

HB 1273

2020

1 A bill to be entitled
2 An act relating to dentistry and dental hygiene;
3 amending ss. 466.006 and 466.007, F.S.; authorizing
4 the use of certain examinations produced by the
5 Western Regional Examining Board to measure an
6 applicant's ability to practice the profession of
7 dentistry or dental hygiene; providing an effective
8 date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (1), paragraph (b) of subsection
13 (4), paragraph (a) of subsection (5), and paragraph (a) of
14 subsection (6) of section 466.006, Florida Statutes, are amended
15 to read:

16 466.006 Examination of dentists.—

17 (1)(a) It is the intent of the Legislature to reduce the
18 costs associated with an independent state-developed practical
19 or clinical examination to measure an applicant's ability to
20 practice the profession of dentistry and to use the American
21 Dental Licensing Examination developed by the American Board of
22 Dental Examiners, Inc., or the Western Regional Examining Board
23 (WREB) Dental Examination in lieu of an independent state-
24 developed practical or clinical examination. The Legislature
25 finds that the American Dental Licensing Examination and the

26 | WREB Dental Examination, in both their ~~its~~ structure and
 27 | function, consistently meet ~~meets~~ generally accepted testing
 28 | standards and have ~~has~~ been found, as they are ~~it is~~ currently
 29 | organized and operating, to adequately and reliably measure an
 30 | applicant's ability to practice the profession of dentistry.

31 | (b) Any person desiring to be licensed as a dentist shall
 32 | apply to the department to take the licensure examinations and
 33 | shall verify the information required on the application by
 34 | oath. The application shall include two recent photographs.
 35 | There shall be an application fee set by the board not to exceed
 36 | \$100 which shall be nonrefundable. There shall also be an
 37 | examination fee set by the board, which shall not exceed \$425
 38 | plus the actual per-applicant ~~per-applicant~~ cost to the
 39 | department for purchase of some or all of the examination from
 40 | the American Board of Dental Examiners, the WREB, or a ~~its~~
 41 | successor entity, if any, provided the board finds the successor
 42 | entity's clinical examination complies with ~~the provisions of~~
 43 | this section. The examination fee may be refundable if the
 44 | applicant is found ineligible to take the examinations.

45 | (4) Notwithstanding ~~any other provision of law in~~ chapter
 46 | 456 pertaining to the clinical dental licensure examination or
 47 | national examinations, to be licensed as a dentist in this
 48 | state, an applicant must successfully complete the following:

49 | (b)1. A practical or clinical examination, which shall be
 50 | the American Dental Licensing Examination produced by the

51 American Board of Dental Examiners, Inc., the WREB Dental
52 Examination, or an examination produced by a ~~its~~ successor
53 entity, if any, that is administered in this state and graded by
54 dentists licensed in this state and employed by the department
55 for just such purpose, provided that the board has attained, and
56 continues to maintain thereafter, representation on the board of
57 directors of the American Board of Dental Examiners, the
58 examination development committee of the American Board of
59 Dental Examiners, and such other committees of the American
60 Board of Dental Examiners or the Western Regional Examining
61 Board as the board deems appropriate by rule to ensure ~~assure~~
62 that the standards established herein are maintained
63 organizationally. A passing score on the American Dental
64 Licensing Examination or the WREB Dental Examination
65 administered in this state and graded by dentists who are
66 licensed in this state is valid for 365 days after the date the
67 official examination results are published.

68 2.a. As an alternative to the requirements of subparagraph
69 1., an applicant may submit scores from an American Dental
70 Licensing Examination or a WREB Dental Examination previously
71 administered in a jurisdiction other than this state after
72 October 1, 2011, and such examination results shall be
73 recognized as valid for the purpose of licensure in this state.
74 A passing score on the American Dental Licensing Examination or
75 the WREB Dental Examination administered out-of-state shall be

76 | the same as the passing score for the American Dental Licensing
77 | Examination or the WREB Dental Examination administered in this
78 | state and graded by dentists who are licensed in this state. The
79 | examination results are valid for 365 days after the date the
80 | official examination results are published. The applicant must
81 | have completed the examination after October 1, 2011.

82 | b. This subparagraph may not be given retroactive
83 | application.

84 | 3. If the date of an applicant's passing American Dental
85 | Licensing Examination or passing WREB Dental Examination scores
86 | from an examination previously administered in a jurisdiction
87 | other than this state under subparagraph 2. is older than 365
88 | days, then such scores shall nevertheless be recognized as valid
89 | for the purpose of licensure in this state, but only if the
90 | applicant demonstrates that all of the following additional
91 | standards have been met:

92 | a.(I) The applicant completed the American Dental
93 | Licensing Examination or the WREB Dental Examination after
94 | October 1, 2011.

95 | (II) This sub-subparagraph may not be given retroactive
96 | application;

97 | b. The applicant graduated from a dental school accredited
98 | by the American Dental Association Commission on Dental
99 | Accreditation or its successor entity, if any, or any other
100 | dental accrediting organization recognized by the United States

101 Department of Education. Provided, however, if the applicant did
102 not graduate from such a dental school, the applicant may submit
103 proof of having successfully completed a full-time supplemental
104 general dentistry program accredited by the American Dental
105 Association Commission on Dental Accreditation of at least 2
106 consecutive academic years at such accredited sponsoring
107 institution. Such program must provide didactic and clinical
108 education at the level of a D.D.S. or D.M.D. program accredited
109 by the American Dental Association Commission on Dental
110 Accreditation;

111 c. The applicant currently possesses a valid and active
112 dental license in good standing, with no restriction, which has
113 never been revoked, suspended, restricted, or otherwise
114 disciplined, from another state or territory of the United
115 States, the District of Columbia, or the Commonwealth of Puerto
116 Rico;

117 d. The applicant submits proof that he or she has never
118 been reported to the National Practitioner Data Bank, the
119 Healthcare Integrity and Protection Data Bank, or the American
120 Association of Dental Boards Clearinghouse. This sub-
121 subparagraph does not apply if the applicant successfully
122 appealed to have his or her name removed from the data banks of
123 these agencies;

124 e.(I) In the 5 years immediately preceding the date of
125 application for licensure in this state, the applicant must

126 submit proof of having been consecutively engaged in the full-
127 time practice of dentistry in another state or territory of the
128 United States, the District of Columbia, or the Commonwealth of
129 Puerto Rico, or, if the applicant has been licensed in another
130 state or territory of the United States, the District of
131 Columbia, or the Commonwealth of Puerto Rico for less than 5
132 years, the applicant must submit proof of having been engaged in
133 the full-time practice of dentistry since the date of his or her
134 initial licensure.

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

140 (A) Active clinical practice of dentistry providing direct
141 patient care.

142 (B) Full-time practice as a faculty member employed by a
143 dental or dental hygiene school approved by the board or
144 accredited by the American Dental Association Commission on
145 Dental Accreditation.

146 (C) Full-time practice as a student at a postgraduate
147 dental education program approved by the board or accredited by
148 the American Dental Association Commission on Dental
149 Accreditation.

150 (III) The board shall develop rules to determine what type

151 of proof of full-time practice is required and to recoup the
152 cost to the board of verifying full-time practice under this
153 section. Such proof must, at a minimum, be:

154 (A) Admissible as evidence in an administrative
155 proceeding;

156 (B) Submitted in writing;

157 (C) Submitted by the applicant under oath with penalties
158 of perjury attached;

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

163 (E) Specifically found by the board to be both credible
164 and admissible.

165 (IV) An affidavit of only the applicant is not acceptable
166 proof of full-time practice unless it is further attested to by
167 someone unrelated to the applicant who has personal knowledge of
168 the applicant's practice. If the board deems it necessary to
169 assess credibility or accuracy, the board may require the
170 applicant or the applicant's witnesses to appear before the
171 board and give oral testimony under oath;

172 f. The applicant must submit documentation that he or she
173 has completed, or will complete, before ~~prior to~~ licensure in
174 this state, continuing education equivalent to this state's
175 requirements for the last full reporting biennium;

176 g. The applicant must prove that he or she has never been
177 convicted of, or pled nolo contendere to, regardless of
178 adjudication, any felony or misdemeanor related to the practice
179 of a health care profession in any jurisdiction;

180 h. The applicant must successfully pass a written
181 examination on the laws and rules of this state regulating the
182 practice of dentistry and must successfully pass the computer-
183 based diagnostic skills examination; and

184 i. The applicant must submit documentation that he or she
185 has successfully completed the National Board of Dental
186 Examiners dental examination.

187 (5) (a) The practical examination required under subsection
188 (4) shall be the American Dental Licensing Examination developed
189 by the American Board of Dental Examiners, Inc., the WREB Dental
190 Examination, or an examination developed by a ~~its~~ successor
191 entity, if any, provided the board finds that the successor
192 entity's clinical examination complies with ~~the provisions of~~
193 this section, and shall include, at a minimum:

194 1. A comprehensive diagnostic skills examination covering
195 the full scope of dentistry and an examination on applied
196 clinical diagnosis and treatment planning in dentistry for
197 dental candidates;

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

200 3. A demonstration of periodontal skills on a live

201 patient;

202 4. A demonstration of prosthetics and restorative skills
 203 in complete and partial dentures and crowns and bridges and the
 204 utilization of practical methods of evaluation, specifically
 205 including the evaluation by the candidate of completed
 206 laboratory products such as, but not limited to, crowns and
 207 inlays filled to prepared model teeth;

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

211 6. A demonstration of endodontic skills; and

212 7. A diagnostic skills examination demonstrating ability
 213 to diagnose conditions within the human oral cavity and its
 214 adjacent tissues and structures from photographs, slides,
 215 radiographs, or models pursuant to rules of the board. If an
 216 applicant fails to pass the diagnostic skills examination in
 217 three attempts, the applicant shall not be eligible for
 218 reexamination unless she or he completes additional educational
 219 requirements established by the board.

220
 221 The department shall require a mandatory standardization
 222 exercise for all examiners before ~~prior to~~ each practical or
 223 clinical examination and shall retain for employment only those
 224 dentists who have substantially adhered to the standard of
 225 grading established at such exercise.

226 (6) (a) It is the finding of the Legislature that absent a
227 threat to the health, safety, and welfare of the public, the
228 relocation of applicants to practice dentistry within the
229 geographic boundaries of this state, who are lawfully and
230 currently practicing dentistry in another state or territory of
231 the United States, the District of Columbia, or the Commonwealth
232 of Puerto Rico, based on their scores from the American Dental
233 Licensing Examination or the WREB Dental Examination
234 administered in a state other than this state, is substantially
235 related to achieving the important state interest of improving
236 access to dental care for underserved citizens of this state and
237 furthering the economic development goals of the state.
238 Therefore, in order to maintain valid active licensure in this
239 state, all applicants for licensure who are relocating to this
240 state based on scores from the American Dental Licensing
241 Examination or the WREB Dental Examination administered in a
242 state other than this state must actually engage in the full-
243 time practice of dentistry inside the geographic boundaries of
244 this state within 1 year after ~~of~~ receiving such licensure in
245 this state. The Legislature finds that, if such applicants do
246 not actually engage in the full-time practice of dentistry
247 within the geographic boundaries of this state within 1 year of
248 receiving such a license in this state, access to dental care
249 for the public will not significantly increase, patients'
250 continuity of care will not be attained, and the economic

251 development goals of the state will not be significantly met.

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

255 466.007 Examination of dental hygienists.—

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

259 (b) A practical or clinical examination approved by the
260 board. The examination shall be the Dental Hygiene Examination
261 produced by the American Board of Dental Examiners (ADEX), Inc.,
262 the Western Regional Examining Board (WREB) Dental Hygiene
263 Examination, ~~(ADEX)~~ or an examination produced by a ~~its~~
264 successor entity, if any, if the board finds that the successor
265 entity's clinical examination meets or exceeds the provisions of
266 this section. The board shall approve the ADEX Dental Hygiene
267 Examination or the WREB Dental Hygiene Examination if the board
268 has attained and continues to maintain representation on the
269 ADEX House of Representatives, the ADEX Dental Hygiene
270 Examination Development Committee, and such other ADEX Dental
271 Hygiene or WREB Dental Hygiene committees as the board deems
272 appropriate through rulemaking to ensure that the standards
273 established in this section are maintained organizationally. The
274 ADEX Dental Hygiene Examination, the WREB Dental Hygiene
275 Examination, or an ~~the~~ examination produced by a ~~its~~ successor

276 entity is a comprehensive examination in which an applicant must
277 demonstrate skills within the dental hygiene scope of practice
278 on a live patient and any other components that the board deems
279 necessary for the applicant to successfully demonstrate
280 competency for the purpose of licensure. The ADEX Dental Hygiene
281 Examination, the WREB Dental Hygiene Examination, or an ~~the~~
282 examination produced by a ~~the~~ successor entity and administered
283 in this state shall be graded by licensed dentists and dental
284 hygienists ~~licensed in this state~~ who are employed by the
285 department for this purpose.

286 (5) Effective July 1, 2012, an applicant who has completed
287 the ADEX Dental Hygiene Examination or the WREB Dental Hygiene
288 Examination in a jurisdiction other than this state and who has
289 obtained a passing score may practice dental hygiene in this
290 state if the applicant:

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

293 (b) Has been certified by the American Dental Association
294 Joint Commission on National Dental Examinations at any time
295 before the date of application, as specified by state law;

296 (c) Has successfully completed a written examination on
297 the laws and rules of this state regulating the practice of
298 dental hygiene;

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

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

304 (6) (a) A passing score on the ADEX Dental Hygiene
305 Examination or the WREB Dental Hygiene Examination administered
306 out of state shall be considered the same as a passing score for
307 the ADEX Dental Hygiene Examination or the WREB Dental Hygiene
308 Examination administered in this state and graded by licensed
309 dentists and dental hygienists.

310 (b) If an applicant fails to pass the ADEX Dental Hygiene
311 Examination or the WREB Dental Hygiene Examination in three
312 attempts, the applicant is not eligible to retake the
313 examination unless the applicant completes additional education
314 requirements as specified by the board.

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