

By Senator Brandes

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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 the
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

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30 fails a practical or clinical examination to practice
31 dental therapy and who has failed one part or
32 procedure of the examination may be required to retake
33 only 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

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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

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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

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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 agreement
139 with the Department of Health and complying with Medicaid's
140 county health department clinic services program specifications
141 as a county health department clinic services provider.

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

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

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

150 5. Owned by, operated by, or having a contractual
151 relationship with a health access setting, as defined in s.
152 466.003(16), or a similar setting or program that serves
153 underserved or vulnerable populations that face serious barriers
154 to accessing dental services, which may include, but is not
155 limited to, Early Head Start programs, homeless shelters,
156 schools, and the Special Supplemental Nutrition Program for
157 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(16) ~~s. 466.003~~ for the remediable tasks that a
164 licensed dental hygienist is authorized to perform under s.
165 466.024(2). Services provided under this program include
166 treatment of the teeth and associated structures of the oral
167 cavity, as well as treatment of disease, injury, or impairment
168 that may affect the oral or general health of the individual.
169 However, Medicaid will not provide reimbursement for dental
170 services provided in a mobile dental unit, except for a mobile
171 dental unit:

172 (e) Owned by, operated by, or having a contractual
173 relationship with a health access setting, as defined in s.
174 466.003(16), or a similar setting or program that serves

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175 underserved or vulnerable populations that face serious barriers
176 to accessing dental services, which may include, but is not
177 limited to, Early Head Start programs, homeless shelters,
178 schools, and the Special Supplemental Nutrition Program for
179 Women, Infants, and Children.

180 Section 2. Section 466.001, Florida Statutes, is amended to
181 read:

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

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

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

202 (5) Students in Florida schools of dentistry, dental
203 therapy, and dental hygiene or dental assistant educational

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204 programs, while performing regularly assigned work under the
205 curriculum of such schools.

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

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

229 466.003 Definitions.—As used in this chapter:

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

232 (8) "Dental therapy" means the rendering of services

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233 pursuant to s. 466.0227 and any related extraoral services or
234 procedures required in the performance of such services.

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

249 (17)~~(15)~~ "School-based prevention program" means preventive
250 oral health services offered at a school by one of the entities
251 defined in subsection (16) ~~(14)~~ or by a nonprofit organization
252 that is exempt from federal income taxation under s. 501(a) of
253 the Internal Revenue Code, and described in s. 501(c)(3) of the
254 Internal Revenue Code.

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

257 466.004 Board of Dentistry.—

258 (2) To advise the board, it is the intent of the
259 Legislature that councils be appointed as specified in
260 paragraphs (a)-(d) ~~(a), (b), and (c)~~. The department shall
261 provide administrative support to the councils and shall provide

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262 public notice of meetings and agenda of the councils. Councils
263 shall include at least one board member who shall chair the
264 council and shall include nonboard members. All council members
265 shall be appointed by the board chair. Council members shall be
266 appointed for 4-year terms, and all members shall be eligible
267 for reimbursement of expenses in the manner of board members.

268 (a) A Council on Dental Hygiene shall be appointed by the
269 board chair and shall include one dental hygienist member of the
270 board, who shall chair the council, one dental member of the
271 board, and three dental hygienists who are actively engaged in
272 the practice of dental hygiene in this state. In making the
273 appointments, the chair shall consider recommendations from the
274 Florida Dental Hygiene Association. The council shall meet at
275 the request of the board chair, a majority of the members of the
276 board, or the council chair; however, the council must meet at
277 least three times a year. The council is charged with the
278 responsibility of and shall meet for the purpose of developing
279 rules and policies for recommendation to the board, which the
280 board shall consider, on matters pertaining to that part of
281 dentistry consisting of educational, preventive, or therapeutic
282 dental hygiene services; dental hygiene licensure, discipline,
283 or regulation; and dental hygiene education. Rule and policy
284 recommendations of the council shall be considered by the board
285 at its next regularly scheduled meeting in the same manner in
286 which it considers rule and policy recommendations from
287 designated subcommittees of the board. Any rule or policy
288 proposed by the board pertaining to the specified part of
289 dentistry defined by this subsection shall be referred to the
290 council for a recommendation before final action by the board.

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291 The board may take final action on rules pertaining to the
292 specified part of dentistry defined by this subsection without a
293 council recommendation if the council fails to submit a
294 recommendation in a timely fashion as prescribed by the board.

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

303 (c) Effective 28 months after the first dental therapy
304 license is granted by the board, a Council on Dental Therapy
305 shall be appointed by the board chair and shall include one
306 board member who shall chair the council and three dental
307 therapists who are actively engaged in the practice of dental
308 therapy in this state. The council shall meet at the request of
309 the board chair, a majority of the members of the board, or the
310 council chair; however, the council must meet at least three
311 times per year. The council is charged with the responsibility
312 of, and shall meet for the purpose of, developing rules and
313 policies for recommendation to the board on matters pertaining
314 to that part of dentistry consisting of educational,
315 preventative, or therapeutic dental therapy services; dental
316 therapy licensure, discipline, or regulation; and dental therapy
317 education. Rule and policy recommendations of the council must
318 be considered by the board at its next regularly scheduled
319 meeting in the same manner in which it considers rule and policy

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320 recommendations from designated subcommittees of the board. Any
321 rule or policy proposed by the board pertaining to the specified
322 part of dentistry defined by this subsection must be referred to
323 the council for a recommendation before final action by the
324 board. The board may take final action on rules pertaining to
325 the specified part of dentistry defined by this subsection
326 without a council recommendation if the council fails to submit
327 a recommendation in a timely fashion as prescribed by the board.

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

336 Section 6. Subsection (4) and paragraph (b) of subsection
337 (6) of section 466.006, Florida Statutes, are amended to read:
338 466.006 Examination of dentists.—

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

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

345 (b)1. A practical or clinical examination, which shall be
346 the American Dental Licensing Examination produced by the
347 American Board of Dental Examiners, Inc., or its successor
348 entity, if any, that is administered in this state and graded by

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

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

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

376 3. If the date of an applicant's passing American Dental
377 Licensing Examination scores from an examination previously

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

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

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

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

401 c. The applicant currently possesses a valid and active
402 dental license in good standing, with no restriction, which has
403 never been revoked, suspended, restricted, or otherwise
404 disciplined, from another state or territory of the United
405 States, the District of Columbia, or the Commonwealth of Puerto
406 Rico;

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

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

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

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

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

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

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

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

445 (B) Submitted in writing;

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

448 (D) Further documented by an affidavit of someone unrelated
449 to the applicant who is familiar with the applicant's practice
450 and testifies with particularity that the applicant has been
451 engaged in full-time practice; and

452 (E) Specifically found by the board to be both credible and
453 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;

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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 dental
490 education program approved by the board or accredited by the
491 American Dental Association Commission on Dental Accreditation
492 and located within the geographic boundaries of this state.

493 2. The board shall develop rules to determine what type of

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

499 a. Be admissible as evidence in an administrative
500 proceeding;

501 b. Be submitted in writing;

502 c. Be submitted by the applicant under oath with penalties
503 of perjury attached;

504 d. Be further documented by an affidavit of someone
505 unrelated to the applicant who is familiar with the applicant's
506 practice and testifies with particularity that the applicant has
507 been engaged in full-time practice of dentistry within the
508 geographic boundaries of this state within the last 365 days;
509 and

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

512 3. An affidavit of only the applicant is not acceptable
513 proof of full-time practice of dentistry within the geographic
514 boundaries of this state within 1 year, unless it is further
515 attested to by someone unrelated to the applicant who has
516 personal knowledge of the applicant's practice within the last
517 365 days. If the board deems it necessary to assess credibility
518 or accuracy, the board may require the applicant or the
519 applicant's witnesses to appear before the board and give oral
520 testimony under oath.

521 Section 7. Section 466.0075, Florida Statutes, is amended
522 to read:

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523 466.0075 Applicants for examination; medical malpractice
524 insurance.—The board may require any person applying to take the
525 examination to practice dentistry in this state, the examination
526 to practice dental therapy in this state, or the examination to
527 practice dental hygiene in this state to maintain medical
528 malpractice insurance in amounts sufficient to cover any
529 incident of harm to a patient during the clinical examination.

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

533 466.009 Reexamination.—

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

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

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

550 466.011 Licensure.—The board shall certify for licensure by
551 the department any applicant who satisfies the requirements of

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552 s. 466.006, s. 466.0067, ~~or~~ s. 466.007, or s. 466.0225. The
553 board may refuse to certify an applicant who has violated ~~any of~~
554 ~~the provisions of~~ s. 466.026 or s. 466.028.

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

557 466.0136 Continuing education; dental therapists.—In
558 addition to any other requirements for relicensure for dental
559 therapists specified in this chapter, the board shall require
560 each licensed dental therapist to complete at least 24 hours,
561 but not more than 36 hours, biennially of continuing
562 professional education in dental subjects in programs approved
563 by the board or in equivalent programs of continuing education.
564 Programs of continuing education approved by the board must be
565 programs of learning that, in the opinion of the board,
566 contribute directly to the dental education of the dental
567 therapist. An individual who is licensed as both a dental
568 therapist and a dental hygienist may use 1 hour of continuing
569 professional education that is approved for both dental therapy
570 and dental hygiene education to satisfy both dental therapy and
571 dental hygiene continuing education requirements. The board
572 shall adopt rules and guidelines to administer and enforce this
573 section. The dental therapist shall retain in her or his records
574 any receipts, vouchers, or certificates necessary to document
575 completion of the continuing education. Compliance with the
576 continuing education requirements is mandatory for issuance of
577 the renewal certificate. The board may excuse licensees, as a
578 group or as individuals, from all or part of the continuing
579 education requirements if an unusual circumstance, emergency, or
580 hardship prevented compliance with this section.

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

583 466.016 License to be displayed.—Every practitioner of
584 dentistry, dental therapy, or dental hygiene within the meaning
585 of this chapter shall post and keep conspicuously displayed her
586 or his license in the office where ~~wherein~~ she or he practices,
587 in plain sight of the practitioner's patients. Any dentist,
588 dental therapist, or dental hygienist who practices at more than
589 one location shall be required to display a copy of her or his
590 license in each office where she or he practices.

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

596 466.017 Prescription of drugs; anesthesia.—

597 (3) The board shall adopt rules which:

598 (d) Establish further requirements relating to the use of
599 general anesthesia or sedation, including, but not limited to,
600 office equipment and the training of dental assistants, dental
601 therapists, or dental hygienists who work with dentists using
602 general anesthesia or sedation.

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

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

621 (7) A dental therapist under the general supervision of a
622 dentist may administer local anesthesia, including intraoral
623 block anesthesia or soft tissue infiltration anesthesia, or
624 both, if she or he has completed the course described in
625 subsection (5) and presents evidence of current certification in
626 basic or advanced cardiac life support.

627 (8)~~(7)~~ A licensed dentist, or a dental therapist who is
628 authorized by her or his supervising dentist, may utilize an X-
629 ray machine, expose dental X-ray films, and interpret or read
630 such films. Notwithstanding ~~The provisions of part IV of chapter~~
631 ~~468 to the contrary notwithstanding,~~ a licensed dentist, or a
632 dental therapist who is authorized by her or his supervising
633 dentist, may authorize or direct a dental assistant to operate
634 such equipment and expose such films under her or his direction
635 and supervision, pursuant to rules adopted by the board in
636 accordance with s. 466.024 which ensure that said assistant is
637 competent by reason of training and experience to operate said
638 equipment in a safe and efficient manner. The board may charge a

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639 fee not to exceed \$35 to defray the cost of verifying compliance
640 with requirements adopted pursuant to this section.

641 (9)~~(8)~~ Notwithstanding ~~The provisions of~~ s. 465.0276
642 ~~notwithstanding~~, a dentist need not register with the board or
643 comply with the continuing education requirements of that
644 section if the dentist confines her or his dispensing activity
645 to the dispensing of fluorides and chlorhexidine ~~chlorhexidine~~
646 rinse solutions; provided that the dentist complies with and is
647 subject to all laws and rules applicable to pharmacists and
648 pharmacies, including, but not limited to, chapters 465, 499,
649 and 893, and all applicable federal laws and regulations, when
650 dispensing such products.

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

653 466.018 Dentist of record; patient records.—

654 (1) Each patient shall have a dentist of record. The
655 dentist of record shall remain primarily responsible for all
656 dental treatment on such patient regardless of whether the
657 treatment is rendered by the dentist or by another dentist,
658 dental therapist, dental hygienist, or dental assistant
659 rendering such treatment in conjunction with, at the direction
660 or request of, or under the supervision of such dentist of
661 record. The dentist of record shall be identified in the record
662 of the patient. If treatment is rendered by a dentist other than
663 the dentist of record or by a dental hygienist, dental
664 therapist, or dental assistant, the name or initials of such
665 person shall be placed in the record of the patient. In any
666 disciplinary proceeding brought pursuant to this chapter or
667 chapter 456, it shall be presumed as a matter of law that

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668 treatment was rendered by the dentist of record unless otherwise
669 noted on the patient record pursuant to this section. The
670 dentist of record and any other treating dentist are subject to
671 discipline pursuant to this chapter or chapter 456 for treatment
672 rendered to the patient and performed in violation of such
673 chapter. One of the purposes of this section is to ensure that
674 the responsibility for each patient is assigned to one dentist
675 in a multidentist practice of any nature and to assign primary
676 responsibility to the dentist for treatment rendered by a dental
677 hygienist, dental therapist, or dental assistant under her or
678 his supervision. This section shall not be construed to assign
679 any responsibility to a dentist of record for treatment rendered
680 pursuant to a proper referral to another dentist who does not ~~in~~
681 practice with the dentist of record or to prohibit a patient
682 from voluntarily selecting a new dentist without permission of
683 the dentist of record.

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

686 466.0225 Examination of dental therapists; licensing.-

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

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

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

696 (b) Is a graduate of a dental therapy college or school

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

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

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

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

725 (f) Has successfully completed a written examination on the

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726 laws and rules of this state regulating the practice of dental
727 therapy.

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

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

739 466.0227 Dental therapists; scope and area of practice.—

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

748 (a) A health access setting, as defined in s. 466.003(16).

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

751 (c) A nursing facility.

752 (d) A military or veterans' hospital or clinic, including
753 an off-site care setting.

754 (e) A governmental or public health clinic, including an

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755 off-site care setting.

756 (f) A school, Head Start program, or school-based
757 prevention program, as defined in s. 466.003(17).

758 (g) An oral health education institution, including an off-
759 site care setting.

760 (h) A hospital.

761 (i) A geographic area designated as a dental health
762 professional shortage area by the state or the Federal
763 Government which is not located within a federally designated
764 metropolitan statistical area.

765 (j) Any other clinic or practice setting if at least 50
766 percent of the patients served by the dental therapist in such
767 clinic or practice setting:

768 1. Are enrolled in Medicaid or another state or local
769 governmental health care program for low-income or uninsured
770 patients; or

771 2. Do not have dental insurance and report a gross annual
772 income that is less than 200 percent of the applicable federal
773 poverty guidelines.

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

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

782 (a) All services, treatments, and competencies identified
783 by the American Dental Association Commission on Dental

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784 Accreditation in its Dental Therapy Education Accreditation
785 Standards.

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

790 1. Evaluating radiographs.

791 2. Placement of space maintainers.

792 3. Pulpotomies on primary teeth.

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

797 5. Oral evaluation and assessment of dental disease and
798 formulation of an individualized treatment plan if authorized by
799 a supervising dentist and subject to any conditions,
800 limitations, and protocols specified by the supervising dentist
801 in the collaborative management agreement.

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

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

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

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

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

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

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

823 (g) Protocols for the dental therapist to administer and
824 dispense medications, including the specific conditions and
825 circumstances under which the medications are to be dispensed
826 and administered.

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

831 (i) Supervision criteria of dental therapists.

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

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

840 (6) A supervising dentist may restrict or limit the dental
841 therapist's practice in a collaborative management agreement to

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842 be less than the full scope of practice for dental therapists
843 which is authorized in subsection (3).

844 (7) A supervising dentist may authorize a dental therapist
845 to provide dental therapy services to a patient before the
846 dentist examines or diagnoses the patient if the authority,
847 conditions, and protocols are established in a written
848 collaborative management agreement and if the patient is
849 subsequently referred to a dentist for any needed additional
850 services that exceed the dental therapist's scope of practice or
851 authorization under the collaborative management agreement.

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

860 Section 16. Section 466.026, Florida Statutes, is amended
861 to read:

862 466.026 Prohibitions; penalties.—

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

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

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

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

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

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

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

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

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

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

906 (d)~~(e)~~ Presenting as her or his own the license of another.
907 (e)~~(d)~~ Knowingly concealing information relative to
908 violations of this chapter.

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

912 Section 17. Paragraphs (b), (c), (g), (s), and (t) of
913 subsection (1) of section 466.028, Florida Statutes, are amended
914 to read:

915 466.028 Grounds for disciplinary action; action by the
916 board.—

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

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

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

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

933 (s) Being unable to practice her or his profession with
934 reasonable skill and safety to patients by reason of illness or
935 use of alcohol, drugs, narcotics, chemicals, or any other type
936 of material or as a result of any mental or physical condition.
937 In enforcing this paragraph, the department shall have, upon a
938 finding of the State Surgeon General or her or his designee that
939 probable cause exists to believe that the licensee is unable to
940 practice dentistry, dental therapy, or dental hygiene because of
941 the reasons stated in this paragraph, the authority to issue an
942 order to compel a licensee to submit to a mental or physical
943 examination by physicians designated by the department. If the
944 licensee refuses to comply with such order, the department's
945 order directing such examination may be enforced by filing a
946 petition for enforcement in the circuit court where the licensee
947 resides or does business. The licensee against whom the petition
948 is filed shall not be named or identified by initials in any
949 public court records or documents, and the proceedings shall be
950 closed to the public. The department shall be entitled to the
951 summary procedure provided in s. 51.011. A licensee affected
952 under this paragraph shall at reasonable intervals be afforded
953 an opportunity to demonstrate that she or he can resume the
954 competent practice of her or his profession with reasonable
955 skill and safety to patients.

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

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

960 466.0285 Proprietorship by nondentists.—

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

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

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

972

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

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

981 466.051 Confidentiality of certain information contained in
982 dental workforce surveys.—

983 (1) Personal identifying information that is contained in a
984 record provided by a dentist, dental therapist, or dental
985 hygienist licensed under this chapter in response to a dental
986 workforce survey and held by the Department of Health is

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987 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
988 of the State Constitution. Personal identifying information in
989 such a record:

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

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

995 (c) May be disclosed to a research entity, if the entity
996 seeks the records or data pursuant to a research protocol
997 approved by the Department of Health, maintains the records or
998 data in accordance with the approved protocol, and enters into a
999 purchase and data-use agreement with the department, the fee
1000 provisions of which are consistent with s. 119.07(4). The
1001 department may deny a request for records or data if the
1002 protocol provides for intrusive follow-back contacts, does not
1003 plan for the destruction of the confidential records after the
1004 research is concluded, is administratively burdensome, or does
1005 not have scientific merit. The agreement must prohibit the
1006 release of information by the research entity which would
1007 identify individuals, limit the use of records or data to the
1008 approved research protocol, and prohibit any other use of the
1009 records or data. Copies of records or data issued pursuant to
1010 this paragraph remain the property of the department.

1011 Section 20. The Department of Health, in consultation with
1012 the Board of Dentistry and the Agency for Health Care
1013 Administration, shall submit a progress report to the President
1014 of the Senate and the Speaker of the House of Representatives by
1015 July 1, 2022, and a final report 3 years after the first dental

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1016 therapy license is issued. The reports must include all of the
1017 following components:

1018 (1) The progress that has been made in this state to
1019 implement dental therapy training programs, licensing, and
1020 Medicaid reimbursement.

1021 (2) Data demonstrating the effects of dental therapy in
1022 this state on:

1023 (a) Access to dental services;

1024 (b) The use of primary and preventive dental services in
1025 underserved regions and populations, including the Medicaid
1026 population;

1027 (c) Costs to dental providers, patients, dental insurance
1028 carriers, and the state; and

1029 (d) The quality and safety of dental services.

1030 (3) Specific recommendations for any necessary legislative,
1031 administrative, or regulatory reform relating to the practice of
1032 dental therapy.

1033 (4) Any other information deemed appropriate by the
1034 department.

1035 Section 21. This act shall take effect July 1, 2019.