

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to licensure examinations for dental
3 practitioners; amending s. 466.006, F.S.; authorizing
4 passage of a dental examination produced by the
5 Western Regional Examining Board (WREB) to satisfy
6 licensure examination requirements for applicants to
7 practice dentistry in this state; requiring the Board
8 of Dentistry to have representation on WREB's board of
9 directors and certain committees for a specified
10 purpose; revising provisions related to licensure
11 examination requirements; conforming provisions to
12 changes made by the act; making technical changes;
13 amending s. 466.007, F.S.; authorizing passage of a
14 dental hygiene examination produced by WREB to satisfy
15 licensure examination requirements for applicants to
16 practice as dental hygienists in this state; requiring
17 the board to have representation on WREB's board of
18 directors and certain committees; revising provisions
19 related to licensure examination requirements;
20 conforming provisions to changes made by the act;
21 making technical changes; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsections (1) and (4), paragraph (a) of
26 subsection (5), and paragraph (a) of subsection (6) of section
27 466.006, Florida Statutes, are amended to read:

28 466.006 Examination of dentists.—

29 (1) (a) It is the intent of the Legislature to reduce the

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30 costs associated with an independent, state-developed practical
 31 or clinical examination to measure an applicant's ability to
 32 practice the profession of dentistry and to use the American
 33 Dental Licensing Examination developed by the American Board of
 34 Dental Examiners, Inc., (ADEX) and the dental examination
 35 developed by the Western Regional Examining Board (WREB), in
 36 lieu of an independent, state-developed practical or clinical
 37 examination. The Legislature finds that the American Dental
 38 Licensing Examination and WREB's dental examination, in both
 39 their ~~its~~ structure and function, consistently meet ~~meets~~
 40 generally accepted testing standards and have ~~has~~ been found, as
 41 they are ~~it is~~ currently organized and operated ~~operating,~~ to
 42 adequately and reliably measure an applicant's ability to
 43 practice the profession of dentistry.

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

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59 ~~provisions of~~ this section. The examination fee may be refunded
60 ~~refundable~~ if the applicant is found ineligible to take an
61 examination ~~the examinations~~.

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:

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

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

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88 1. As an alternative to such practical or clinical
89 examination, an applicant may submit scores from the an American
90 Dental Licensing Examination or WREB's dental examination that
91 was previously administered in a jurisdiction other than this
92 state and that was completed by the applicant after October 1,
93 2011, and such examination results must ~~shall~~ be recognized as
94 valid for the purpose of licensure in this state. A passing
95 score on the American Dental Licensing Examination or WREB's
96 dental examination that was administered out of state is ~~shall~~
97 ~~be~~ the same as the passing score for the American Dental
98 Licensing Examination or WREB's dental examination that was
99 administered in this state. Except as provided in subparagraph
100 2., the examination results are valid for 365 days after the
101 date the official examination results are published. The
102 applicant must have completed the examination after October 1,
103 2011. This subparagraph may not be given retroactive
104 application.

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

113 a. The applicant completed the American Dental Licensing
114 Examination or WREB's dental examination after October 1, 2011.
115 This sub-subparagraph may not be given retroactive application;

116 b. The applicant graduated from a dental school accredited

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

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

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

145 e. (I) (A) The applicant submits proof of having been

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146 consecutively engaged in the full-time practice of dentistry in
147 another state or territory of the United States, the District of
148 Columbia, or the Commonwealth of Puerto Rico for ~~in~~ the 5 years
149 immediately preceding the date of application for licensure in
150 this state; or

151 (B) If the applicant has been licensed in another state or
152 territory of the United States, the District of Columbia, or the
153 Commonwealth of Puerto Rico for less than 5 years, the applicant
154 submits proof of having been engaged in the full-time practice
155 of dentistry since the date of his or her initial licensure.

156 (II) As used in this sub-sub-subparagraph and subsection
157 (6) section, "full-time practice" is defined as a minimum of
158 1,200 hours per year for each and every year in the consecutive
159 5-year period or, when applicable, the period since initial
160 licensure, and must include any combination of the following:

161 (A) Active clinical practice of dentistry providing direct
162 patient care.

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

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

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

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

176 (B) Submitted in writing;

177 (C) Submitted by the applicant under oath with penalties of
178 perjury attached;

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

183 (E) Specifically found by the board to be both credible and
184 admissible.

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

192 f. The applicant submits documentation that he or she has
193 completed, or will complete before he or she is licensed in this
194 state, continuing education equivalent to this state's
195 requirements for the last full reporting biennium;

196 g. The applicant proves that he or she has never been
197 convicted of, or pled nolo contendere to, regardless of
198 adjudication, any felony or misdemeanor related to the practice
199 of a health care profession in any jurisdiction;

200 h. The applicant has successfully passed a written
201 examination on the laws and rules of this state regulating the
202 practice of dentistry and the computer-based diagnostic skills
203 examination; and

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204 i. The applicant submits documentation that he or she has
205 successfully completed the applicable examination administered
206 by the Joint Commission on National Dental Examinations or its
207 successor organization.

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

214 1. A comprehensive diagnostic skills examination covering
215 the full scope of dentistry and an examination on applied
216 clinical diagnosis and treatment planning in dentistry for
217 dental candidates;

218 2. Two restorations on a live patient or patients, or on a
219 mannequin as approved by the board. The board by rule shall
220 determine the class of such restorations;

221 3. A demonstration of periodontal skills on a live patient,
222 or on a mannequin as approved by the board;

223 4. A demonstration of prosthetics and restorative skills in
224 complete and partial dentures and crowns and bridges and the
225 utilization of practical methods of evaluation, specifically
226 including the evaluation by the candidate of completed
227 laboratory products such as, but not limited to, crowns and
228 inlays filled to prepared model teeth;

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

232 6. A demonstration of endodontic skills; and

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233 7. A diagnostic skills examination demonstrating ability to
234 diagnose conditions within the human oral cavity and its
235 adjacent tissues and structures from photographs, slides,
236 radiographs, or models pursuant to rules of the board. If an
237 applicant fails to pass the diagnostic skills examination in
238 three attempts, the applicant is ~~shall~~ not be eligible for
239 reexamination unless she or he completes additional educational
240 requirements established by the board.

241
242 The department shall require a mandatory standardization
243 exercise for all examiners prior to each practical or clinical
244 examination and shall retain for employment only those dentists
245 who have substantially adhered to the standard of grading
246 established at such exercise.

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

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262 state interests ~~interest of improving access to dental care for~~
263 ~~underserved citizens of this state and furthering the economic~~
264 ~~development goals of the state.~~ Therefore, in order to maintain
265 valid active licensure in this state, all applicants for
266 licensure who are relocating to this state based on scores from
267 the American Dental Licensing Examination or WREB's dental
268 examination administered in a state other than this state shall
269 ~~must actually~~ engage in the full-time practice of dentistry, as
270 defined in sub-sub-subparagraph (4) (b) 2.e. (II), inside the
271 geographic boundaries of this state within 1 year after ~~of~~
272 receiving such licensure in this state. The Legislature further
273 finds that, if such applicants do not ~~actually~~ engage in the
274 full-time practice of dentistry within the geographic boundaries
275 of this state within 1 year after ~~of~~ receiving such a license in
276 this state, access to dental care for the public will not
277 significantly increase, patients' continuity of care will not be
278 attained, and the economic development goals of the state will
279 not be significantly met.

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

283 466.007 Examination of dental hygienists.—

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

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

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291 dental hygiene examination produced by the Western Regional
292 Examining Board (WREB) or its successor entity, if any, if the
293 board finds that the successor entities' ~~entity's~~ clinical
294 examination meets or exceeds the requirements ~~provisions~~ of this
295 section. The board shall approve the ADEX Dental Hygiene
296 Examination and WREB's dental hygiene examination if the board
297 has attained and continues to maintain representation, as
298 applicable, on the ADEX House of Representatives, the WREB board
299 of directors, the ADEX dental hygiene examination development
300 committee, the WREB dental hygiene examination review board, and
301 such other ADEX and WREB dental hygiene committees as the board
302 identifies by rule as being appropriate ~~deems appropriate~~
303 ~~through rulemaking~~ to ensure that the standards established in
304 this section are maintained organizationally. The ADEX Dental
305 Hygiene Examination and WREB's dental hygiene examination, or
306 the examination produced by their respective successor entities,
307 if any, its successor entity is a comprehensive examination in
308 which an applicant must demonstrate skills within the dental
309 hygiene scope of practice on a live patient, or on a mannequin
310 as approved by the board, and any other components that the
311 board deems necessary for the applicant to successfully
312 demonstrate competency for the purpose of licensure.

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

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

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

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

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

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

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

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

341 Section 3. This act shall take effect July 1, 2021.