All provisions of this chapter
192 relating to the practice of dentistry, dental therapy, and
193 dental hygiene shall be liberally construed to carry out such
194 purpose and intent.

195 Section 3. Subsections (5) and (6) of section 466.002,
196 Florida Statutes, are amended to read:

197 466.002 Persons exempt from operation of chapter.—Nothing
198 in this chapter shall apply to the following practices, acts,
199 and operations:

200 (5) Students in Florida schools of dentistry, dental

201 therapy, and dental hygiene or dental assistant educational
202 programs, while performing regularly assigned work under the
203 curriculum of such schools.

204 (6) Instructors in Florida schools of dentistry,
205 instructors in dental programs that prepare persons holding
206 D.D.S. or D.M.D. degrees for certification by a specialty board
207 and that are accredited in the United States by January 1, 2005,
208 in the same manner as the board recognizes accreditation for
209 Florida schools of dentistry that are not otherwise affiliated
210 with a Florida school of dentistry, or instructors in Florida
211 schools of dental hygiene or dental therapy or dental assistant
212 educational programs, while performing regularly assigned
213 instructional duties under the curriculum of such schools or
214 programs. A full-time dental instructor at a dental school or
215 dental program approved by the board may be allowed to practice
216 dentistry at the teaching facilities of such school or program,
217 upon receiving a teaching permit issued by the board, in strict
218 compliance with such rules as are adopted by the board
219 pertaining to the teaching permit and with the established rules
220 and procedures of the dental school or program as recognized in
221 this section.

222 Section 4. Subsections (7) through (15) of section
223 466.003, Florida Statutes are renumbered as subsections (9)
224 through (17), respectively, present subsections (14) and (15)
225 are amended, and new subsections (7) and (8) are added to that

226 section, to read:

227 466.003 Definitions.—As used in this chapter:

228 (7) "Dental therapist" means a person licensed to practice
229 dental therapy pursuant to s. 466.0225.

230 (8) "Dental therapy" means the rendering of services
231 pursuant to s. 466.0227 and any related extraoral service or
232 procedure required in the performance of such services.

233 (16)~~(14)~~ "Health access setting" means a program or an
234 institution of the Department of Children and Families, the
235 Department of Health, the Department of Juvenile Justice, a
236 nonprofit community health center, a Head Start center, a
237 federally qualified health center or look-alike as defined by
238 federal law, a school-based prevention program, a clinic
239 operated by an accredited college of dentistry, or an accredited
240 dental hygiene or dental therapy program in this state if such
241 community service program or institution immediately reports to
242 the Board of Dentistry all violations of s. 466.027, s. 466.028,
243 or other practice act or standard of care violations related to
244 the actions or inactions of a dentist, dental hygienist, dental
245 therapist, or dental assistant engaged in the delivery of dental
246 care in such setting.

247 (17)~~(15)~~ "School-based prevention program" means
248 preventive oral health services offered at a school by one of
249 the entities defined in subsection (16) ~~(14)~~ or by a nonprofit
250 organization that is exempt from federal income taxation under

251 s. 501(a) of the Internal Revenue Code, and described in s.
252 501(c) (3) of the Internal Revenue Code.

253 Section 5. Subsection (2) of section 466.004, Florida
254 Statutes, is amended to read:

255 466.004 Board of Dentistry.—

256 (2) To advise the board, it is the intent of the
257 Legislature that councils be appointed as specified in
258 paragraphs (a)-(d) ~~(a), (b), and (c)~~. The department shall
259 provide administrative support to the councils and shall provide
260 public notice of meetings and agenda of the councils. Councils
261 shall include at least one board member who shall chair the
262 council and shall include nonboard members. All council members
263 shall be appointed by the board chair. Council members shall be
264 appointed for 4-year terms, and all members shall be eligible
265 for reimbursement of expenses in the manner of board members.

266 (a) A Council on Dental Hygiene shall be appointed by the
267 board chair and shall include one dental hygienist member of the
268 board, who shall chair the council, one dental member of the
269 board, and three dental hygienists who are actively engaged in
270 the practice of dental hygiene in this state. In making the
271 appointments, the chair shall consider recommendations from the
272 Florida Dental Hygiene Association. The council shall meet at
273 the request of the board chair, a majority of the members of the
274 board, or the council chair; however, the council must meet at
275 least three times a year. The council is charged with the

276 responsibility of and shall meet for the purpose of developing
277 rules and policies for recommendation to the board, which the
278 board shall consider, on matters pertaining to that part of
279 dentistry consisting of educational, preventive, or therapeutic
280 dental hygiene services; dental hygiene licensure, discipline,
281 or regulation; and dental hygiene education. Rule and policy
282 recommendations of the council shall be considered by the board
283 at its next regularly scheduled meeting in the same manner in
284 which it considers rule and policy recommendations from
285 designated subcommittees of the board. Any rule or policy
286 proposed by the board pertaining to the specified part of
287 dentistry defined by this subsection shall be referred to the
288 council for a recommendation before final action by the board.
289 The board may take final action on rules pertaining to the
290 specified part of dentistry defined by this subsection without a
291 council recommendation if the council fails to submit a
292 recommendation in a timely fashion as prescribed by the board.

293 (b) A Council on Dental Assisting shall be appointed by
294 the board chair and shall include one board member who shall
295 chair the council and three dental assistants who are actively
296 engaged in dental assisting in this state. The council shall
297 meet at the request of the board chair or a majority of the
298 members of the board. The council shall meet for the purpose of
299 developing recommendations to the board on matters pertaining to
300 that part of dentistry related to dental assisting.

301 (c) Effective 28 months after the first dental therapy
302 license is granted by the board, a Council on Dental Therapy
303 shall be appointed by the board chair and shall include one
304 board member who shall chair the council and three dental
305 therapists who are actively engaged in the practice of dental
306 therapy in this state. The council shall meet at the request of
307 the board chair, a majority of the members of the board, or the
308 request of the council chair; however, the council must meet at
309 least three times per year. The council is charged with the
310 responsibility of and shall meet for the purpose of developing
311 rules and policies for recommendation to the board, which the
312 board shall consider, on matters pertaining to that part of
313 dentistry consisting of educational, preventative, or
314 therapeutic dental therapy services; dental therapy licensure,
315 discipline, or regulation; and dental therapy education. Rule
316 and policy recommendations of the council shall be considered by
317 the board at its next regularly scheduled meeting in the same
318 manner in which it considers rule and policy recommendations
319 from designated subcommittees of the board. Any rule or policy
320 proposed by the board pertaining to the specified part of
321 dentistry defined by this subsection shall be referred to the
322 council for a recommendation before final action by the board.
323 The board may take final action on rules pertaining to the
324 specified part of dentistry defined by this subsection without a
325 council recommendation if the council fails to submit a

326 | recommendation in a timely fashion as prescribed by the board.

327 | (d)~~(e)~~ With the concurrence of the State Surgeon General,
 328 | the board chair may create and abolish other advisory councils
 329 | relating to dental subjects, including, but not limited to:
 330 | examinations, access to dental care, indigent care, nursing home
 331 | and institutional care, public health, disciplinary guidelines,
 332 | and other subjects as appropriate. Such councils shall be
 333 | appointed by the board chair and shall include at least one
 334 | board member who shall serve as chair.

335 | Section 6. Subsection (4) and paragraph (b) of subsection
 336 | (6) of section 466.006, Florida Statutes, are amended to read:

337 | 466.006 Examination of dentists.—

338 | (4) Notwithstanding any other provision of law in chapter
 339 | 456 pertaining to the clinical dental licensure examination or
 340 | national examinations, to be licensed as a dentist in this
 341 | state, an applicant must successfully complete the following:

342 | (a) A written examination on the laws and rules of the
 343 | state regulating the practice of dentistry;

344 | (b)1. A practical or clinical examination, which shall be
 345 | the American Dental Licensing Examination produced by the
 346 | American Board of Dental Examiners, Inc., or its successor
 347 | entity, if any, that is administered in this state and graded by
 348 | dentists licensed in this state and employed by the department
 349 | for just such purpose, provided that the board has attained, and
 350 | continues to maintain thereafter, representation on the board of

351 directors of the American Board of Dental Examiners, the
352 examination development committee of the American Board of
353 Dental Examiners, and such other committees of the American
354 Board of Dental Examiners as the board deems appropriate by rule
355 to assure that the standards established herein are maintained
356 organizationally. A passing score on the American Dental
357 Licensing Examination administered in this state and graded by
358 dentists who are licensed in this state is valid for 365 days
359 after the date the official examination results are published.

360 2.a. As an alternative to the requirements of subparagraph
361 1., an applicant may submit scores from an American Dental
362 Licensing Examination previously administered in a jurisdiction
363 other than this state after October 1, 2011, and such
364 examination results shall be recognized as valid for the purpose
365 of licensure in this state. A passing score on the American
366 Dental Licensing Examination administered out-of-state shall be
367 the same as the passing score for the American Dental Licensing
368 Examination administered in this state and graded by dentists
369 who are licensed in this state. The examination results are
370 valid for 365 days after the date the official examination
371 results are published. The applicant must have completed the
372 examination after October 1, 2011.

373 b. This subparagraph may not be given retroactive
374 application.

375 3. If the date of an applicant's passing American Dental

376 Licensing Examination scores from an examination previously
377 administered in a jurisdiction other than this state under
378 subparagraph 2. is older than 365 days, then such scores shall
379 nevertheless be recognized as valid for the purpose of licensure
380 in this state, but only if the applicant demonstrates that all
381 of the following additional standards have been met:

382 a.(I) The applicant completed the American Dental
383 Licensing Examination after October 1, 2011.

384 (II) This sub-subparagraph may not be given retroactive
385 application;

386 b. The applicant graduated from a dental school accredited
387 by the American Dental Association Commission on Dental
388 Accreditation or its successor entity, if any, or any other
389 dental accrediting organization recognized by the United States
390 Department of Education. Provided, however, if the applicant did
391 not graduate from such a dental school, the applicant may submit
392 proof of having successfully completed a full-time supplemental
393 general dentistry program accredited by the American Dental
394 Association Commission on Dental Accreditation of at least 2
395 consecutive academic years at such accredited sponsoring
396 institution. Such program must provide didactic and clinical
397 education at the level of a D.D.S. or D.M.D. program accredited
398 by the American Dental Association Commission on Dental
399 Accreditation;

400 c. The applicant currently possesses a valid and active

401 dental license in good standing, with no restriction, which has
402 never been revoked, suspended, restricted, or otherwise
403 disciplined, from another state or territory of the United
404 States, the District of Columbia, or the Commonwealth of Puerto
405 Rico;

406 d. The applicant submits proof that he or she has never
407 been reported to the National Practitioner Data Bank, the
408 Healthcare Integrity and Protection Data Bank, or the American
409 Association of Dental Boards Clearinghouse. This sub-
410 subparagraph does not apply if the applicant successfully
411 appealed to have his or her name removed from the data banks of
412 these agencies;

413 e.(I) In the 5 years immediately preceding the date of
414 application for licensure in this state, the applicant must
415 submit proof of having been consecutively engaged in the full-
416 time practice of dentistry in another state or territory of the
417 United States, the District of Columbia, or the Commonwealth of
418 Puerto Rico, or, if the applicant has been licensed in another
419 state or territory of the United States, the District of
420 Columbia, or the Commonwealth of Puerto Rico for less than 5
421 years, the applicant must submit proof of having been engaged in
422 the full-time practice of dentistry since the date of his or her
423 initial licensure.

424 (II) As used in this section, "full-time practice" is
425 defined as a minimum of 1,200 hours per year for each and every

426 | year in the consecutive 5-year period or, where applicable, the
 427 | period since initial licensure, and must include any combination
 428 | of the following:

429 | (A) Active clinical practice of dentistry providing direct
 430 | patient care.

431 | (B) Full-time practice as a faculty member employed by a
 432 | dental, dental therapy, or dental hygiene school approved by the
 433 | board or accredited by the American Dental Association
 434 | Commission on Dental Accreditation.

435 | (C) Full-time practice as a student at a postgraduate
 436 | dental education program approved by the board or accredited by
 437 | the American Dental Association Commission on Dental
 438 | Accreditation.

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

443 | (A) Admissible as evidence in an administrative
 444 | proceeding;

445 | (B) Submitted in writing;

446 | (C) Submitted by the applicant under oath with penalties
 447 | of perjury attached;

448 | (D) Further documented by an affidavit of someone
 449 | unrelated to the applicant who is familiar with the applicant's
 450 | practice and testifies with particularity that the applicant has

451 | been engaged in full-time practice; and

452 | (E) Specifically found by the board to be both credible
453 | and admissible.

454 | (IV) An affidavit of only the applicant is not acceptable
455 | proof of full-time practice unless it is further attested to by
456 | someone unrelated to the applicant who has personal knowledge of
457 | the applicant's practice. If the board deems it necessary to
458 | assess credibility or accuracy, the board may require the
459 | applicant or the applicant's witnesses to appear before the
460 | board and give oral testimony under oath;

461 | f. The applicant must submit documentation that he or she
462 | has completed, or will complete, prior to licensure in this
463 | state, continuing education equivalent to this state's
464 | requirements for the last full reporting biennium;

465 | g. The applicant must prove that he or she has never been
466 | convicted of, or pled nolo contendere to, regardless of
467 | adjudication, any felony or misdemeanor related to the practice
468 | of a health care profession in any jurisdiction;

469 | h. The applicant must successfully pass a written
470 | examination on the laws and rules of this state regulating the
471 | practice of dentistry and must successfully pass the computer-
472 | based diagnostic skills examination; and

473 | i. The applicant must submit documentation that he or she
474 | has successfully completed the National Board of Dental
475 | Examiners dental examination.

476 (6)

477 (b)1. As used in this section, "full-time practice of
478 dentistry within the geographic boundaries of this state within
479 1 year" is defined as a minimum of 1,200 hours in the initial
480 year of licensure, which must include any combination of the
481 following:

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

484 b. Full-time practice as a faculty member employed by a
485 dental, dental therapy, or dental hygiene school approved by the
486 board or accredited by the American Dental Association
487 Commission on Dental Accreditation and located within the
488 geographic boundaries of this state.

489 c. Full-time practice as a student at a postgraduate
490 dental education program approved by the board or accredited by
491 the American Dental Association Commission on Dental
492 Accreditation and located within the geographic boundaries of
493 this state.

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

500 a. Be admissible as evidence in an administrative

501 proceeding;

502 b. Be submitted in writing;

503 c. Be submitted by the applicant under oath with penalties

504 of perjury attached;

505 d. Be further documented by an affidavit of someone

506 unrelated to the applicant who is familiar with the applicant's

507 practice and testifies with particularity that the applicant has

508 been engaged in full-time practice of dentistry within the

509 geographic boundaries of this state within the last 365 days;

510 and

511 e. Include such additional proof as specifically found by

512 the board to be both credible and admissible.

513 3. An affidavit of only the applicant is not acceptable

514 proof of full-time practice of dentistry within the geographic

515 boundaries of this state within 1 year, unless it is further

516 attested to by someone unrelated to the applicant who has

517 personal knowledge of the applicant's practice within the last

518 365 days. If the board deems it necessary to assess credibility

519 or accuracy, the board may require the applicant or the

520 applicant's witnesses to appear before the board and give oral

521 testimony under oath.

522 Section 7. Section 466.0075, Florida Statutes, is amended

523 to read:

524 466.0075 Applicants for examination; medical malpractice

525 insurance.—The board may require any person applying to take the

526 | examination to practice dentistry in this state, the examination
527 | to practice dental therapy in this state, or the examination to
528 | practice dental hygiene in this state to maintain medical
529 | malpractice insurance in amounts sufficient to cover any
530 | incident of harm to a patient during the clinical examination.

531 | Section 8. Subsection (1) of section 466.009, Florida
532 | Statutes, is amended, and subsection (4) is added to that
533 | section, to read:

534 | 466.009 Reexamination.—

535 | (1) The department shall allow ~~permit~~ any person who fails
536 | an examination that ~~which~~ is required under s. 466.006, ~~or~~ s.
537 | 466.007, or s. 466.0225 to retake the examination. If the
538 | examination to be retaken is a practical or clinical
539 | examination, the applicant shall pay a reexamination fee set by
540 | rule of the board in an amount not to exceed the original
541 | examination fee.

542 | (4) If an applicant for a license to practice dental
543 | therapy fails the practical or clinical examination and has
544 | failed only one part or procedure of such examination, she or he
545 | may only be required to retake that part or procedure to pass
546 | such examination. However, if any such applicant fails more than
547 | one part or procedure of any such examination, she or he shall
548 | be required to retake the entire examination.

549 | Section 9. Section 466.011, Florida Statutes, is amended
550 | to read:

551 466.011 Licensure.—The board shall certify for licensure
552 by the department any applicant who satisfies the requirements
553 of s. 466.006, s. 466.0067, ~~or~~ s. 466.007, or s. 466.0225. The
554 board may refuse to certify an applicant who has violated ~~any of~~
555 ~~the provisions of~~ s. 466.026 or s. 466.028.

556 Section 10. Section 466.0136, Florida Statutes, is created
557 to read:

558 466.0136 Continuing education; dental therapists.—In
559 addition to any other requirements for relicensure for dental
560 therapists specified in this chapter, the board shall require
561 each licensed dental therapist to complete at least 24 hours,
562 but not more than 36 hours, biennially of continuing
563 professional education in dental subjects in programs approved
564 by the board or in equivalent programs of continuing education.
565 Programs of continuing education approved by the board shall be
566 programs of learning that, in the opinion of the board,
567 contribute directly to the dental education of the dental
568 therapist. An individual who is licensed as both a dental
569 therapist and a dental hygienist may use 1 hour of continuing
570 professional education that is approved for both dental therapy
571 and dental hygiene education to satisfy both dental therapy and
572 dental hygiene continuing education requirements. The board
573 shall adopt rules and guidelines to administer and enforce this
574 section. The dental therapist shall retain in her or his records
575 any receipts, vouchers, or certificates necessary to document

576 completion of the continuing education. Compliance with the
 577 continuing education requirements is mandatory for issuance of
 578 the renewal certificate. The board may excuse licensees, as a
 579 group or as individuals, from all or part of the continuing
 580 education requirements if an unusual circumstance, emergency, or
 581 hardship prevented compliance with this section.

582 Section 11. Section 466.016, Florida Statutes, is amended
 583 to read:

584 466.016 License to be displayed.—Every practitioner of
 585 dentistry, dental therapy, or dental hygiene within the meaning
 586 of this chapter shall post and keep conspicuously displayed her
 587 or his license in the office where ~~wherein~~ she or he practices,
 588 in plain sight of the practitioner's patients. Any dentist,
 589 dental therapist, or dental hygienist who practices at more than
 590 one location shall be required to display a copy of her or his
 591 license in each office where she or he practices.

592 Section 12. Subsections (7) and (8) of section 466.017,
 593 Florida Statutes, are renumbered as subsections (8) and (9),
 594 respectively, paragraphs (d) and (e) of subsection (3),
 595 subsection (4), and present subsections (7) and (8) are amended,
 596 and a new subsection (7) is added to that section, to read:

597 466.017 Prescription of drugs; anesthesia.—

598 (3) The board shall adopt rules which:

599 (d) Establish further requirements relating to the use of
 600 general anesthesia or sedation, including, but not limited to,

601 office equipment and the training of dental assistants, dental
602 therapists, or dental hygienists who work with dentists using
603 general anesthesia or sedation.

604 (e) Establish an administrative mechanism enabling the
605 board to verify compliance with training, education, experience,
606 equipment, or certification requirements of dentists, dental
607 therapists, dental hygienists, and dental assistants adopted
608 pursuant to this subsection. The board may charge a fee to
609 defray the cost of verifying compliance with requirements
610 adopted pursuant to this paragraph.

611 (4) A dentist, dental therapist, or dental hygienist who
612 administers or employs the use of any form of anesthesia must
613 possess a certification in either basic cardiopulmonary
614 resuscitation for health professionals or advanced cardiac life
615 support approved by the American Heart Association or the
616 American Red Cross or an equivalent agency-sponsored course with
617 recertification every 2 years. Each dental office which uses any
618 form of anesthesia must have immediately available and in good
619 working order such resuscitative equipment, oxygen, and other
620 resuscitative drugs as are specified by rule of the board in
621 order to manage possible adverse reactions.

622 (7) A dental therapist under the general supervision of a
623 dentist may administer local anesthesia, including intraoral
624 block anesthesia or soft tissue infiltration anesthesia, or
625 both, if she or he has completed the course described in

626 subsection (5) and presents evidence of current certification in
627 basic or advanced cardiac life support.

628 (8)-(7) A licensed dentist, or a dental therapist who is
629 authorized by her or his supervising dentist, may utilize an X-
630 ray machine, expose dental X-ray films, and interpret or read
631 such films. Notwithstanding ~~The provisions of~~ part IV of chapter
632 468 ~~to the contrary notwithstanding,~~ a licensed dentist, or a
633 dental therapist who is authorized by her or his supervising
634 dentist, may authorize or direct a dental assistant to operate
635 such equipment and expose such films under her or his direction
636 and supervision, pursuant to rules adopted by the board in
637 accordance with s. 466.024 which ensure that said assistant is
638 competent by reason of training and experience to operate said
639 equipment in a safe and efficient manner. The board may charge a
640 fee not to exceed \$35 to defray the cost of verifying compliance
641 with requirements adopted pursuant to this section.

642 (9)-(8) Notwithstanding ~~The provisions of~~ s. 465.0276
643 ~~notwithstanding,~~ a dentist need not register with the board or
644 comply with the continuing education requirements of that
645 section if the dentist confines her or his dispensing activity
646 to the dispensing of fluorides and chlorhexidine ~~chlorhexidine~~
647 rinse solutions; provided that the dentist complies with and is
648 subject to all laws and rules applicable to pharmacists and
649 pharmacies, including, but not limited to, chapters 465, 499,
650 and 893, and all applicable federal laws and regulations, when

651 dispensing such products.

652 Section 13. Subsection (1) of section 466.018, Florida
653 Statutes, is amended to read:

654 466.018 Dentist of record; patient records.—

655 (1) Each patient shall have a dentist of record. The
656 dentist of record shall remain primarily responsible for all
657 dental treatment on such patient regardless of whether the
658 treatment is rendered by the dentist or by another dentist,
659 dental therapist, dental hygienist, or dental assistant
660 rendering such treatment in conjunction with, at the direction
661 or request of, or under the supervision of such dentist of
662 record. The dentist of record shall be identified in the record
663 of the patient. If treatment is rendered by a dentist other than
664 the dentist of record or by a dental hygienist, dental
665 therapist, or dental assistant, the name or initials of such
666 person shall be placed in the record of the patient. In any
667 disciplinary proceeding brought pursuant to this chapter or
668 chapter 456, it shall be presumed as a matter of law that
669 treatment was rendered by the dentist of record unless otherwise
670 noted on the patient record pursuant to this section. The
671 dentist of record and any other treating dentist are subject to
672 discipline pursuant to this chapter or chapter 456 for treatment
673 rendered to the patient and performed in violation of such
674 chapter. One of the purposes of this section is to ensure that
675 the responsibility for each patient is assigned to one dentist

676 in a multidentist practice of any nature and to assign primary
677 responsibility to the dentist for treatment rendered by a dental
678 hygienist, dental therapist, or dental assistant under her or
679 his supervision. This section shall not be construed to assign
680 any responsibility to a dentist of record for treatment rendered
681 pursuant to a proper referral to another dentist who does not ~~in~~
682 practice with the dentist of record or to prohibit a patient
683 from voluntarily selecting a new dentist without permission of
684 the dentist of record.

685 Section 14. Section 466.0225, Florida Statutes, is created
686 to read:

687 466.0225 Examination of dental therapists; licensing.-

688 (1) Any person desiring to be licensed as a dental
689 therapist must apply to the department to take the licensure
690 examinations and shall verify the information required on the
691 application by oath. The application shall include two recent
692 photographs of the applicant.

693 (2) An applicant is entitled to take the examinations
694 required in this section and receive licensure to practice
695 dental therapy in this state if the applicant:

696 (a) Is 18 years of age or older;

697 (b) Is a graduate of a dental therapy college or school
698 accredited by the American Dental Association Commission on
699 Dental Accreditation or its successor entity, if any, or any
700 other dental therapy accrediting entity recognized by the United

701 States Department of Education. For applicants applying for a
702 dental therapy license before January 1, 2024, the board shall
703 approve the applicant's dental therapy education program if the
704 program was administered by a college or school that operates an
705 accredited dental or dental hygiene program and the college or
706 school certifies to the board that the applicant's education
707 substantially conformed to the education standards established
708 by the American Dental Association Commission on Dental
709 Accreditation;

710 (c) Has successfully completed a dental therapy practical
711 or clinical examination produced by the American Board of Dental
712 Examiners, Inc., (ADEX) or its successor entity, if any, if the
713 board finds that the successor entity's examination meets or
714 exceeds the provisions of this section. If an applicant fails to
715 pass the ADEX Dental Therapy Examination after three attempts,
716 the applicant is not eligible to retake the examination unless
717 the applicant completes additional education requirements as
718 specified by the board. If a dental therapy examination has not
719 been established by the ADEX, the board shall administer or
720 approve an alternative examination;

721 (d) Has not been disciplined by a board, except for
722 citation offenses or minor violations;

723 (e) Has not been convicted of or pled nolo contendere to,
724 regardless of adjudication, any felony or misdemeanor related to
725 the practice of a health care profession; and

726 (f) Has successfully completed a written examination on
 727 the laws and rules of this state regulating the practice of
 728 dental therapy.

729 (3) An applicant who meets the requirements of this
 730 section, who has successfully completed the examinations
 731 identified in subsection (2) in a jurisdiction other than this
 732 state, or who has successfully completed comparable examinations
 733 administered or approved by the licensing authority in a
 734 jurisdiction other than this state shall be licensed to practice
 735 dental therapy in this state if the board determines that the
 736 other jurisdiction's examinations and scope of practice are
 737 substantially similar to those identified in paragraph (2)(c).

738 Section 15. Section 466.0227, Florida Statutes, is created
 739 to read:

740 466.0227 Dental therapists; scope and area of practice.—

741 (1) The Legislature finds that authorizing licensed dental
 742 therapists to perform the services specified in subsection (3)
 743 would improve access to high-quality affordable oral health
 744 services for all citizens in this state. The Legislature intends
 745 to rapidly improve such access for low-income, uninsured, and
 746 underserved patients and communities. To further this intent, a
 747 dental therapist licensed under this chapter is limited to
 748 practicing dental therapy in the following settings:

749 (a) A health access setting, as defined in s. 466.003.

750 (b) A community health center, including an off-site care

- 751 setting.
- 752 (c) A nursing facility.
- 753 (d) A military or veterans' hospital or clinic, including
754 an off-site care setting.
- 755 (e) A governmental or public health clinic, including an
756 off-site care setting.
- 757 (f) A school, Head Start program, or school-based
758 prevention program, as defined in s. 466.003.
- 759 (g) An oral health education institution, including an
760 off-site care setting.
- 761 (h) A hospital.
- 762 (i) A geographic area designated as a dental health
763 professional shortage area by the state or the Federal
764 Government that is not located within a federally designated
765 metropolitan statistical area.
- 766 (j) Any other clinic or practice setting if at least 50
767 percent of the patients served by the dental therapist in such
768 clinic or practice setting:
- 769 1. Are enrolled in Medicaid or another state or local
770 governmental health care program for low-income or uninsured
771 patients; or
- 772 2. Do not have dental insurance and report a gross annual
773 income that is less than 200 percent of the applicable federal
774 poverty guidelines.
- 775 (2) Except as otherwise provided in this chapter, a dental

776 therapist may perform the dental therapy services specified in
777 subsection (3) under the general supervision of a dentist to the
778 extent authorized by the supervising dentist and provided within
779 the terms of a written collaborative management agreement signed
780 by the dental therapist and the supervising dentist which meets
781 the requirements of subsection (4).

782 (3) Dental therapy services include all of the following:

783 (a) All services, treatments, and competencies identified
784 by the American Dental Association Commission on Dental
785 Accreditation in its Dental Therapy Education Accreditation
786 Standards.

787 (b) The following state-specific services, if the dental
788 therapist's education included curriculum content satisfying the
789 American Dental Association Commission on Dental Accreditation
790 criteria for state-specific dental therapy services:

791 1. Evaluating radiographs.

792 2. Placement of space maintainers.

793 3. Pulpotomies on primary teeth.

794 4. Dispensing and administering nonopioid analgesics
795 including nitrous oxide, antiinflammatories, and antibiotics as
796 authorized by the supervising dentist and within the parameters
797 of the collaborative management agreement.

798 5. Oral evaluation and assessment of dental disease and
799 formulation of an individualized treatment plan if authorized by
800 a supervising dentist and subject to any conditions,

801 limitations, and protocols specified by the supervising dentist
802 in the collaborative management agreement.

803 (4) Before performing any of the services authorized in
804 subsection (3), a dental therapist must enter into a written
805 collaborative management agreement with a supervising dentist.
806 The agreement must be signed by the dental therapist and the
807 supervising dentist and must include:

808 (a) Practice settings where services may be provided by
809 the dental therapist and the populations to be served by the
810 dental therapist.

811 (b) Any limitations on the services that may be provided
812 by the dental therapist, including the level of supervision
813 required by the supervising dentist.

814 (c) Age- and procedure-specific practice protocols for the
815 dental therapist, including case selection criteria, assessment
816 guidelines, and imaging frequency.

817 (d) A procedure for creating and maintaining dental
818 records for the patients who are treated by the dental
819 therapist.

820 (e) A plan to manage medical emergencies in each practice
821 setting where the dental therapist provides care.

822 (f) A quality assurance plan for monitoring care provided
823 by the dental therapist, including patient care review, referral
824 followup, and a quality assurance chart review.

825 (g) Protocols for the dental therapist to administer and

826 dispense medications, including the specific conditions and
827 circumstances under which the medications are to be dispensed
828 and administered.

829 (h) Criteria relating to the provision of care by the
830 dental therapist to patients with specific medical conditions or
831 complex medication histories, including requirements for
832 consultation before the initiation of care.

833 (i) Supervision criteria of dental therapists.

834 (j) A plan for the provision of clinical resources and
835 referrals in situations that are beyond the capabilities of the
836 dental therapist.

837 (5) A supervising dentist shall determine the number of
838 hours of practice that a dental therapist must complete under
839 direct or indirect supervision of the supervising dentist before
840 the dental therapist may perform any of the services authorized
841 in subsection (3) under general supervision.

842 (6) A supervising dentist may restrict or limit the dental
843 therapist's practice in a collaborative management agreement to
844 be less than the full scope of practice for dental therapists
845 that is authorized in subsection (3).

846 (7) A supervising dentist may authorize a dental therapist
847 to provide dental therapy services to a patient before the
848 dentist examines or diagnoses the patient if the authority,
849 conditions, and protocols are established in a written
850 collaborative management agreement and if the patient is

851 subsequently referred to a dentist for any needed additional
852 services that exceed the dental therapist's scope of practice or
853 authorization under the collaborative management agreement.

854 (8) A supervising dentist must be licensed and practicing
855 in this state. The supervising dentist is responsible for all
856 services authorized and performed by the dental therapist
857 pursuant to the collaborative management agreement and for
858 providing or arranging followup services to be provided by a
859 dentist for those services that are beyond the dental
860 therapist's scope of practice and authorization under the
861 collaborative management agreement.

862 Section 16. Section 466.026, Florida Statutes, is amended
863 to read:

864 466.026 Prohibitions; penalties.—

865 (1) Each of the following acts constitutes a felony of the
866 third degree, punishable as provided in s. 775.082, s. 775.083,
867 or s. 775.084:

868 (a) Practicing dentistry, dental therapy, or dental
869 hygiene unless the person has an appropriate, active license
870 issued by the department pursuant to this chapter.

871 (b) Using or attempting to use a license issued pursuant
872 to this chapter which license has been suspended or revoked.

873 (c) Knowingly employing any person to perform duties
874 outside the scope allowed such person under this chapter or the
875 rules of the board.

876 (d) Giving false or forged evidence to the department or
 877 board for the purpose of obtaining a license.

878 (e) Selling or offering to sell a diploma conferring a
 879 degree from a dental college, ~~or~~ dental hygiene school or
 880 college, or dental therapy school or college, or a license
 881 issued pursuant to this chapter, or procuring such diploma or
 882 license with intent that it shall be used as evidence of that
 883 which the document stands for, by a person other than the one
 884 upon whom it was conferred or to whom it was granted.

885 (2) Each of the following acts constitutes a misdemeanor
 886 of the first degree, punishable as provided in s. 775.082 or s.
 887 775.083:

888 (a) Using the name or title "dentist," the letters
 889 "D.D.S." or "D.M.D.", or any other words, letters, title, or
 890 descriptive matter which in any way represents a person as being
 891 able to diagnose, treat, prescribe, or operate for any disease,
 892 pain, deformity, deficiency, injury, or physical condition of
 893 the teeth or jaws or oral-maxillofacial region unless the person
 894 has an active dentist's license issued by the department
 895 pursuant to this chapter.

896 (b) Using the name "dental hygienist" or the initials
 897 "R.D.H." or otherwise holding herself or himself out as an
 898 actively licensed dental hygienist or implying to any patient or
 899 consumer that she or he is an actively licensed dental hygienist
 900 unless that person has an active dental hygienist's license

901 | issued by the department pursuant to this chapter.

902 | (c) Using the name "dental therapist" or the initials
 903 | "D.T." or otherwise holding herself or himself out as an
 904 | actively licensed dental therapist or implying to any patient or
 905 | consumer that she or he is an actively licensed dental therapist
 906 | unless that person has an active dental therapist's license
 907 | issued by the department pursuant to this chapter.

908 | ~~(d)(e)~~ Presenting as her or his own the license of
 909 | another.

910 | ~~(e)(d)~~ Knowingly concealing information relative to
 911 | violations of this chapter.

912 | ~~(f)(e)~~ Performing any services as a dental assistant as
 913 | defined herein, except in the office of a licensed dentist,
 914 | unless authorized by this chapter or by rule of the board.

915 | Section 17. Paragraphs (b), (c), (g), (s), and (t) of
 916 | subsection (1) of section 466.028, Florida Statutes, are amended
 917 | to read:

918 | 466.028 Grounds for disciplinary action; action by the
 919 | board.—

920 | (1) The following acts constitute grounds for denial of a
 921 | license or disciplinary action, as specified in s. 456.072(2):

922 | (b) Having a license to practice dentistry, dental
 923 | therapy, or dental hygiene revoked, suspended, or otherwise
 924 | acted against, including the denial of licensure, by the
 925 | licensing authority of another state, territory, or country.

926 (c) Being convicted or found guilty of or entering a plea
927 of nolo contendere to, regardless of adjudication, a crime in
928 any jurisdiction which relates to the practice of dentistry,
929 dental therapy, or dental hygiene. A plea of nolo contendere
930 shall create a rebuttable presumption of guilt to the underlying
931 criminal charges.

932 (g) Aiding, assisting, procuring, or advising any
933 unlicensed person to practice dentistry, dental therapy, or
934 dental hygiene contrary to this chapter or to a rule of the
935 department or the board.

936 (s) Being unable to practice her or his profession with
937 reasonable skill and safety to patients by reason of illness or
938 use of alcohol, drugs, narcotics, chemicals, or any other type
939 of material or as a result of any mental or physical condition.
940 In enforcing this paragraph, the department shall have, upon a
941 finding of the State Surgeon General or her or his designee that
942 probable cause exists to believe that the licensee is unable to
943 practice dentistry, dental therapy, or dental hygiene because of
944 the reasons stated in this paragraph, the authority to issue an
945 order to compel a licensee to submit to a mental or physical
946 examination by physicians designated by the department. If the
947 licensee refuses to comply with such order, the department's
948 order directing such examination may be enforced by filing a
949 petition for enforcement in the circuit court where the licensee
950 resides or does business. The licensee against whom the petition

951 is filed shall not be named or identified by initials in any
952 public court records or documents, and the proceedings shall be
953 closed to the public. The department shall be entitled to the
954 summary procedure provided in s. 51.011. A licensee affected
955 under this paragraph shall at reasonable intervals be afforded
956 an opportunity to demonstrate that she or he can resume the
957 competent practice of her or his profession with reasonable
958 skill and safety to patients.

959 (t) Fraud, deceit, or misconduct in the practice of
960 dentistry, dental therapy, or dental hygiene.

961 Section 18. Paragraphs (a) and (b) of subsection (1) of
962 section 466.0285, Florida Statutes, are amended to read:

963 466.0285 Proprietorship by nondentists.—

964 (1) No person other than a dentist licensed pursuant to
965 this chapter, nor any entity other than a professional
966 corporation or limited liability company composed of dentists,
967 may:

968 (a) Employ a dentist, a dental therapist, or a dental
969 hygienist in the operation of a dental office.

970 (b) Control the use of any dental equipment or material
971 while such equipment or material is being used for the provision
972 of dental services, whether those services are provided by a
973 dentist, a dental therapist, a dental hygienist, or a dental
974 assistant.

975

976 Any lease agreement, rental agreement, or other arrangement
977 between a nondentist and a dentist whereby the nondentist
978 provides the dentist with dental equipment or dental materials
979 shall contain a provision whereby the dentist expressly
980 maintains complete care, custody, and control of the equipment
981 or practice.

982 Section 19. Subsection (1) of section 466.051, Florida
983 Statutes, is amended to read:

984 466.051 Confidentiality of certain information contained
985 in dental workforce surveys.—

986 (1) Personal identifying information that is contained in
987 a record provided by a dentist, dental therapist, or dental
988 hygienist licensed under this chapter in response to a dental
989 workforce survey and held by the Department of Health is
990 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
991 of the State Constitution. Personal identifying information in
992 such a record:

993 (a) Shall be disclosed with the express written consent of
994 the individual to whom the information pertains or the
995 individual's legally authorized representative.

996 (b) Shall be disclosed by court order upon a showing of
997 good cause.

998 (c) May be disclosed to a research entity, if the entity
999 seeks the records or data pursuant to a research protocol
1000 approved by the Department of Health, maintains the records or

1001 data in accordance with the approved protocol, and enters into a
1002 purchase and data-use agreement with the department, the fee
1003 provisions of which are consistent with s. 119.07(4). The
1004 department may deny a request for records or data if the
1005 protocol provides for intrusive follow-back contacts, does not
1006 plan for the destruction of the confidential records after the
1007 research is concluded, is administratively burdensome, or does
1008 not have scientific merit. The agreement must prohibit the
1009 release of information by the research entity which would
1010 identify individuals, limit the use of records or data to the
1011 approved research protocol, and prohibit any other use of the
1012 records or data. Copies of records or data issued pursuant to
1013 this paragraph remain the property of the department.

1014 Section 20. The Department of Health, in consultation with
1015 the Board of Dentistry and the Agency for Health Care
1016 Administration, shall submit a progress report to the President
1017 of the Senate and the Speaker of the House of Representatives by
1018 July 1, 2022, and a final report 3 years after the first dental
1019 therapy license is issued. The reports must include all of the
1020 following components:

1021 (1) The progress that has been made in this state to
1022 implement dental therapy training programs, licensing, and
1023 Medicaid reimbursement.

1024 (2) Data demonstrating the effects of dental therapy in
1025 this state on:

- 1026 (a) Access to dental services;
- 1027 (b) The use of primary and preventive dental services in
 1028 underserved regions and populations, including the Medicaid
 1029 population;
- 1030 (c) Costs to dental providers, patients, dental insurance
 1031 carriers, and the state; and
- 1032 (d) The quality and safety of dental services.
- 1033 (3) Specific recommendations for any necessary
 1034 legislative, administrative, or regulatory reform relating to
 1035 the practice of dental therapy.
- 1036 (4) Any other information deemed appropriate by the
 1037 department.
- 1038 Section 21. This act shall take effect July 1, 2019.