

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Quality
2 Subcommittee
3 Representative Rodriguez, A. M. offered the following:

Amendment (with title amendment)

Remove lines 664-973 and insert:

Section 13. Subsections (1), (3), (4), paragraph (a) of subsection (5), and paragraph (a) of subsection (6) of section 466.006, Florida Statutes, are amended to read:

466.006 Examination of dentists.—

(1)(a) It is the intent of the Legislature to reduce the costs associated with an independent, state-developed practical or clinical examination to measure an applicant's ability to practice the profession of dentistry and to use the American Dental Licensing Examination developed by the American Board of Dental Examiners, Inc., and the dental examination developed by

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17 the Western Regional Examining Board in lieu of an independent,
18 state-developed practical or clinical examination. The
19 Legislature finds that the American Dental Licensing Examination
20 and the dental examination developed by the Western Regional
21 Examining Board, in both their ~~its~~ structure and function,
22 consistently meet ~~meets~~ generally accepted testing standards and
23 have ~~has~~ been found, as they are ~~it is~~ currently organized and
24 operated ~~operating~~, to adequately and reliably measure an
25 applicant's ability to practice the profession of dentistry.

26 (b) Any person desiring to be licensed as a dentist shall
27 apply to the department to take one of the licensure
28 examinations identified in paragraph (a) and shall verify the
29 information required on the application by oath. The application
30 must ~~shall~~ include two recent photographs. The board shall ~~There~~
31 ~~shall be an application fee set~~ a nonrefundable application fee,
32 which may ~~by the board not to~~ exceed \$100 ~~which shall be~~
33 ~~nonrefundable.~~ The board also ~~There shall~~ set ~~also be~~ an
34 examination fee ~~set by the board~~, which may ~~shall~~ not exceed
35 \$425 plus the actual per applicant cost to the department for
36 the purchase of some or all of the examinations ~~examination~~ from
37 the American Board of Dental Examiners and the Western Regional
38 Examining Board, or their respective successor entities ~~or its~~
39 ~~successor entity~~, if any, provided the board finds the successor
40 entities' entity's clinical examinations comply ~~examination~~
41 ~~complies with the provisions of~~ this section. The examination

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42 fee may be refunded ~~refundable~~ if the applicant is found
43 ineligible to take an examination ~~the examinations~~.

44 (3) If an applicant is a graduate of a dental college or
45 school not accredited in accordance with paragraph (2)(b) or of
46 a dental college or school not approved by the board, the
47 applicant is not entitled to take the examinations required in
48 this section to practice dentistry until she or he satisfies one
49 of the following:

50 (a) Completes a program of study, as defined by the board
51 by rule, at an accredited American dental school and
52 demonstrates receipt of a D.D.S. or D.M.D. from said school; or

53 (b) Submits proof of having successfully completed at
54 least 2 consecutive academic years at a full-time supplemental
55 general dentistry program accredited by the American Dental
56 Association Commission on Dental Accreditation. This program
57 must provide didactic and clinical education at the level of a
58 D.D.S. or D.M.D. program accredited by the American Dental
59 Association Commission on Dental Accreditation. For purposes of
60 this paragraph, a supplemental general dentistry program does
61 not include an advanced education program in a dental specialty.

62 (4) Notwithstanding any other provision of law in chapter
63 456 pertaining to the clinical dental licensure examination or
64 national examinations, to be licensed as a dentist in this
65 state, an applicant must successfully complete both of the
66 following:

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67 (a) A written examination on the laws and rules of the
68 state regulating the practice of dentistry.

69 (b) ~~1.~~ A practical or clinical examination, which must
70 ~~shall~~ be the American Dental Licensing Examination produced by
71 the American Board of Dental Examiners, Inc., or its successor
72 entity, if any, or the dental examination produced by the
73 Western Regional Examining Board, or its successor entity, if
74 any, which that is administered in this state ~~and graded by~~
75 ~~dentists licensed in this state and employed by the department~~
76 ~~for just such purpose~~, provided that the board has attained, and
77 continues to maintain thereafter, representation, as applicable,
78 on the board of directors of the American Board of Dental
79 Examiners, the board of directors of the Western Regional
80 Examining Board, the examination development committee of the
81 American Board of Dental Examiners, the examination development
82 committee of the Western Regional Examining Board, and such
83 other committees of the American Board of Dental Examiners and
84 the Western Regional Examining Board, as the board deems
85 appropriate by rule to assure that the standards established
86 herein are maintained organizationally. A passing score on the
87 American Dental Licensing Examination or the dental examination
88 developed by the Western Regional Examining Board administered
89 in this state ~~and graded by dentists who are licensed in this~~
90 ~~state~~ is valid for 365 days after the date the official
91 examination results are published.

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92 ~~1.2.a.~~ As an alternative to such practical or clinical
93 examination ~~the requirements of subparagraph 1.~~, an applicant
94 may submit scores from an American Dental Licensing Examination
95 or the dental examination developed by the Western Regional
96 Examining Board that was previously administered in a
97 jurisdiction other than this state and that was completed by the
98 applicant after October 1, 2011, and such examination results
99 shall be recognized as valid for the purpose of licensure in
100 this state. A passing score on the American Dental Licensing
101 Examination or the dental examination developed by the Western
102 Regional Examining Board that was administered out of state ~~out-~~
103 ~~of-state~~ shall be the same as the passing score for the American
104 Dental Licensing Examination or the dental examination developed
105 by the Western Regional Examining Board that was administered in
106 this state ~~and graded by dentists who are licensed in this~~
107 ~~state.~~ Except as provided subparagraph 2., the examination
108 results are valid for 365 days after the date the official
109 examination results are published. ~~The applicant must have~~
110 ~~completed the examination after October 1, 2011.~~

111 ~~b.~~ This subparagraph may not be given retroactive
112 application.

113 ~~2.3.~~ If more than 365 days have passed since the date of
114 an applicant's passing scores on the American Dental Licensing
115 Examination or the dental examination produced by the Western
116 Regional Examining Board ~~scores from an examination~~ previously

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117 administered in a jurisdiction other than this state under
118 subparagraph 1. ~~subparagraph 2. is older than 365 days, then~~
119 such scores are ~~shall~~ nevertheless ~~be recognized as~~ valid for
120 the purpose of licensure in this state, but only if the
121 applicant demonstrates that all of the following additional
122 standards have been met:

123 a. ~~(I)~~ The applicant completed the American Dental
124 Licensing Examination or the dental examination produced by the
125 Western Regional Examining Board after October 1, 2011.

126 ~~(II)~~ This sub-subparagraph may not be given retroactive
127 application;

128 b. The applicant graduated from a dental school accredited
129 by the American Dental Association Commission on Dental
130 Accreditation or its successor entity, if any, or any other
131 dental accrediting organization recognized by the United States
132 Department of Education. Provided, however, if the applicant did
133 not graduate from such a dental school, the applicant may submit
134 proof of having successfully completed a full-time supplemental
135 general dentistry program accredited by the American Dental
136 Association Commission on Dental Accreditation of at least 2
137 consecutive academic years at such accredited sponsoring
138 institution. Such program must provide didactic and clinical
139 education at the level of a D.D.S. or D.M.D. program accredited
140 by the American Dental Association Commission on Dental
141 Accreditation. For purposes of this sub-subparagraph, a

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142 supplemental general dentistry program does not include an
143 advanced education program in a dental specialty;

144 c. The applicant currently possesses a valid and active
145 dental license in good standing, with no restriction, which has
146 never been revoked, suspended, restricted, or otherwise
147 disciplined, from another state or territory of the United
148 States, the District of Columbia, or the Commonwealth of Puerto
149 Rico;

150 d. The applicant submits proof that he or she has never
151 been reported to the National Practitioner Data Bank, the
152 Healthcare Integrity and Protection Data Bank, or the American
153 Association of Dental Boards Clearinghouse. This sub-
154 subparagraph does not apply if the applicant successfully
155 appealed to have his or her name removed from the data banks of
156 these agencies;

157 e. (I) (A) ~~In the 5 years immediately preceding the date of~~
158 ~~application for licensure in this state,~~ The applicant submits
159 ~~must submit~~ proof of having been consecutively engaged in the
160 full-time practice of dentistry in another state or territory of
161 the United States, the District of Columbia, or the Commonwealth
162 of Puerto Rico in the 5 years immediately preceding the date of
163 application for licensure in this state; or

164 (B) If the applicant has been licensed in another state or
165 territory of the United States, the District of Columbia, or the
166 Commonwealth of Puerto Rico for less than 5 years, the applicant

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167 submits ~~must submit~~ proof of having been engaged in the full-
168 time practice of dentistry since the date of his or her initial
169 licensure.

170 (II) As used in this section, "full-time practice" is
171 defined as a minimum of 1,200 hours per year for each and every
172 year in the consecutive 5-year period or, when ~~where~~ applicable,
173 the period since initial licensure, and must include any
174 combination of the following:

175 (A) Active clinical practice of dentistry providing direct
176 patient care.

177 (B) Full-time practice as a faculty member employed by a
178 dental or dental hygiene school approved by the board or
179 accredited by the American Dental Association Commission on
180 Dental Accreditation.

181 (C) Full-time practice as a student at a postgraduate
182 dental education program approved by the board or accredited by
183 the American Dental Association Commission on Dental
184 Accreditation.

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

189 (A) Admissible as evidence in an administrative
190 proceeding;

191 (B) Submitted in writing;

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192 (C) Submitted by the applicant under oath with penalties
193 of perjury attached;

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

198 (E) Specifically found by the board to be both credible
199 and admissible.

200 (IV) An affidavit of only the applicant is not acceptable
201 proof of full-time practice unless it is further attested to by
202 someone unrelated to the applicant who has personal knowledge of
203 the applicant's practice. If the board deems it necessary to
204 assess credibility or accuracy, the board may require the
205 applicant or the applicant's witnesses to appear before the
206 board and give oral testimony under oath;

207 f. The applicant submits ~~must submit~~ documentation that he
208 or she has completed, or will complete before he or she is
209 licensed, ~~prior to licensure~~ in this state, continuing education
210 equivalent to this state's requirements for the last full
211 reporting biennium;

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

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216 h. The applicant ~~has must~~ successfully passed ~~pass~~ a
217 written examination on the laws and rules of this state
218 regulating the practice of dentistry and ~~must successfully pass~~
219 the computer-based diagnostic skills examination; and

220 i. The applicant submits ~~must submit~~ documentation that he
221 or she has successfully completed the applicable examination
222 administered by the Joint Commission on National Dental
223 Examinations or its successor organization ~~National Board of~~
224 ~~Dental Examiners dental examination.~~

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

231 1. A comprehensive diagnostic skills examination covering
232 the full scope of dentistry and an examination on applied
233 clinical diagnosis and treatment planning in dentistry for
234 dental candidates;

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

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

239 4. A demonstration of prosthetics and restorative skills
240 in complete and partial dentures and crowns and bridges and the

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241 utilization of practical methods of evaluation, specifically
242 including the evaluation by the candidate of completed
243 laboratory products such as, but not limited to, crowns and
244 inlays filled to prepared model teeth;

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

248 6. A demonstration of endodontic skills; and

249 7. A diagnostic skills examination demonstrating ability
250 to diagnose conditions within the human oral cavity and its
251 adjacent tissues and structures from photographs, slides,
252 radiographs, or models pursuant to rules of the board. If an
253 applicant fails to pass the diagnostic skills examination in
254 three attempts, the applicant is shall not be eligible for
255 reexamination unless she or he completes additional educational
256 requirements established by the board.

257

258 The department shall require a mandatory standardization
259 exercise for all examiners prior to each practical or clinical
260 examination and shall retain for employment only those dentists
261 who have substantially adhered to the standard of grading
262 established at such exercise.

263 (6) (a) ~~It is the finding of~~ The Legislature finds that it
264 is an important state interest to improve access to dental care
265 for underserved citizens of this state and to further the

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266 economic development goals of the state, and that, absent a
267 threat to the health, safety, and welfare of the public, the
268 relocation of individuals who are lawfully and currently
269 practicing dentistry in another state or territory of the United
270 States, the District of Columbia, or the Commonwealth of Puerto
271 Rico, as applicants to practice dentistry within the geographic
272 boundaries of this state, ~~who are lawfully and currently~~
273 ~~practicing dentistry in another state or territory of the United~~
274 ~~States, the District of Columbia, or the Commonwealth of Puerto~~
275 ~~Rico,~~ based on their scores from the American Dental Licensing
276 Examination or the dental examination developed by the Western
277 Regional Examining Board administered in a state other than this
278 state, is substantially related to achieving those ~~the~~ important
279 state interests ~~interest of improving access to dental care for~~
280 ~~underserved citizens of this state and furthering the economic~~
281 ~~development goals of the state.~~ Therefore, in order to maintain
282 valid active licensure in this state, all applicants for
283 licensure who are relocating to this state based on scores from
284 the American Dental Licensing Examination or the dental
285 examination produced by the Western Regional Examining Board
286 administered in a state other than this state shall ~~must~~
287 actually engage in the full-time practice of dentistry, as
288 defined in sub-subparagraph (4)(b)2.e., inside the geographic
289 boundaries of this state within 1 year after ~~of~~ receiving such
290 licensure in this state. The Legislature further finds that, if

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291 such applicants do not ~~actually~~ engage in the full-time practice
292 of dentistry within the geographic boundaries of this state
293 within 1 year after ~~of~~ receiving such a license in this state,
294 access to dental care for the public will not significantly
295 increase, patients' continuity of care will not be attained, and
296 the economic development goals of the state will not be
297 significantly met.

298 Section 14. Notwithstanding the January 1, 2020, repeal of
299 section 466.0067, Florida Statutes, that section is revived,
300 reenacted, and amended, to read:

301 466.0067 Application for health access dental license.—The
302 Legislature finds that there is an important state interest in
303 attracting dentists to practice in underserved health access
304 settings in this state and further, that allowing out-of-state
305 dentists who meet certain criteria to practice in health access
306 settings without the supervision of a dentist licensed in this
307 state is substantially related to achieving this important state
308 interest. Therefore, notwithstanding the requirements of s.
309 466.006, the board shall grant a health access dental license to
310 practice dentistry in this state in health access settings as
311 defined in s. 466.003 to an applicant who ~~that~~:

312 (1) Files an appropriate application approved by the
313 board;

314 (2) Pays an application license fee for a health access
315 dental license, laws-and-rule exam fee, and an initial licensure

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316 fee. The fees specified in this subsection may not differ from
317 an applicant seeking licensure pursuant to s. 466.006;

318 (3) Has not been convicted of or pled nolo contendere to,
319 regardless of adjudication, any felony or misdemeanor related to
320 the practice of a health care profession;

321 (4) Submits proof of graduation from a dental school
322 accredited by the Commission on Dental Accreditation of the
323 American Dental Association or its successor agency;

324 (5) Submits documentation that she or he has completed, or
325 will obtain before ~~prior to~~ licensure, continuing education
326 equivalent to this state's requirement for dentists licensed
327 under s. 466.006 for the last full reporting biennium before
328 applying for a health access dental license;

329 (6) Submits proof of her or his successful completion of
330 parts I and II of the dental examination by the National Board
331 of Dental Examiners and a state or regional clinical dental
332 licensing examination that the board has determined effectively
333 measures the applicant's ability to practice safely;

334 (7) Currently holds a valid, active, dental license in
335 good standing which has not been revoked, suspended, restricted,
336 or otherwise disciplined from another of the United States, the
337 District of Columbia, or a United States territory;

338 (8) Has never had a license revoked from another of the
339 United States, the District of Columbia, or a United States
340 territory;

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341 (9) Has never failed the examination specified in s.
342 466.006, unless the applicant was reexamined pursuant to s.
343 466.006 and received a license to practice dentistry in this
344 state;

345 (10) Has not been reported to the National Practitioner
346 Data Bank, unless the applicant successfully appealed to have
347 his or her name removed from the data bank;

348 (11) Submits proof that he or she has been engaged in the
349 active, clinical practice of dentistry providing direct patient
350 care for 5 years immediately preceding the date of application,
351 or in instances when the applicant has graduated from an
352 accredited dental school within the preceding 5 years, submits
353 proof of continuous clinical practice providing direct patient
354 care since graduation; and

355 (12) Has passed an examination covering the laws and rules
356 of the practice of dentistry in this state as described in s.
357 466.006(4) (a).

358 Section 15. Notwithstanding the January 1, 2020, repeal of
359 section 466.00671, Florida Statutes, that section is revived,
360 reenacted, and amended to read:

361 466.00671 Renewal of the health access dental license.—

362 (1) A health access dental licensee shall apply for
363 renewal each biennium. At the time of renewal, the licensee
364 shall sign a statement that she or he has complied with all
365 continuing education requirements of an active dentist licensee.

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366 The board shall renew a health access dental license for an
367 applicant who ~~that~~:

368 (a) Submits documentation, as approved by the board, from
369 the employer in the health access setting that the licensee has
370 at all times pertinent remained an employee;

371 (b) Has not been convicted of or pled nolo contendere to,
372 regardless of adjudication, any felony or misdemeanor related to
373 the practice of a health care profession;

374 (c) Has paid a renewal fee set by the board. The fee
375 specified herein may not differ from the renewal fee adopted by
376 the board pursuant to s. 466.013. The department may provide
377 payment for these fees through the dentist's salary, benefits,
378 or other department funds;

379 (d) Has not failed the examination specified in s. 466.006
380 since initially receiving a health access dental license or
381 since the last renewal; and

382 (e) Has not been reported to the National Practitioner
383 Data Bank, unless the applicant successfully appealed to have
384 his or her name removed from the data bank.

385 (2) The board may undertake measures to independently
386 verify the health access dental licensee's ongoing employment
387 status in the health access setting.

388 Section 16. Notwithstanding the January 1, 2020, repeal of
389 section 466.00672, Florida Statutes, that section is revived and
390 reenacted to read:

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391 466.00672 Revocation of health access dental license.—

392 (1) The board shall revoke a health access dental license
393 upon:

394 (a) The licensee's termination from employment from a
395 qualifying health access setting;

396 (b) Final agency action determining that the licensee has
397 violated any provision of s. 466.027 or s. 466.028, other than
398 infractions constituting citation offenses or minor violations;
399 or

400 (c) Failure of the Florida dental licensure examination.

401 (2) Failure of an individual licensed pursuant to s.
402 466.0067 to limit the practice of dentistry to health access
403 settings as defined in s. 466.003 constitutes the unlicensed
404 practice of dentistry.

405 Section 17. Paragraph (b) of subsection (4), and
406 subsections (5) and (6) of section 466.007, Florida Statutes,
407 are amended to read:

408 466.007 Examination of dental hygienists.—

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

412 (b) A practical or clinical examination which must
413 ~~approved by the board. The examination shall~~ be the Dental
414 Hygiene Examination produced by the American Board of Dental
415 Examiners, Inc. (ADEX) or its successor entity, if any, or the

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416 dental hygiene examination produced by the Western Regional
417 Examining Board, or its successor entity, if any, if the board
418 finds that the successor entities' ~~entity's~~ clinical examination
419 meets or exceeds the provisions of this section. The board shall
420 approve the ADEX Dental Hygiene Examination and the dental
421 hygiene examination produced by the Western Regional Examining
422 Board if the board has attained and continues to maintain
423 representation, as applicable, on the ADEX House of
424 Representatives, the board of directors of the Western Regional
425 Examining Board, the ADEX Dental Hygiene Examination Development
426 Committee, the examination review committee of the Western
427 Regional Examining Board, and such other ADEX or Western
428 Regional Examining Board Dental Hygiene committees as the board
429 identifies by rule as being appropriate ~~deems appropriate~~
430 ~~through rulemaking~~ to ensure that the standards established in
431 this section are maintained organizationally. The ADEX Dental
432 Hygiene Examination and the dental hygiene examination produced
433 by the Western Regional Examining Board or the examination
434 produced by their respective successor entities, if any, its
435 ~~successor entity~~ is a comprehensive examination in which an
436 applicant must demonstrate skills within the dental hygiene
437 scope of practice on a live patient and any other components
438 that the board deems necessary for the applicant to successfully
439 demonstrate competency for the purpose of licensure. ~~The ADEX~~
440 ~~Dental Hygiene Examination or the examination by the successor~~

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441 ~~entity administered in this state shall be graded by dentists~~
442 ~~and dental hygienists licensed in this state who are employed by~~
443 ~~the department for this purpose.~~

444 (5) Effective July 1, 2012, an applicant who has completed
445 the ADEX Dental Hygiene Examination or dental hygiene
446 examination produced by the Western Regional Examining Board in
447 a jurisdiction other than this state and who has obtained a
448 passing score may practice dental hygiene in this state if the
449 applicant:

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

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

455 (c) Has successfully completed a written examination on
456 the laws and rules of this state regulating the practice of
457 dental hygiene;

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

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

463 (6) (a) A passing score on the ADEX Dental Hygiene
464 Examination or the dental hygiene examination produced by the
465 Western Regional Examining Board administered out of state must

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466 ~~shall~~ be considered the same as a passing score for the ADEX
467 Dental Hygiene Examination or the dental hygiene examination
468 produced by the Western Regional Examining Board administered in
469 this state ~~and graded by licensed dentists and dental~~
470 ~~hygienists.~~

471 (b) If an applicant fails to pass the ADEX Dental Hygiene
472 Examination or the dental hygiene examination produced by the
473 Western Regional Examining Board in three attempts, the
474 applicant is not eligible to retake the examination unless the
475 applicant completes additional education requirements as
476 specified by the board.

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T I T L E A M E N D M E N T

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Remove lines 45-54 and insert:

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sanctions; amending s. 466.006, F.S.; revising certain

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examination requirements for applicants seeking dental

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licensure; authorizing the passage of a dental examination

485

produced by a specified entity to satisfy licensure

486

requirements; conforming provisions to changes made by the act;

487

reviving, reenacting, and amending s. 466.0067, F.S., relating

488

to the application for a health access dental license; reviving,

489

reenacting, and amending s. 466.00671, F.S., relating to the

490

renewal of such a license; reviving and reenacting s. 466.00672,

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491 F.S., relating to the revocation of such a license; amending s.
492 466.007, F.S.; revising requirements for examinations of dental
493 hygienists; authorizing the passage of a dental hygiene
494 examination produced by a specified entity to satisfy licensure
495 requirements; conforming provisions to changes made by the act;