

HB 1163

2023

1 A bill to be entitled
2 An act relating to dental licensure examinations and
3 regulations; amending s. 466.006, F.S.; revising
4 licensure examination requirements for dentists;
5 amending s. 466.009, F.S.; revising reexamination
6 requirements; amending s. 466.0135, F.S.; revising
7 continuing education requirements; repealing s.
8 466.0282, F.S., relating to holding oneself out as a
9 dentist specialist; providing an effective date.

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

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

16 466.006 Examination of dentists.—

17 (1)

18 (b) Any person desiring to be licensed as a dentist shall
19 apply to the department ~~to take the licensure examinations and~~
20 ~~shall verify the information required on the application by~~
21 ~~eath. The application shall include two recent photographs.~~
22 There shall be an application fee set by the board not to exceed
23 \$100 which shall be nonrefundable. ~~There shall also be an~~
24 ~~examination fee set by the board, which shall not exceed \$425~~
25 ~~plus the actual per applicant cost to the department for~~

26 ~~purchase of some or all of the examination from the American~~
27 ~~Board of Dental Examiners or its successor entity, if any,~~
28 ~~provided the board finds the successor entity's clinical~~
29 ~~examination complies with the provisions of this section. The~~
30 ~~examination fee may be refundable if the applicant is found~~
31 ~~ineligible to take the examinations.~~

32 (2) The department shall issue a license to an applicant
33 who the board certifies has met the following requirements ~~An~~
34 ~~applicant shall be entitled to take the examinations required in~~
35 ~~this section to practice dentistry in this state if the~~
36 ~~applicant:~~

37 (a) Is 18 years of age or older.

38 (b)1. Is a graduate of a dental school accredited by the
39 American Dental Association Commission on Dental Accreditation
40 or its successor entity, if any, or any other dental accrediting
41 entity recognized by the United States Department of Education;
42 or

43 2. Is a dental student ~~in the final year of a program at~~
44 ~~such~~ an accredited dental school who has completed all the
45 coursework necessary to prepare the student to perform the
46 clinical and diagnostic procedures required to pass the
47 examinations. ~~With respect to a dental student in the final year~~
48 ~~of a program at a dental school, a passing score on the~~
49 ~~examinations is valid for 365 days after the date the~~
50 ~~examinations were completed.~~ A dental school student who takes

51 the licensure examinations during the student's final year of an
 52 approved dental school must have graduated before being
 53 certified for licensure pursuant to s. 466.011.

54 (c)~~1.~~ Has successfully completed the examination
 55 administered by the Joint Commission on National Dental
 56 Examinations or its successor organization. ~~National Board of~~
 57 ~~Dental Examiners dental examination; or~~

58 ~~2. Has an active health access dental license in this~~
 59 ~~state; and~~

60 ~~a. The applicant has at least 5,000 hours within 4~~
 61 ~~consecutive years of clinical practice experience providing~~
 62 ~~direct patient care in a health access setting as defined in s.~~
 63 ~~466.003; the applicant is a retired veteran dentist of any~~
 64 ~~branch of the United States Armed Services who has practiced~~
 65 ~~dentistry while on active duty and has at least 3,000 hours~~
 66 ~~within 3 consecutive years of clinical practice experience~~
 67 ~~providing direct patient care in a health access setting as~~
 68 ~~defined in s. 466.003; or the applicant has provided a portion~~
 69 ~~of his or her salaried time teaching health profession students~~
 70 ~~in any public education setting, including, but not limited to,~~
 71 ~~a community college, college, or university, and has at least~~
 72 ~~3,000 hours within 3 consecutive years of clinical practice~~
 73 ~~experience providing direct patient care in a health access~~
 74 ~~setting as defined in s. 466.003;~~

75 ~~b. The applicant has not been disciplined by the board,~~

76 ~~except for citation offenses or minor violations;~~

77 ~~e. The applicant has not filed a report pursuant to s.~~
 78 ~~456.049; and~~

79 ~~d. The applicant has not been convicted of or pled nolo~~
 80 ~~contendere to, regardless of adjudication, any felony or~~
 81 ~~misdemeanor related to the practice of a health care profession.~~

82 (4) Notwithstanding any other provision of law in chapter
 83 456 pertaining to the clinical dental licensure examination or
 84 national examinations, to be licensed as a dentist in this
 85 state, an applicant must successfully complete both of the
 86 following:

87 (b) A practical or clinical examination, which must be the
 88 American Dental Licensing Examination produced by the American
 89 Board of Dental Examiners, Inc., or its successor entity, if
 90 any, that is administered in this state, provided that the board
 91 has attained, and continues to maintain thereafter,
 92 representation on the board of directors of the American Board
 93 of Dental Examiners, the examination development committee of
 94 the American Board of Dental Examiners, and such other
 95 committees of the American Board of Dental Examiners as the
 96 board deems appropriate by rule to assure that the standards
 97 established herein are maintained organizationally. ~~A passing~~
 98 ~~score on the American Dental Licensing Examination administered~~
 99 ~~in this state is valid for 365 days after the date the official~~
 100 ~~examination results are published.~~

101 1. As an alternative to such practical or clinical
102 examination, an applicant may submit scores from an American
103 Dental Licensing Examination previously administered in a
104 jurisdiction other than this state after October 1, 2011, and
105 such examination results shall be recognized as valid for the
106 purpose of licensure in this state. A passing score on the
107 American Dental Licensing Examination administered out of state
108 shall be the same as the passing score for the American Dental
109 Licensing Examination administered in this state. ~~The~~
110 ~~examination results are valid for 365 days after the date the~~
111 ~~official examination results are published.~~ The applicant must
112 have completed the examination after October 1, 2011. This
113 subparagraph may not be given retroactive application.

114 2. If the date of an applicant's passing American Dental
115 Licensing Examination scores from an examination previously
116 administered in a jurisdiction other than this state under
117 subparagraph 1. is older than 365 days, such scores are
118 nevertheless valid for the purpose of licensure in this state,
119 but only if the applicant demonstrates that all of the following
120 additional standards have been met:

121 a. The applicant completed the American Dental Licensing
122 Examination after October 1, 2011. This sub-subparagraph may not
123 be given retroactive application;

124 b. The applicant graduated from a dental school accredited
125 by the American Dental Association Commission on Dental

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

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

146 d. The applicant submits proof that he or she has never
147 been reported to ~~the National Practitioner Data Bank, the~~
148 ~~Healthcare Integrity and Protection Data Bank, or~~ the American
149 Association of Dental Boards Clearinghouse. This sub-
150 subparagraph does not apply if the applicant successfully

151 appealed to have his or her name removed from the data banks of
 152 these agencies;

153 e. (I) (A) The applicant submits proof of having been
 154 consecutively engaged in the full-time practice of dentistry in
 155 another state or territory of the United States, the District of
 156 Columbia, or the Commonwealth of Puerto Rico in the 5 years
 157 immediately preceding the date of application for licensure in
 158 this state; or

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

164 (II) As used in this section, "full-time practice" is
 165 defined as a minimum of 1,200 hours per year for each and every
 166 year in the consecutive 5-year period or, when applicable, the
 167 period since initial licensure, and must include any combination
 168 of the following:

169 (A) Active clinical practice of dentistry providing direct
 170 patient care.

171 (B) Full-time practice as a faculty member employed by a
 172 dental or dental hygiene school approved by the board or
 173 accredited by the American Dental Association Commission on
 174 Dental Accreditation.

175 (C) Full-time practice as a student at a postgraduate

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176 dental education program approved by the board or accredited by
177 the American Dental Association Commission on Dental
178 Accreditation.

179
180 The board may excuse an applicant from the 1,200-hour
181 requirement in the event of an unusual circumstance, an
182 emergency, or a special hardship.

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

187 (A) Admissible as evidence in an administrative
188 proceeding;

189 (B) Submitted in writing;

190 ~~(C) Submitted by the applicant under oath with penalties~~
191 ~~of perjury attached;~~

192 (C)(D) Further documented by an applicant's annual income
193 tax return filed with the Internal Revenue Service for the last
194 5 years or, when applicable, the period since initial licensure
195 ~~affidavit of someone unrelated to the applicant who is familiar~~
196 ~~with the applicant's practice and testifies with particularity~~
197 ~~that the applicant has been engaged in full-time practice; and~~

198 (D)(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 documentation that he or she has
208 completed, or will complete before he or she is licensed in this
209 state, continuing education equivalent to this state's
210 requirements for the last full reporting biennium;

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

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

219 i. The applicant submits documentation that he or she has
220 successfully completed the applicable examination administered
221 by the Joint Commission on National Dental Examinations or its
222 successor organization.

223 (5)(a) The practical examination required under subsection
224 (4) is the American Dental Licensing Examination developed by
225 the American Board of Dental Examiners, Inc., or its successor

226 | entity, if any, provided the board finds that the successor
 227 | entity's clinical examination complies with the provisions of
 228 | this section, and must include, at a minimum:

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

233 | 2. Two restorations on a manikin that has typodont teeth
 234 | with simulated caries as approved by the Commission on Dental
 235 | Competency Assessments. The board by rule shall determine the
 236 | class of such restorations;

237 | 3. A demonstration of periodontal skills on a manikin that
 238 | has typodont teeth with simulated calculus as approved by the
 239 | Commission on Dental Competency Assessments;

240 | 4. A demonstration of prosthetics and restorative skills
 241 | in complete and partial dentures and crowns and bridges and the
 242 | utilization of practical methods of evaluation, specifically
 243 | including the evaluation by the candidate of completed
 244 | laboratory products such as, but not limited to, crowns and
 245 | inlays filled to prepared model teeth;

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

249 | 6. A demonstration of endodontic skills; and

250 | 7. A diagnostic skills examination demonstrating ability

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

258 ~~(b) The department shall consult with the board in~~
259 ~~planning the times, places, physical facilities, training of~~
260 ~~personnel, and other arrangements concerning the administration~~
261 ~~of the examination. The board or a duly designated committee~~
262 ~~thereof shall approve the final plans for the administration of~~
263 ~~the examination;~~

264 (b)(e) If the applicant fails to pass the clinical
265 examination in three attempts, the applicant shall not be
266 eligible for reexamination unless she or he completes additional
267 educational requirements established by the board; and

268 (c)(d) The board may by rule provide for additional
269 procedures which are to be tested, provided such procedures
270 shall be common to the practice of general dentistry. The board
271 by rule shall determine the passing grade for each procedure and
272 the acceptable variation for examiners. No such rule shall apply
273 retroactively.

274
275 ~~The department shall require a mandatory standardization~~

276 ~~exercise for all examiners prior to each practical or clinical~~
277 ~~examination and shall retain for employment only those dentists~~
278 ~~who have substantially adhered to the standard of grading~~
279 ~~established at such exercise.~~

280 ~~(6)(a) It is the finding of the Legislature that absent a~~
281 ~~threat to the health, safety, and welfare of the public, the~~
282 ~~relocation of applicants to practice dentistry within the~~
283 ~~geographic boundaries of this state, who are lawfully and~~
284 ~~currently practicing dentistry in another state or territory of~~
285 ~~the United States, the District of Columbia, or the Commonwealth~~
286 ~~of Puerto Rico, based on their scores from the American Dental~~
287 ~~Licensing Examination administered in a state other than this~~
288 ~~state, is substantially related to achieving the important state~~
289 ~~interest of improving access to dental care for underserved~~
290 ~~citizens of this state and furthering the economic development~~
291 ~~goals of the state. Therefore, in order to maintain valid active~~
292 ~~licensure in this state, all applicants for licensure who are~~
293 ~~relocating to this state based on scores from the American~~
294 ~~Dental Licensing Examination administered in a state other than~~
295 ~~this state must actually engage in the full-time practice of~~
296 ~~dentistry inside the geographic boundaries of this state within~~
297 ~~1 year of receiving such licensure in this state. The~~
298 ~~Legislature finds that, if such applicants do not actually~~
299 ~~engage in the full-time practice of dentistry within the~~
300 ~~geographic boundaries of this state within 1 year of receiving~~

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301 ~~such a license in this state, access to dental care for the~~
302 ~~public will not significantly increase, patients' continuity of~~
303 ~~care will not be attained, and the economic development goals of~~
304 ~~the state will not be significantly met.~~

305 ~~(b)1. As used in this section, "full-time practice of~~
306 ~~dentistry within the geographic boundaries of this state within~~
307 ~~1 year" is defined as a minimum of 1,200 hours in the initial~~
308 ~~year of licensure, which must include any combination of the~~
309 ~~following:~~

310 ~~a. Active clinical practice of dentistry providing direct~~
311 ~~patient care within the geographic boundaries of this state.~~

312 ~~b. Full-time practice as a faculty member employed by a~~
313 ~~dental or dental hygiene school approved by the board or~~
314 ~~accredited by the American Dental Association Commission on~~
315 ~~Dental Accreditation and located within the geographic~~
316 ~~boundaries of this state.~~

317 ~~c. Full-time practice as a student at a postgraduate~~
318 ~~dental education program approved by the board or accredited by~~
319 ~~the American Dental Association Commission on Dental~~
320 ~~Accreditation and located within the geographic boundaries of~~
321 ~~this state.~~

322 ~~2. The board shall develop rules to determine what type of~~
323 ~~proof of full-time practice of dentistry within the geographic~~
324 ~~boundaries of this state for 1 year is required in order to~~
325 ~~maintain active licensure and shall develop rules to recoup the~~

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326 ~~cost to the board of verifying maintenance of such full-time~~
327 ~~practice under this section. Such proof must, at a minimum:~~

328 ~~a. Be admissible as evidence in an administrative~~
329 ~~proceeding;~~

330 ~~b. Be submitted in writing;~~

331 ~~c. Be submitted by the applicant under oath with penalties~~
332 ~~of perjury attached;~~

333 ~~d. Be further documented by an affidavit of someone~~
334 ~~unrelated to the applicant who is familiar with the applicant's~~
335 ~~practice and testifies with particularity that the applicant has~~
336 ~~been engaged in full-time practice of dentistry within the~~
337 ~~geographic boundaries of this state within the last 365 days;~~
338 ~~and~~

339 ~~e. Include such additional proof as specifically found by~~
340 ~~the board to be both credible and admissible.~~

341 ~~3. An affidavit of only the applicant is not acceptable~~
342 ~~proof of full-time practice of dentistry within the geographic~~
343 ~~boundaries of this state within 1 year, unless it is further~~
344 ~~attested to by someone unrelated to the applicant who has~~
345 ~~personal knowledge of the applicant's practice within the last~~
346 ~~365 days. If the board deems it necessary to assess credibility~~
347 ~~or accuracy, the board may require the applicant or the~~
348 ~~applicant's witnesses to appear before the board and give oral~~
349 ~~testimony under oath.~~

350 ~~(c) It is the further intent of the Legislature that a~~

351 ~~license issued pursuant to paragraph (a) shall expire in the~~
352 ~~event the board finds that it did not receive acceptable proof~~
353 ~~of full-time practice within the geographic boundaries of this~~
354 ~~state within 1 year after the initial issuance of the license.~~
355 ~~The board shall make reasonable attempts within 30 days prior to~~
356 ~~the expiration of such a license to notify the licensee in~~
357 ~~writing at his or her last known address of the need for proof~~
358 ~~of full-time practice in order to continue licensure. If the~~
359 ~~board has not received a satisfactory response from the licensee~~
360 ~~within the 30-day period, the licensee must be served with~~
361 ~~actual or constructive notice of the pending expiration of~~
362 ~~licensure and be given 20 days in which to submit proof required~~
363 ~~in order to continue licensure. If the 20-day period expires and~~
364 ~~the board finds it has not received acceptable proof of full-~~
365 ~~time practice within the geographic boundaries of this state~~
366 ~~within 1 year after the initial issuance of the license, then~~
367 ~~the board must issue an administrative order finding that the~~
368 ~~license has expired. Such an order may be appealed by the former~~
369 ~~licensee in accordance with the provisions of chapter 120. In~~
370 ~~the event of expiration, the licensee shall immediately cease~~
371 ~~and desist from practicing dentistry and shall immediately~~
372 ~~surrender to the board the wallet-size identification card and~~
373 ~~wall card. A person who uses or attempts to use a license issued~~
374 ~~pursuant to this section which has expired commits unlicensed~~
375 ~~practice of dentistry, a felony of the third degree pursuant to~~

376 | ~~s. 466.026(1)(b), punishable as provided in s. 775.082, s.~~
 377 | ~~775.083, or s. 775.084.~~

378 | Section 2. Subsection (1) of section 466.009, Florida
 379 | Statutes, is amended to read:

380 | 466.009 Reexamination.—

381 | ~~(1) The department shall permit~~ Any person who fails an
 382 | examination which is required under s. 466.006 or s. 466.007 may
 383 | ~~to~~ retake the examination. ~~If the examination to be retaken is a~~
 384 | ~~practical or clinical examination, the applicant shall pay a~~
 385 | ~~reexamination fee set by rule of the board in an amount not to~~
 386 | ~~exceed the original examination fee.~~

387 | Section 3. Paragraph (c) of subsection (1) of section
 388 | 466.0135, Florida Statutes, is amended to read:

389 | 466.0135 Continuing education; dentists.—

390 | (1) In addition to the other requirements for renewal set
 391 | out in this chapter, each licensed dentist shall be required to
 392 | complete biennially not less than 30 hours of continuing
 393 | professional education in dental subjects, with a minimum of 2
 394 | hours of continuing education on the safe and effective
 395 | prescribing of controlled substances. Programs of continuing
 396 | education shall be programs of learning that contribute directly
 397 | to the dental education of the dentist and may include, but
 398 | shall not be limited to, attendance at lectures, study clubs,
 399 | college postgraduate courses, or scientific sessions of
 400 | conventions; and research, graduate study, teaching, or service

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401 as a clinician. Programs of continuing education shall be
402 acceptable when adhering to the following general guidelines:

403 (c) The board may also authorize up to 3 hours of credit
404 biennially for a practice management course that includes
405 principles of ethical practice management, provides substance
406 abuse, effective communication with patients, time management,
407 or ~~and~~ burnout prevention instruction.

408 Section 4. Section 466.0282, Florida Statutes, is
409 repealed.

410 Section 5. This act shall take effect July 1, 2023.