

By Senator Baxley

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1                   A bill to be entitled  
2       An act relating to licensure examinations for dental  
3       practitioners; amending s. 466.006, F.S.; authorizing  
4       passage of a dental examination produced by a  
5       specified entity to satisfy licensure examination  
6       requirements for applicants to practice dentistry in  
7       this state; conforming provisions to changes made by  
8       the act; making technical changes; amending s.  
9       466.007, F.S.; authorizing passage of a dental hygiene  
10      examination produced by a specified entity to satisfy  
11      licensure examination requirements for applicants to  
12      practice as dental hygienists in this state;  
13      conforming provisions to changes made by the act;  
14      making technical changes; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18       Section 1. Subsections (1) and (4), paragraph (a) of  
19      subsection (5), and paragraph (a) of subsection (6) of section  
20      466.006, Florida Statutes, are amended to read:

21       466.006 Examination of dentists.—

22       (1)(a) It is the intent of the Legislature to reduce the  
23      costs associated with an independent, state-developed practical  
24      or clinical examination to measure an applicant's ability to  
25      practice the profession of dentistry and to use the American  
26      Dental Licensing Examination developed by the American Board of  
27      Dental Examiners, Inc., (ADEX) and the dental examination  
28      developed by the Western Regional Examining Board (WREB) in lieu  
29      of an independent, state-developed practical or clinical

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30 examination. The Legislature finds that the American Dental  
31 Licensing Examination and WREB's dental examination, in both  
32 their ~~its~~ structure and function, consistently meet ~~meets~~  
33 generally accepted testing standards and have ~~has~~ been found, as  
34 they are ~~it is~~ currently organized and operated ~~operating~~, to  
35 adequately and reliably measure an applicant's ability to  
36 practice the profession of dentistry.

37 (b) Any person desiring to be licensed as a dentist shall  
38 apply to the department to take one of the licensure  
39 examinations identified in paragraph (a) and shall verify the  
40 information required on the application by oath. The application  
41 must ~~shall~~ include two recent photographs. The board shall ~~There~~  
42 ~~shall be an application fee set~~ a nonrefundable application fee,  
43 which may ~~by the board not to~~ exceed \$100 ~~which shall be~~  
44 ~~nonrefundable.~~ The board also ~~There shall~~ set ~~also be~~ an  
45 examination fee ~~set by the board~~, which may ~~shall~~ not exceed  
46 \$425 plus the actual per applicant cost to the department for  
47 the purchase of some or all of the examinations ~~examination~~ from  
48 ADEX and WREB, or their respective successor entities ~~the~~  
49 ~~American Board of Dental Examiners or its successor entity~~, if  
50 any, provided the board finds the successor entities' ~~entity's~~  
51 clinical examinations ~~examination~~ comply ~~complies~~ with the  
52 ~~provisions of~~ this section. The examination fee may be refunded  
53 ~~refundable~~ if the applicant is found ineligible to take an  
54 examination ~~the examinations~~.

55 (4) Notwithstanding any other ~~provision of~~ law in chapter  
56 456 pertaining to the clinical dental licensure examination or  
57 national examinations, to be licensed as a dentist in this  
58 state, an applicant must successfully complete both of the

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59 following:

60 (a) A written examination on the laws and rules of the  
61 state regulating the practice of dentistry.~~†~~

62 (b)~~1.~~ A practical or clinical examination, which must ~~shall~~  
63 be the American Dental Licensing Examination produced by ADEX  
64 ~~the American Board of Dental Examiners, Inc.,~~ or its successor  
65 entity, if any, or the dental examination produced by WREB, or  
66 its successor entity, if any, which ~~that~~ is administered in this  
67 state and graded by dentists licensed in this state and employed  
68 by the department for that ~~just such~~ purpose, provided that the  
69 board has attained, and continues to maintain thereafter,  
70 representation, as applicable, on the ADEX board of directors ~~of~~  
71 ~~the American Board of Dental Examiners,~~ the WREB board of  
72 directors, the ADEX examination development committee, ~~of the~~  
73 ~~American Board of Dental Examiners~~ the WREB examination  
74 development committee, and such other committees of ADEX and  
75 WREB as the board identifies by rule as being appropriate to  
76 ensure ~~the American Board of Dental Examiners as the board deems~~  
77 ~~appropriate by rule to assure~~ that the standards established  
78 herein are maintained organizationally. A passing score on the  
79 American Dental Licensing Examination or WREB's dental  
80 examination that is administered in this state and graded by  
81 dentists who are licensed in this state is valid for 365 days  
82 after the date the official examination results are published.

83 1.2.a. As an alternative to the requirements of this  
84 paragraph ~~subparagraph 1.~~, an applicant may submit scores from  
85 the an American Dental Licensing Examination or WREB's dental  
86 examination that was previously administered in a jurisdiction  
87 other than this state and that was completed by the applicant

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88 after October 1, 2011, and such examination results must ~~shall~~  
89 be recognized as valid for the purpose of licensure in this  
90 state. A passing score on the American Dental Licensing  
91 Examination or WREB's dental examination that was administered  
92 out-of-state is ~~shall be~~ the same as the passing score for the  
93 American Dental Licensing Examination or WREB's dental  
94 examination that was administered in this state and graded by  
95 dentists who are licensed in this state. Except as provided in  
96 subparagraph 2., the examination results are valid for 365 days  
97 after the date the official examination results are published.  
98 ~~The applicant must have completed the examination after October~~  
99 ~~1, 2011.~~

100 ~~b.~~ This subparagraph may not be given retroactive  
101 application.

102 ~~2.3.~~ If more than 365 days have passed since the date of an  
103 applicant's passing scores from the American Dental Licensing  
104 Examination or WREB's dental examination that was ~~scores from an~~  
105 ~~examination~~ previously administered in a jurisdiction other than  
106 this state under subparagraph 1. 2. ~~is older than 365 days,~~ then  
107 such scores must ~~shall nevertheless~~ be recognized as valid for  
108 the purpose of licensure in this state, ~~but only~~ if the  
109 applicant demonstrates that all of the following additional  
110 standards have been met:

111 a. ~~(I)~~ The applicant completed the American Dental Licensing  
112 Examination or WREB's dental examination after October 1, 2011.

113 ~~(II)~~ This sub-subparagraph may not be given retroactive  
114 application;

115 b. The applicant graduated from a dental school accredited  
116 by the American Dental Association Commission on Dental

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117 Accreditation or its successor entity, if any, or any other  
118 dental accrediting organization recognized by the United States  
119 Department of Education. Provided, however, if the applicant did  
120 not graduate from such a dental school, the applicant may submit  
121 proof of having successfully completed a full-time supplemental  
122 general dentistry program accredited by the American Dental  
123 Association Commission on Dental Accreditation of at least 2  
124 consecutive academic years at such accredited sponsoring  
125 institution. Such program must provide didactic and clinical  
126 education at the level of a D.D.S. or D.M.D. program accredited  
127 by the American Dental Association Commission on Dental  
128 Accreditation;

129 c. The applicant currently possesses a valid and active  
130 dental license in good standing, with no restriction, which has  
131 never been revoked, suspended, restricted, or otherwise  
132 disciplined, from another state or territory of the United  
133 States, the District of Columbia, or the Commonwealth of Puerto  
134 Rico;

135 d. The applicant submits proof that he or she has never  
136 been reported to the National Practitioner Data Bank, the  
137 Healthcare Integrity and Protection Data Bank, or the American  
138 Association of Dental Boards Clearinghouse. This sub-  
139 subparagraph does not apply if the applicant successfully  
140 appealed to have his or her name removed from the data banks of  
141 these agencies;

142 e. ~~(F)~~ For ~~in~~ the 5 years immediately preceding the date of  
143 application for licensure in this state, the applicant submits  
144 ~~must submit~~ proof of having been consecutively engaged in the  
145 full-time practice of dentistry in another state or territory of

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146 the United States, the District of Columbia, or the Commonwealth  
147 of Puerto Rico, or, if the applicant has been licensed in  
148 another state or territory of the United States, the District of  
149 Columbia, or the Commonwealth of Puerto Rico for less than 5  
150 years, the applicant must submit proof of having been engaged in  
151 the full-time practice of dentistry since the date of his or her  
152 initial licensure.

153 (I)~~(II)~~ As used in this sub-subparagraph and subsection (6)  
154 ~~section~~, "full-time practice" is defined as a minimum of 1,200  
155 hours per year for each and every year in the consecutive 5-year  
156 period or, when ~~where~~ applicable, the period since initial  
157 licensure, and must include any combination of the following:

158 (A) Active clinical practice of dentistry providing direct  
159 patient care.

160 (B) Full-time practice as a faculty member employed by a  
161 dental or dental hygiene school approved by the board or  
162 accredited by the American Dental Association Commission on  
163 Dental Accreditation.

164 (C) Full-time practice as a student at a postgraduate  
165 dental education program approved by the board or accredited by  
166 the American Dental Association Commission on Dental  
167 Accreditation.

168 (II)~~(III)~~ The board shall develop rules to determine what  
169 type of proof of full-time practice is required and to recoup  
170 the cost to the board of verifying full-time practice under this  
171 section. Such proof must, at a minimum, be:

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

173 (B) Submitted in writing;

174 (C) Submitted by the applicant under oath with penalties of

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175 perjury attached;

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

180 (E) Specifically found by the board to be both credible and  
181 admissible.

182 (III) ~~(IV)~~ An affidavit of only the applicant is not  
183 acceptable proof of full-time practice unless it is further  
184 attested to by someone unrelated to the applicant who has  
185 personal knowledge of the applicant's practice. If the board  
186 deems it necessary to assess credibility or accuracy, the board  
187 may require the applicant or the applicant's witnesses to appear  
188 before the board and give oral testimony under oath;

189 f. The applicant submits ~~must submit~~ documentation that he  
190 or she has completed, or will complete, prior to licensure in  
191 this state, continuing education equivalent to this state's  
192 requirements for the last full reporting biennium;

193 g. The applicant proves ~~must prove~~ that he or she has never  
194 been convicted of, or pled nolo contendere to, regardless of  
195 adjudication, any felony or misdemeanor related to the practice  
196 of a health care profession in any jurisdiction;

197 h. The applicant ~~must~~ successfully passes ~~pass~~ a written  
198 examination on the laws and rules of this state regulating the  
199 practice of dentistry and ~~must successfully pass~~ the computer-  
200 based diagnostic skills examination; and

201 i. The applicant submits ~~must submit~~ documentation that he  
202 or she has successfully completed the National Board of Dental  
203 Examiners dental examination.

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204 (5) (a) The practical examination required under subsection  
205 (4) must ~~shall be the American Dental Licensing Examination~~  
206 ~~developed by the American Board of Dental Examiners, Inc., or~~  
207 ~~its successor entity, if any, provided the board finds that the~~  
208 ~~successor entity's clinical examination complies with the~~  
209 ~~provisions of this section, and shall~~ include, at a minimum:

210 1. A comprehensive diagnostic skills examination covering  
211 the full scope of dentistry and an examination on applied  
212 clinical diagnosis and treatment planning in dentistry for  
213 dental candidates;

214 2. Two restorations on a live patient or patients. The  
215 board by rule shall determine the class of such restorations;

216 3. A demonstration of periodontal skills on a live patient;

217 4. A demonstration of prosthetics and restorative skills in  
218 complete and partial dentures and crowns and bridges and the  
219 utilization of practical methods of evaluation, specifically  
220 including the evaluation by the candidate of completed  
221 laboratory products such as, but not limited to, crowns and  
222 inlays filled to prepared model teeth;

223 5. A demonstration of restorative skills on a mannequin  
224 which requires the candidate to complete procedures performed in  
225 preparation for a cast restoration;

226 6. A demonstration of endodontic skills; and

227 7. A diagnostic skills examination demonstrating ability to  
228 diagnose conditions within the human oral cavity and its  
229 adjacent tissues and structures from photographs, slides,  
230 radiographs, or models pursuant to rules of the board. If an  
231 applicant fails to pass the diagnostic skills examination in  
232 three attempts, the applicant is ~~shall~~ not be eligible for



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233 reexamination unless she or he completes additional educational  
234 requirements established by the board.

235

236 The department shall require a mandatory standardization  
237 exercise for all examiners prior to each practical or clinical  
238 examination and shall retain for employment only those dentists  
239 who have substantially adhered to the standard of grading  
240 established at such exercise.

241 (6) (a) ~~It is the finding of~~ The Legislature finds that it  
242 is an important state interest to improve access to dental care  
243 for underserved citizens of this state and to further the  
244 economic development goals of the state, and that, absent a  
245 threat to the health, safety, and welfare of the public, the  
246 relocation of individuals who are lawfully and currently  
247 practicing dentistry in another state or territory of the United  
248 States, the District of Columbia, or the Commonwealth of Puerto  
249 Rico, as applicants to practice dentistry within the geographic  
250 boundaries of this state, who are lawfully and currently  
251 ~~practicing dentistry in another state or territory of the United~~  
252 ~~States, the District of Columbia, or the Commonwealth of Puerto~~  
253 ~~Rico, based on their scores from the American Dental Licensing~~  
254 ~~Examination or WREB's dental examination administered in a state~~  
255 ~~other than this state, is substantially related to achieving~~  
256 those the important state interests ~~interest of improving access~~  
257 ~~to dental care for underserved citizens of this state and~~  
258 ~~furthering the economic development goals of the state.~~  
259 Therefore, in order to maintain valid active licensure in this  
260 state, all applicants for licensure who are relocating to this  
261 state based on scores from the American Dental Licensing

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262 Examination or WREB's dental examination administered in a state  
263 other than this state shall ~~must actually~~ engage in the full-  
264 time practice of dentistry, as defined in sub-subparagraph  
265 (4)(b)2.e., inside the geographic boundaries of this state  
266 within 1 year after ~~of~~ receiving such licensure in this state.  
267 The Legislature further finds that, if such applicants do not  
268 ~~actually~~ engage in the full-time practice of dentistry within  
269 the geographic boundaries of this state within 1 year after ~~of~~  
270 receiving such a license in this state, access to dental care  
271 for the public will not significantly increase, patients'  
272 continuity of care will not be attained, and the economic  
273 development goals of the state will not be significantly met.

274 Section 2. Paragraph (b) of subsection (4) and subsections  
275 (5) and (6) of section 466.007, Florida Statutes, are amended to  
276 read:

277 466.007 Examination of dental hygienists.—

278 (4) Effective July 1, 2012, to be licensed as a dental  
279 hygienist in this state, an applicant must successfully complete  
280 the following:

281 (b) A practical or clinical examination, which must  
282 ~~approved by the board. The examination shall~~ be the Dental  
283 Hygiene Examination produced by the American Board of Dental  
284 Examiners, Inc., (ADEX) or its successor entity, if any, or the  
285 dental hygiene examination produced by the Western Regional  
286 Examining Board (WREB), or its successor entity, if any, if the  
287 board finds that the successor entities' ~~entity's~~ clinical  
288 examination meets or exceeds the provisions of this section. The  
289 board shall approve the ADEX Dental Hygiene Examination and  
290 WREB's dental hygiene examination if the board has attained and

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291 continues to maintain representation, as applicable, on the ADEX  
292 House of Representatives, the WREB board of directors, the ADEX  
293 dental hygiene examination development committee, the WREB  
294 dental hygiene examination review board, and such other ADEX and  
295 WREB dental hygiene committees as the board identifies by rule  
296 as being appropriate ~~deems appropriate through rulemaking~~ to  
297 ensure that the standards established in this section are  
298 maintained organizationally. The ADEX Dental Hygiene Examination  
299 and WREB's dental hygiene examination, or the examination  
300 produced by their respective successor entities, if any, ~~its~~  
301 ~~successor entity~~ is a comprehensive examination in which an  
302 applicant must demonstrate skills within the dental hygiene  
303 scope of practice on a live patient and any other components  
304 that the board deems necessary for the applicant to successfully  
305 demonstrate competency for the purpose of licensure. The ADEX  
306 Dental Hygiene Examination and WREB's dental hygiene  
307 examination, or the examination produced by their respective  
308 successor entities, if any, ~~by the successor entity~~ administered  
309 in this state shall be graded by dentists and dental hygienists  
310 licensed in this state who are employed by the department for  
311 this purpose.

312 (5) Effective July 1, 2012, an applicant who has completed  
313 the ADEX Dental Hygiene Examination or WREB's dental hygiene  
314 examination in a jurisdiction other than this state and who has  
315 obtained a passing score may practice dental hygiene in this  
316 state if the applicant:

317 (a) Has successfully completed the National Board Dental  
318 Hygiene Examination at any time before the date of application;

319 (b) Has been certified by the American Dental Association

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320 Joint Commission on National Dental Examinations at any time  
321 before the date of application, as specified by state law;

322 (c) Has successfully completed a written examination on the  
323 laws and rules of this state regulating the practice of dental  
324 hygiene;

325 (d) Has not been disciplined by a board, except for  
326 citation offenses or minor violations; and

327 (e) Has not been convicted of or pled nolo contendere to,  
328 regardless of adjudication, any felony or misdemeanor related to  
329 the practice of a health care profession.

330 (6) (a) A passing score on the ADEX Dental Hygiene  
331 Examination or WREB's dental hygiene examination that is  
332 administered out of state is ~~shall be~~ considered the same as a  
333 passing score for the ADEX Dental Hygiene Examination or WREB's  
334 dental hygiene examination administered in this state and graded  
335 by ~~licensed~~ dentists and dental hygienists licensed in this  
336 state.

337 (b) If an applicant fails to pass the ADEX Dental Hygiene  
338 Examination or WREB's dental hygiene examination in three  
339 attempts, the applicant is not eligible to retake the  
340 examination unless the applicant completes additional education  
341 requirements as specified by the board.

342 Section 3. This act shall take effect July 1, 2020.