

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 education; requiring the board to adopt rules and
40 guidelines; authorizing the board to excuse licensees
41 from continuing education requirements in certain
42 circumstances; amending s. 466.016, F.S.; requiring a
43 practitioner of dental therapy to post and display her
44 or his license in each office where she or he
45 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 operate 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; requiring the department, in
96 consultation with the board and the Agency for Health
97 Care Administration, to provide reports to the
98 Legislature by specified dates; requiring that certain
99 information and recommendations be included in the
100 reports; providing an effective date.

101
102 Be It Enacted by the Legislature of the State of Florida:

103
104 Section 1. Paragraph (c) of subsection (1) of section
105 409.906, Florida Statutes, is amended, and paragraph (e) is
106 added to subsection (6) of that section, to read:

107 409.906 Optional Medicaid services.—Subject to specific
108 appropriations, the agency may make payments for services which
109 are optional to the state under Title XIX of the Social Security
110 Act and are furnished by Medicaid providers to recipients who
111 are determined to be eligible on the dates on which the services
112 were provided. Any optional service that is provided shall be
113 provided only when medically necessary and in accordance with
114 state and federal law. Optional services rendered by providers
115 in mobile units to Medicaid recipients may be restricted or
116 prohibited by the agency. Nothing in this section shall be

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117 construed to prevent or limit the agency from adjusting fees,
118 reimbursement rates, lengths of stay, number of visits, or
119 number of services, or making any other adjustments necessary to
120 comply with the availability of moneys and any limitations or
121 directions provided for in the General Appropriations Act or
122 chapter 216. If necessary to safeguard the state's systems of
123 providing services to elderly and disabled persons and subject
124 to the notice and review provisions of s. 216.177, the Governor
125 may direct the Agency for Health Care Administration to amend
126 the Medicaid state plan to delete the optional Medicaid service
127 known as "Intermediate Care Facilities for the Developmentally
128 Disabled." Optional services may include:

129 (1) ADULT DENTAL SERVICES.—

130 (c) However, Medicaid will not provide reimbursement for
131 dental services provided in a mobile dental unit, except for a
132 mobile dental unit:

133 1. Owned by, operated by, or having a contractual agreement
134 with the Department of Health and complying with Medicaid's
135 county health department clinic services program specifications
136 as a county health department clinic services provider.

137 2. Owned by, operated by, or having a contractual
138 arrangement with a federally qualified health center and
139 complying with Medicaid's federally qualified health center
140 specifications as a federally qualified health center provider.

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

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

145 5. Owned by, operated by, or having a contractual agreement

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146 with a health access setting, as defined in s. 466.003(16), or a
147 similar setting or program that serves underserved or vulnerable
148 populations that face serious barriers to accessing dental
149 services, which may include, but is not limited to, Early Head
150 Start programs, homeless shelters, schools, and the Special
151 Supplemental Nutrition Program for Women, Infants, and Children.

152 (6) CHILDREN'S DENTAL SERVICES.—The agency may pay for
153 diagnostic, preventive, or corrective procedures, including
154 orthodontia in severe cases, provided to a recipient under age
155 21, by or under the supervision of a licensed dentist. The
156 agency may also reimburse a health access setting as defined in
157 s. 466.003(16) ~~s. 466.003~~ for the remediable tasks that a
158 licensed dental hygienist is authorized to perform under s.
159 466.024(2). Services provided under this program include
160 treatment of the teeth and associated structures of the oral
161 cavity, as well as treatment of disease, injury, or impairment
162 that may affect the oral or general health of the individual.
163 However, Medicaid will not provide reimbursement for dental
164 services provided in a mobile dental unit, except for a mobile
165 dental unit:

166 (e) Owned by, operated by, or having a contractual
167 agreement with a health access setting, as defined in s.
168 466.003(16), or a similar setting or program that serves
169 underserved or vulnerable populations that face serious barriers
170 to accessing dental services, which may include, but is not
171 limited to, Early Head Start programs, homeless shelters,
172 schools, and the Special Supplemental Nutrition Program for
173 Women, Infants, and Children.

174 Section 2. Section 466.001, Florida Statutes, is amended to

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175 read:

176 466.001 Legislative purpose and intent.—The legislative
177 purpose for enacting this chapter is to ensure that every
178 dentist, dental therapist, or dental hygienist practicing in
179 this state meets minimum requirements for safe practice without
180 undue clinical interference by persons not licensed under this
181 chapter. It is the legislative intent that dental services be
182 provided only in accordance with ~~the provisions of~~ this chapter
183 and not be delegated to unauthorized individuals. It is the
184 further legislative intent that dentists, dental therapists, and
185 dental hygienists who fall below minimum competency or who
186 otherwise present a danger to the public shall be prohibited
187 from practicing in this state. All provisions of this chapter
188 relating to the practice of dentistry, dental therapy, and
189 dental hygiene shall be liberally construed to carry out such
190 purpose and intent.

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

193 466.002 Persons exempt from operation of chapter.—Nothing
194 in this chapter shall apply to the following practices, acts,
195 and operations:

196 (5) Students in Florida schools of dentistry, dental
197 therapy, and dental hygiene or dental assistant educational
198 programs, while performing regularly assigned work under the
199 curriculum of such schools.

200 (6) Instructors in Florida schools of dentistry,
201 instructors in dental programs that prepare persons holding
202 D.D.S. or D.M.D. degrees for certification by a specialty board
203 and that are accredited in the United States by January 1, 2005,

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204 in the same manner as the board recognizes accreditation for
 205 Florida schools of dentistry that are not otherwise affiliated
 206 with a Florida school of dentistry, or instructors in Florida
 207 schools of dental hygiene or dental therapy or dental assistant
 208 educational programs, while performing regularly assigned
 209 instructional duties under the curriculum of such schools or
 210 programs. A full-time dental instructor at a dental school or
 211 dental program approved by the board may be allowed to practice
 212 dentistry at the teaching facilities of such school or program,
 213 upon receiving a teaching permit issued by the board, in strict
 214 compliance with such rules as are adopted by the board
 215 pertaining to the teaching permit and with the established rules
 216 and procedures of the dental school or program as recognized in
 217 this section.

218 Section 4. Present subsections (7) through (15) of section
 219 466.003, Florida Statutes, are redesignated as subsections (9)
 220 through (17), respectively, present subsections (14) and (15)
 221 are amended, and new subsections (7) and (8) are added to that
 222 section, to read:

223 466.003 Definitions.—As used in this chapter:

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

226 (8) "Dental therapy" means the rendering of services
 227 pursuant to s. 466.0227 and any related extraoral services or
 228 procedures required in the performance of such services.

229 (16)~~(14)~~ "Health access setting" means a program or an
 230 institution of the Department of Children and Families, the
 231 Department of Health, the Department of Juvenile Justice, a
 232 nonprofit community health center, a Head Start center, a

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233 federally qualified health center or look-alike as defined by
234 federal law, a school-based prevention program, a clinic
235 operated by an accredited college of dentistry, or an accredited
236 dental hygiene or dental therapy program in this state if such
237 community service program or institution immediately reports to
238 the Board of Dentistry all violations of s. 466.027, s. 466.028,
239 or other practice act or standard of care violations related to
240 the actions or inactions of a dentist, dental hygienist, dental
241 therapist, or dental assistant engaged in the delivery of dental
242 care in such setting.

243 ~~(17)~~~~(15)~~ "School-based prevention program" means preventive
244 oral health services offered at a school by one of the entities
245 defined in subsection (16) ~~(14)~~ or by a nonprofit organization
246 that is exempt from federal income taxation under s. 501(a) of
247 the Internal Revenue Code, and described in s. 501(c)(3) of the
248 Internal Revenue Code.

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

251 466.004 Board of Dentistry.—

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

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262 (a) A Council on Dental Hygiene shall be appointed by the
263 board chair and shall include one dental hygienist member of the
264 board, who shall chair the council, one dental member of the
265 board, and three dental hygienists who are actively engaged in
266 the practice of dental hygiene in this state. In making the
267 appointments, the chair shall consider recommendations from the
268 Florida Dental Hygiene Association. The council shall meet at
269 the request of the board chair, a majority of the members of the
270 board, or the council chair; however, the council must meet at
271 least three times a year. The council is charged with the
272 responsibility of and shall meet for the purpose of developing
273 rules and policies for recommendation to the board, which the
274 board shall consider, on matters pertaining to that part of
275 dentistry consisting of educational, preventive, or therapeutic
276 dental hygiene services; dental hygiene licensure, discipline,
277 or regulation; and dental hygiene education. Rule and policy
278 recommendations of the council shall be considered by the board
279 at its next regularly scheduled meeting in the same manner in
280 which it considers rule and policy recommendations from
281 designated subcommittees of the board. Any rule or policy
282 proposed by the board pertaining to the specified part of
283 dentistry defined by this subsection shall be referred to the
284 council for a recommendation before final action by the board.
285 The board may take final action on rules pertaining to the
286 specified part of dentistry defined by this subsection without a
287 council recommendation if the council fails to submit a
288 recommendation in a timely fashion as prescribed by the board.

289 (b) A Council on Dental Assisting shall be appointed by the
290 board chair and shall include one board member who shall chair

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291 the council and three dental assistants who are actively engaged
292 in dental assisting in this state. The council shall meet at the
293 request of the board chair or a majority of the members of the
294 board. The council shall meet for the purpose of developing
295 recommendations to the board on matters pertaining to that part
296 of dentistry related to dental assisting.

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

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320 without a council recommendation if the council fails to submit
321 a recommendation in a timely fashion as prescribed by the board.

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

330 Section 6. Subsection (4) and paragraph (b) of subsection
331 (6) of section 466.006, Florida Statutes, are amended to read:
332 466.006 Examination of dentists.—

333 (4) Notwithstanding any other provision of law in chapter
334 456 pertaining to the clinical dental licensure examination or
335 national examinations, to be licensed as a dentist in this
336 state, an applicant must successfully complete the following:

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

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

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349 Board of Dental Examiners as the board deems appropriate by rule
350 to assure that the standards established herein are maintained
351 organizationally. A passing score on the American Dental
352 Licensing Examination administered in this state and graded by
353 dentists who are licensed in this state is valid for 365 days
354 after the date the official examination results are published.

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

368 b. This subparagraph may not be given retroactive
369 application.

370 3. If the date of an applicant's passing American Dental
371 Licensing Examination scores from an examination previously
372 administered in a jurisdiction other than this state under
373 subparagraph 2. is older than 365 days, then such scores shall
374 nevertheless be recognized as valid for the purpose of licensure
375 in this state, but only if the applicant demonstrates that all
376 of the following additional standards have been met:

377 a.(I) The applicant completed the American Dental Licensing

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378 Examination after October 1, 2011.

379 (II) This sub-subparagraph may not be given retroactive
380 application;

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

395 c. The applicant currently possesses a valid and active
396 dental license in good standing, with no restriction, which has
397 never been revoked, suspended, restricted, or otherwise
398 disciplined, from another state or territory of the United
399 States, the District of Columbia, or the Commonwealth of Puerto
400 Rico;

401 d. The applicant submits proof that he or she has never
402 been reported to the National Practitioner Data Bank, the
403 Healthcare Integrity and Protection Data Bank, or the American
404 Association of Dental Boards Clearinghouse. This sub-
405 subparagraph does not apply if the applicant successfully
406 appealed to have his or her name removed from the data banks of

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407 these agencies;

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

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

424 (A) Active clinical practice of dentistry providing direct
425 patient care.

426 (B) Full-time practice as a faculty member employed by a
427 dental, dental therapy, or dental hygiene school approved by the
428 board or accredited by the American Dental Association
429 Commission on Dental Accreditation.

430 (C) Full-time practice as a student at a postgraduate
431 dental education program approved by the board or accredited by
432 the American Dental Association Commission on Dental
433 Accreditation.

434 (III) The board shall develop rules to determine what type
435 of proof of full-time practice is required and to recoup the

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436 cost to the board of verifying full-time practice under this
437 section. Such proof must, at a minimum, be:

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

439 (B) Submitted in writing;

440 (C) Submitted by the applicant under oath with penalties of
441 perjury attached;

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

446 (E) Specifically found by the board to be both credible and
447 admissible.

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

455 f. The applicant must submit documentation that he or she
456 has completed, or will complete, prior to licensure in this
457 state, continuing education equivalent to this state's
458 requirements for the last full reporting biennium;

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

463 h. The applicant must successfully pass a written
464 examination on the laws and rules of this state regulating the

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465 practice of dentistry and must successfully pass the computer-
466 based diagnostic skills examination; and

467 i. The applicant must submit documentation that he or she
468 has successfully completed the National Board of Dental
469 Examiners dental examination.

470 (6)

471 (b)1. As used in this section, "full-time practice of
472 dentistry within the geographic boundaries of this state within
473 1 year" is defined as a minimum of 1,200 hours in the initial
474 year of licensure, which must include any combination of the
475 following:

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

478 b. Full-time practice as a faculty member employed by a
479 dental, dental therapy, or dental hygiene school approved by the
480 board or accredited by the American Dental Association
481 Commission on Dental Accreditation and located within the
482 geographic boundaries of this state.

483 c. Full-time practice as a student at a postgraduate dental
484 education program approved by the board or accredited by the
485 American Dental Association Commission on Dental Accreditation
486 and located within the geographic boundaries of this state.

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

493 a. Be admissible as evidence in an administrative

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494 proceeding;

495 b. Be submitted in writing;

496 c. Be submitted by the applicant under oath with penalties
497 of perjury attached;

498 d. Be further documented by an affidavit of someone
499 unrelated to the applicant who is familiar with the applicant's
500 practice and testifies with particularity that the applicant has
501 been engaged in full-time practice of dentistry within the
502 geographic boundaries of this state within the last 365 days;
503 and

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

506 3. An affidavit of only the applicant is not acceptable
507 proof of full-time practice of dentistry within the geographic
508 boundaries of this state within 1 year, unless it is further
509 attested to by someone unrelated to the applicant who has
510 personal knowledge of the applicant's practice within the last
511 365 days. If the board deems it necessary to assess credibility
512 or accuracy, the board may require the applicant or the
513 applicant's witnesses to appear before the board and give oral
514 testimony under oath.

515 Section 7. Section 466.0075, Florida Statutes, is amended
516 to read:

517 466.0075 Applicants for examination; medical malpractice
518 insurance.—The board may require any person applying to take the
519 examination to practice dentistry in this state, the examination
520 to practice dental therapy in this state, or the examination to
521 practice dental hygiene in this state to maintain medical
522 malpractice insurance in amounts sufficient to cover any

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523 incident of harm to a patient during the clinical examination.

524 Section 8. Subsection (1) of section 466.009, Florida
525 Statutes, is amended, and subsection (4) is added to that
526 section, to read:

527 466.009 Reexamination.—

528 (1) The department shall allow ~~permit~~ any person who fails
529 an examination that ~~which~~ is required under s. 466.006, ~~or~~ s.
530 466.007, or s. 466.0225 to retake the examination. If the
531 examination to be retaken is a practical or clinical
532 examination, the applicant shall pay a reexamination fee set by
533 rule of the board in an amount not to exceed the original
534 examination fee.

535 (4) If an applicant for a license to practice dental
536 therapy fails the practical or clinical examination and has
537 failed one part or procedure of such examination, she or he may
538 be required to retake only that part or procedure to pass such
539 examination. However, if any such applicant fails more than one
540 part or procedure of any such examination, she or he must be
541 required to retake the entire examination.

542 Section 9. Section 466.011, Florida Statutes, is amended to
543 read:

544 466.011 Licensure.—The board shall certify for licensure by
545 the department any applicant who satisfies the requirements of
546 s. 466.006, s. 466.0067, ~~or~~ s. 466.007, or s. 466.0225. The
547 board may refuse to certify an applicant who has violated ~~any of~~
548 ~~the provisions of~~ s. 466.026 or s. 466.028.

549 Section 10. Section 466.0136, Florida Statutes, is created
550 to read:

551 466.0136 Continuing education; dental therapists.—In

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

575 Section 11. Section 466.016, Florida Statutes, is amended
576 to read:

577 466.016 License to be displayed.—Every practitioner of
578 dentistry, dental therapy, or dental hygiene within the meaning
579 of this chapter shall post and keep conspicuously displayed her
580 or his license in the office where ~~wherein~~ she or he practices,

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581 in plain sight of the practitioner's patients. Any dentist,
582 dental therapist, or dental hygienist who practices at more than
583 one location shall be required to display a copy of her or his
584 license in each office where she or he practices.

585 Section 12. Present subsections (7) and (8) of section
586 466.017, Florida Statutes, are redesignated as subsections (8)
587 and (9), respectively, paragraphs (d) and (e) of subsection (3),
588 subsection (4), and present subsections (7) and (8) of that
589 section are amended, and a new subsection (7) is added to that
590 section, to read:

591 466.017 Prescription of drugs; anesthesia.-

592 (3) The board shall adopt rules which:

593 (d) Establish further requirements relating to the use of
594 general anesthesia or sedation, including, but not limited to,
595 office equipment and the training of dental assistants, dental
596 therapists, or dental hygienists who work with dentists using
597 general anesthesia or sedation.

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

605 (4) A dentist, dental therapist, or dental hygienist who
606 administers or employs the use of any form of anesthesia must
607 possess a certification in either basic cardiopulmonary
608 resuscitation for health professionals or advanced cardiac life
609 support approved by the American Heart Association or the

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610 American Red Cross or an equivalent agency-sponsored course with
611 recertification every 2 years. Each dental office that ~~which~~
612 uses any form of anesthesia must have immediately available and
613 in good working order such resuscitative equipment, oxygen, and
614 other resuscitative drugs as are specified by rule of the board
615 in order to manage possible adverse reactions.

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

622 (8)~~(7)~~ A licensed dentist, or a dental therapist who is
623 authorized by her or his supervising dentist, may operate
624 utilize an X-ray machine, expose dental X-ray films, and
625 interpret or read such films. Notwithstanding ~~The provisions of~~
626 part IV of chapter 468 to the contrary notwithstanding, a
627 licensed dentist, or a dental therapist who is authorized by her
628 or his supervising dentist, may authorize or direct a dental
629 assistant to operate such equipment and expose such films under
630 her or his direction and supervision, pursuant to rules adopted
631 by the board in accordance with s. 466.024 which ensure that the
632 ~~said~~ said assistant is competent by reason of training and experience
633 to operate the X-ray said equipment in a safe and efficient
634 manner. The board may charge a fee not to exceed \$35 to defray
635 the cost of verifying compliance with requirements adopted
636 pursuant to this section.

637 (9)~~(8)~~ Notwithstanding ~~The provisions of~~ s. 465.0276
638 ~~notwithstanding~~, a dentist need not register with the board or

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639 comply with the continuing education requirements of that
640 section if the dentist confines her or his dispensing activity
641 to the dispensing of fluorides and chlorhexidine ~~chlورهexidine~~
642 rinse solutions; provided that the dentist complies with and is
643 subject to all laws and rules applicable to pharmacists and
644 pharmacies, including, but not limited to, chapters 465, 499,
645 and 893, and all applicable federal laws and regulations, when
646 dispensing such products.

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

649 466.018 Dentist of record; patient records.—

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

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

680 Section 14. Section 466.0225, Florida Statutes, is created
681 to read:

682 466.0225 Examination of dental therapists; licensing.-

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

688 (2) An applicant is entitled to take the examinations
689 required under this section and receive licensure to practice
690 dental therapy in this state if the applicant:

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

692 (b) Is a graduate of a dental therapy college or school
693 accredited by the American Dental Association Commission on
694 Dental Accreditation or its successor entity, if any, or any
695 other dental therapy accrediting entity recognized by the United
696 States Department of Education. For applicants applying for a

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697 dental therapy license before January 1, 2025, the board shall
698 approve the applicant's dental therapy education program if the
699 program was administered by a college or school that operates an
700 accredited dental or dental hygiene program and the college or
701 school certifies to the board that the applicant's education
702 substantially conformed to the education standards established
703 by the American Dental Association Commission on Dental
704 Accreditation;

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

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

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

721 (f) Has successfully completed a written examination on the
722 laws and rules of this state regulating the practice of dental
723 therapy.

724 (3) An applicant who meets the requirements of this section
725 and who has successfully completed the examinations identified

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

734 Section 15. Section 466.0227, Florida Statutes, is created
735 to read:

736 466.0227 Dental therapists; scope and area of practice.—

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

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

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

748 (c) A nursing facility.

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

751 (e) A governmental or public health clinic, including an
752 off-site care setting.

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

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

757 (h) A hospital.

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

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

765 1. Are enrolled in Medicaid or another state or local
766 governmental health care program for low-income or uninsured
767 patients; or

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

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

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

779 (a) All services, treatments, and competencies identified
780 by the American Dental Association Commission on Dental
781 Accreditation in its Dental Therapy Education Accreditation
782 Standards.

783 (b) The following state-specific services, if the dental

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784 therapist's education included curriculum content satisfying the
785 American Dental Association Commission on Dental Accreditation
786 criteria for state-specific dental therapy services:

787 1. Evaluating radiographs.

788 2. Placement of space maintainers.

789 3. Pulpotomies on primary teeth.

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

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

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

804 (a) Practice settings where services may be provided by the
805 dental therapist and the populations to be served by the dental
806 therapist.

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

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

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

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

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

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

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

828 (i) Supervision criteria of dental therapists.

829 (j) A plan for the provision of clinical resources and
830 referrals in situations that are beyond the capabilities of the
831 dental therapist.

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

837 (6) A supervising dentist may restrict or limit the dental
838 therapist's practice in a collaborative management agreement to
839 be less than the full scope of practice for dental therapists
840 which is authorized in subsection (3).

841 (7) A supervising dentist may authorize a dental therapist

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

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

857 Section 16. Section 466.026, Florida Statutes, is amended
858 to read:

859 466.026 Prohibitions; penalties.—

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

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

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

868 (c) Knowingly employing any person to perform duties
869 outside the scope allowed such person under this chapter or the
870 rules of the board.

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

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

880 (2) Each of the following acts constitutes a misdemeanor of
881 the first degree, punishable as provided in s. 775.082 or s.
882 775.083:

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

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

897 (c) Using the name "dental therapist" or the initials
898 "D.T." or otherwise holding herself or himself out as an
899 actively licensed dental therapist or implying to any patient or

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900 consumer that she or he is an actively licensed dental therapist
 901 unless that person has an active dental therapist's license
 902 issued by the department pursuant to this chapter.

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

904 (e)~~(d)~~ Knowingly concealing information relative to
 905 violations of this chapter.

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

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

912 466.028 Grounds for disciplinary action; action by the
 913 board.—

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

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

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

926 (g) Aiding, assisting, procuring, or advising any
 927 unlicensed person to practice dentistry, dental therapy, or
 928 dental hygiene contrary to this chapter or to a rule of the

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929 department or the board.

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

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

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

957 466.0285 Proprietorship by nondentists.—

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

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

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

969
970 Any lease agreement, rental agreement, or other arrangement
971 between a nondentist and a dentist whereby the nondentist
972 provides the dentist with dental equipment or dental materials
973 shall contain a provision whereby the dentist expressly
974 maintains complete care, custody, and control of the equipment
975 or practice.

976 Section 19. The Department of Health, in consultation with
977 the Board of Dentistry and the Agency for Health Care
978 Administration, shall submit a progress report to the President
979 of the Senate and the Speaker of the House of Representatives by
980 July 1, 2023, and a final report 3 years after the first dental
981 therapy license is issued. The reports must include all of the
982 following components:

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

986 (2) Data demonstrating the effects of dental therapy in

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987 this state on:

988 (a) Patient access to dental services;

989 (b) The use of primary and preventive dental services in
990 underserved regions and populations, including the Medicaid
991 population;

992 (c) Costs to dental providers, patients, dental insurance
993 carriers, and the state; and

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

995 (3) Specific recommendations for any necessary legislative,
996 administrative, or regulatory reform relating to the practice of
997 dental therapy.

998 (4) Any other information the department deems appropriate.

999 Section 20. This act shall take effect July 1, 2020.