

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 517 Dentistry and Dental Hygiene Examinations

SPONSOR(S): Health & Human Services Committee, Professions & Public Health Subcommittee, Sirois

TIED BILLS: IDEN./SIM. **BILLS:** SB 926

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Professions & Public Health Subcommittee	18 Y, 0 N, As CS	Rahming	McElroy
2) Health & Human Services Committee	21 Y, 0 N, As CS	Rahming	Calamas

SUMMARY ANALYSIS

The Board of Dentistry, within the Department of Health (DOH), regulates dental practice in Florida, including dentists, dental hygienists, and dental assistants under the Dental Practice Act. A dentist is licensed to examine, diagnose, treat, and care for conditions within the human oral cavity and its adjacent tissues and structures. A dental hygienist provides education and preventive and delegated therapeutic dental services.

Currently, all applicants for licensure as a dentist or dental hygienist must pass a practical or clinical examination developed by the American Board of Dental Examiners, Inc. (ADEX), in addition to meeting other qualifications. A live patient, rather than a manikin or simulated patient, must be used during the clinical examination.

In response to the COVID-19 pandemic, on March 31, 2021, the State Surgeon General issued Emergency Order 21-001, which suspended the prohibition against the use of manikins or simulated patients in lieu of live patients during the administration of the ADEX examinations. The Emergency Order expired on June 30, 2021.

CS/HB 517 requires the use of a manikin with typodont teeth for the restorative and periodontal skills portions on the dental clinical examination and for the dental hygiene clinical examination. This eliminates the requirement for dental and dental hygienist applicants to perform clinical examination components on a live patient. The bill also removes the following provisions that are unnecessary because the examination is no longer on live patients:

- The requirement for dental students to obtain, and the Board of Dentistry's authority to require, specified medical malpractice insurance;
- The requirement for dental schools to make arrangements for patients who require follow-up dental care as a result of procedures performed during the clinical examination; and
- The requirement that dental schools ensure that a student's academic record does not include any evidence that the student poses an unreasonable risk to a patient during the clinical examination.

The bill has an insignificant, negative fiscal impact on DOH, which current resources are adequate to absorb.

The bill has no fiscal impact on local governments.

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Dentistry

The Board of Dentistry, within the Department of Health (DOH), regulates dental practice in Florida, including dentists, dental hygienists, and dental assistants under the Dental Practice Act.¹ A dentist is licensed to examine, diagnose, treat, and care for conditions within the human oral cavity and its adjacent tissues and structures.² A dental hygienist provides education, preventive and delegated therapeutic dental services.³

Dental Licensure

Any person wishing to practice dentistry in this state must apply to the DOH and meet specified requirements. Section 466.006, F.S., requires dentistry licensure applicants to sit for and pass the following licensure examinations:

- The National Board of Dental Examiners dental examination (NBDE);
- A written examination on Florida laws and rules regulating the practice of dentistry; and
- The American Dental Licensing Examination, a practical or clinical examination developed by the American Board of Dental Examiners.⁴

To qualify to take the Florida dental licensure examination, an applicant must be 18 years of age or older, be a graduate of a dental school accredited by the American Dental Association Commission on Dental Accreditation or be a student in the final year of a program at an accredited institution, and have successfully completed the NBDE dental examination.⁵

Dental Hygiene Licensure

Any person wishing to be licensed as a dental hygienist must apply to DOH and meet the following qualifications:⁶

- Be 18 years of age or older;
- Be a graduate of an accredited dental hygiene college or school;⁷ and
- Obtain a passing score on the:
 - National Board Dental Hygiene Examination;
 - Dental Hygiene Examination, a practical or clinical examination developed by the American Board of Dental Examiners, Inc.; and
 - A written examination on Florida laws and rules regulating the practice of dental hygiene.

A dental hygienist may also apply to be certified to administer local anesthesia, under the direct supervision of a dentist, to a non-sedated, adult patient if the dental hygienist is certified in basic or

¹ S. 466.004, F.S.

² S. 466.003(3), F.S.

³ Ss. 466.003(4)-(5), F.S.

⁴ A passing score is valid for 365 days after the date the official examination results are published. The same is true for a passing score on the American Dental Licensing Examination administered in another state on or after Oct. 1, 2011.

⁵ S. 466.006(2), F.S.

⁶ S. 466.007, F.S.

⁷ If the school is not accredited, the applicant must have completed a minimum of 4 years of postsecondary dental education and received a dental school diploma, which must be reviewed and approved by the Board of Dentistry.

advanced cardiac life support and successfully completes an accredited course that includes a minimum of 30 hours of didactic training, 30 hours of clinical experience, and additional training in specified areas.⁸

Dental Licensure Examinations

The American Board of Dental Examiners, Inc. (ADEX) is an organization of state and regional dental boards that provides for the ongoing development of uniform national dental and dental hygiene licensure examinations.⁹ The ADEX examination is widely used: 48 states accept the ADEX for dental licensure.¹⁰

The Commission on Dental Competency Assessment (CDCA) and the Council of Interstate Testing Agencies (CITA) administer the ADEX dental licensure examination to graduates of accredited dental schools and students in their senior year at an accredited dental school.¹¹

The ADEX dental examination consists of three portions: a computer-based examination, simulated clinical examinations, and clinical examinations on live patients.¹² The simulated clinical examinations assess skills related to endodontics and fixed prosthodontics. The clinical examinations on live patients assess skills related to restorative and periodontal procedures.

Current Florida law requires live patient-based examinations, effectively prohibiting the use of manikins with typodont teeth for the restorative and periodontal skills portions on the dental clinical examination.¹³ Florida is one of four states that require live patient-based examinations.¹⁴

Dental Hygiene Licensure Examinations

As with the dental examination, CDCA and CITA administer the ADEX dental hygiene examination.¹⁵ The ADEX dental hygiene examination is also widely used: 47 states accept the ADEX for dental hygiene licensure.¹⁶

The ADEX dental hygiene examination consists of two portions: a computer-simulated examination and a clinical examination on live patients.¹⁷ The computer-simulated examination assesses various levels of diagnosis and treatment planning knowledge, skills, and abilities. The clinical examinations on live patients evaluates the applicant's ability to detect and remove calculus, measure periodontal pocket depths, and present the case for evaluation of calculus removal and soft and/or hard tissue damage.¹⁸ Like the dental licensure examinations, current Florida law requires live patient-based examinations, effectively prohibiting the use of a manikin with typodont teeth for the restorative and periodontal skills

⁸ S. 466.017(5), F.S.

⁹ American Board of Dental Examiners, Inc., *About ADEX*, <https://adexams.org/about-adex/> (last visited Dec. 22, 2021).

¹⁰ CDCAWREB, *2021 ADEX Acceptance Map*, <https://www.cdcaexams.org/adex-acceptance-map/> (last visited Dec. 22, 2021).

¹¹ Commission on Dental Competency Assessments (CDCA), *Registration and DSE OSCE Manual: 2021 ADEX Dental Examination Series*, https://www.cdcaexams.org/wp-content/uploads/2021/03/Dental_DSE_OSCE2021-2.pdf (last visited Dec. 22, 2021). The cost of the ADEX dental examinations is \$2,295; however, additional fees may be assessed, such as a facility or score report fee. The fee is reduced for partial exams and retakes. See CDCA, *Dental (ADEX)*, <https://www.cdcaexams.org/dental-exams/> (last visited Dec. 22, 2021).

¹² CDCA, *supra* note 11, at 4. The simulated clinical examinations assess skills related to endodontics and fixed prosthodontics. The clinical examinations on live patients assesses skills related to restorative and periodontal procedures.

¹³ S. 466.006, F.S.

¹⁴ As of December 2021, the other states are Nevada, Oklahoma, and Wyoming. See, email from Andrew Love, Director of Legislative Affairs, Florida Department of Health, RE: HB 517 Data Inquiry, regarding states that require live patient ADEX examinations (Dec. 22, 2021).

¹⁵ CDCA, *Candidate Registration and CSCE OSCE Manual: 2021 ADEX Dental Hygiene Examination*, available at https://www.cdcaexams.org/documents/manuals/Dental_Hygiene_Candidate_Registration2021.pdf (last visited Dec. 22, 2021). The cost of the ADEX dental hygiene examinations is \$995; however, additional fees may be assessed, such as a facility or score report fee. See CDCA, *Dental Hygiene (ADEX)*, <https://www.cdcaexams.org/dental-hygiene-adex-exam/> (last visited Dec. 22, 2021).

¹⁶ CDCA, *supra* note 10.

¹⁷ *Id.*

¹⁸ DOH, *2022 Agency Legislative Bill Analysis for HB 517*, p. 2 (Nov. 19, 2021).

portions on the dental hygiene clinical examination.¹⁹ Florida is one of nine states that require live patient-based examinations.²⁰

The DOH contracts with the CDCA to administer the ADEX examinations, as well as the jurisprudence examinations. In Fiscal Year 2020-2021, 1,196 dentists and 1,392 dental hygienists applied to take the ADEX examinations.²¹

In April 2020, the ADEX approved the use of a new manikin tooth technology developed by the CDCA²² that allows dental licensure candidates to choose a non-patient-based restorative examination option to demonstrate readiness for practice. The new technology provides an option to many state dental boards seeking to address public health concerns in the wake of COVID-19 without reducing existing licensure standards.²³

In response to the COVID-19 pandemic, on March 31, 2021, the State Surgeon General issued Emergency Order 21-001, which suspended the prohibition against the use of manikins or simulated patients in lieu of live patients during the administration of the ADEX examinations. The emergency order expired on June 30, 2021.

Dental Student Malpractice Insurance

Under current law, dental students must possess medical malpractice insurance to take the licensure examinations.²⁴ Current law authorizes the Board of Dentistry (Board) to require dental and dental hygiene applicants to maintain medical malpractice insurance to cover any harmful incident to a patient during the clinical examination.²⁵ However, since the CDCA has a blanket malpractice insurance policy that covers all dental and dental hygiene applicants for ADEX examinations, the Board has not exercised this authority.²⁶

Dental Patient Care

Under current law, dental schools must ensure that a student's academic record does not include any evidence that the student poses an unreasonable risk to a patient during the clinical examination.²⁷ The schools must inform patients in writing of their right to follow-up dental care before the examination and also make arrangements for patients who require follow-up care as a result of performed procedures.²⁸

Effect of Proposed Changes

Dentistry

CS/HB 517 requires the use of a manikin with typodont teeth for the restorative and periodontal skills portions on the dental clinical examination and for the dental hygiene clinical examination. This means that dental and dental hygienist applicants will be prohibited from using live patients during their clinical examinations and must choose the ADEX non-patient examination option to demonstrate readiness for practice.

The bill removes the following provisions that are unnecessary because the examination is no longer on live patients:

¹⁹ S. 466.007, F.S.

²⁰ Email, supra note 14. The other states are Alaska, Idaho, Missouri, Nevada, New Mexico, Oklahoma, Utah, and Wyoming.

²¹ DOH, 2022 Agency Legislative Bill Analysis for HB 517, p. 3 (Nov. 19, 2021).

²² The CDCA partnered with Acadental, Inc. for the development and production of the CompeDont™ DTX. See, CDCA, *ADEX Approves CompeDont(TM) Non-Patient Based Exam Alternative*, <https://www.cdcaexams.org/adex-approves-compedont/> (last visited Jan. 11, 2022).

²³ *Id.* See statement of CDCA Chair, Dr. Harvey Weingarten.

²⁴ S. 466.0065 (c), F.S.

²⁵ S. 466.0075, F.S.

²⁶ DOH, 2022 Agency Legislative Bill Analysis for HB 517, p. 3 (Nov. 19, 2021).

²⁷ S. 466.0065 (j), F.S.

²⁸ S. 466.0065 (e), F.S.

- The requirement for dental students to obtain, and the Board of Dentistry's authority to require, specified medical malpractice insurance;
- The requirement for dental schools to make arrangements for patients who require follow-up dental care as a result of procedures performed during the clinical examination; and
- The requirement that dental schools ensure that a student's academic record does not include any evidence that the student poses an unreasonable risk to a patient during the clinical examination.

The bill is effective upon becoming a law. This means that dental or dental hygiene candidates taking exams prior to July 1, 2022, will use manikins instead of live patients during their clinical examinations.

B. SECTION DIRECTORY:

Section 1: Amends s. 466.006, F.S., relating to examination of dentists.

Section 2: Amends s. 466.0065, F.S., relating to regional licensure examinations.

Section 3: Amends s. 466.007, F.S., relating to examination of dental hygienists.

Section 4: Repeals s. 466.0075, F.S., relating to applicants for examination; medical malpractice insurance.

Section 5: Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The DOH will incur non-recurring costs for rulemaking, which current resources can absorb.²⁹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Board of Dentistry has sufficient rulemaking authority to implement the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2022, the Professions & Public Health Subcommittee adopted a strike-all amendment to HB 517 and reported the bill favorably as a committee substitute. The amendment:

- Removed the requirement that dental and dental hygienist applicants use a specific manufactured tooth and required them to instead use a manikin with typodont teeth for their respective licensure examinations; and
- Removed provisions rendered unnecessary because the examinations are no longer on live patients.

On February 9, 2022, the Health & Human Services Committee adopted an amendment to CS/HB 517 and reported the bill favorably as a committee substitute. The amendment changed the bill's effective date from July 1, 2022, to upon becoming a law.

This analysis is drafted to the committee substitute as passed by the Health & Human Services Committee.