

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 938

INTRODUCER: Senator Yarborough

SUBJECT: Dentistry

DATE: February 20, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Favorable
2.	Rossitto-Van Winkle	Yeatman	FP	Favorable
3.	Rossitto-Van Winkle	Twogood	RC	Favorable

I. Summary:

SB 938 removes the Board of Dentistry (BOD) and the Department of Health (DOH) from the dental examination administration process and deletes obsolete language relating to the process.

The bill revises the dental licensure requirements by:

- Deleting language requiring dental students who have completed the coursework necessary to prepare to pass the American Dental License Examination (ADEX) to wait until their final year of dental school to apply for licensure;
- Deleting the National Board of Dental Examiners (NBDE) dental examination as obsolete, replacing it with the examination administered by the Joint Commission on National Dental Examinations (JCNDE), or its successor organization;
- Deleting an alternate pathway to dental licensure by having an active Florida health access dental license and meeting specific additional practice requirements;
- Deleting language relating to ADEX scores for applicants only being valid for 365 days after the date the official examination results are published;
- Requiring that an out-of-state licensed dentist applying for licensure in Florida must disclose to the BOD during the application process, rather than submit proof to the BOD, whether he or she has been reported to the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank, or the American Association of Dental Boards Clearinghouse.

The bill deletes the requirement that out-of-state licensed dentists applying for Florida licensure who apply for and receive a Florida license, must engage in the full-time practice of dentistry inside the geographic boundaries of the state for one year after licensure, and deletes the provisions related to compliance and enforcement of this requirement.

The bill amends s. 466.009, F.S., to allow any person who fails the examination for licensure as a dentist or dental hygienist to retake the examination.
The bill provides an effective date of July 1, 2024.

II. Present Situation:

The Practice of Dentistry

The Board of Dentistry (BOD) is the state's regulatory board for the practice of dentistry, 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

Board of Dentistry

The BOD consists of 11 members that appointed by the Governor and confirmed by the Senate, who serve four year terms. Seven members must be licensed dentists actively practicing dentistry in Florida; two members must be licensed dental hygienists actively practicing in Florida; and the remaining two members must be laypersons who are not, and have never been, dentists, dental hygienists, or members of any closely related profession or occupation. At least one member of the BOD must be 60 years of age or older.³

Each member dentist must have been actively practicing dentistry, primarily as a clinical practitioner, for at least five years immediately preceding his or her appointment and must remain primarily in clinical practice during all periods of appointment. Each qualified member dentist who is connected with any dental college or community college may serve so long as that connection does not result in the college providing the person's principal source of income, with the exception of the dentist who is on the full-time staff of a Florida teaching hospital.⁴ No member may serve more than a total of ten years.⁵

Dental Examinations

As of October 1, 2011, Florida stopped administering its own practical or clinical dental examinations, and the Florida Diagnostic Skills Examination became the American Dental License Examination (ADEX), developed by the American Board of Dental Examiners, Inc., or its successor entity if the successor entity is determined by the BOD to comply with the provision of Section 466.006, F.S. The ADEX is inclusive of a comprehensive diagnostic skills examination covering the full scope of the practice of dentistry.^{6,7}

¹ Section 466.004, F.S.

² Section 466.003(3), F.S.

³ Section 466.004, F.S.

⁴ Section 466.004(1), F.S., referencing s. 456.007, F.S.

⁵ See note 3.

⁶ The American Board of Dental Examiners, Inc., Frequently Asked Questions, *When And How Was ADEX Created?* available at <https://adexexams.org/faqs/> (last visited Jan. 8, 2024).

⁷ Fla. Admin. Code R. 64B2-2.013(1), (2023).

Dental Licensure

The requirements for dental licensure in Florida are found in s. 466.006, F.S. An applicant must apply to the DOH to take and pass the following examinations:

- The ADEX;⁸ and
- An examination on Florida laws and rules relating to dentistry.

To take the ADEX clinical examination, a dental applicant must be at least 18 years of age and must:

- Be a graduate from a dental school accredited by the American Dental Association (ADA) Commission on Dental Accreditation (CODA) or any other dental accrediting entity recognized by the U.S. Department of Education (DOE); or
- Be a dental student in the final year of a program at an ADA-CODA accredited dental school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations. A passing score on the examination is valid for 365 days;⁹ and
- Have completed Part I and II of the National Board Dental Examination (NBDE), administered by the Joint Commission on National Dental Examinations (JCNDE);¹⁰ or have an active health access dental license in this state; and
 - The applicant has 5,000 hours within four consecutive years of clinical practice experience providing direct patient care in a health access setting;¹¹; or
 - The applicant is a retired veteran dentist of any branch of the U.S. Armed Services who has practiced dentistry while on active duty and has at least 3,000 hours within three consecutive years of clinical practice experience providing direct patient care in a health access setting; or
 - The applicant has provided a portion of his or her salaried time teaching health profession students in any public education setting, including, but not limited to, a community college, college, or university, and has at least 3,000 hours within three consecutive years of clinical practice experience providing direct patient care in a health access setting;
 - The applicant has not been disciplined by the BOD, except for citation offenses or minor violations;
 - The applicant has not reported, or his or her professional liability insurer has not reported, to the Office of Insurance Regulation any claim or action for damages for personal injury alleged to have been caused by error, omission, or negligence in the performance of the licensee's professional services;¹² and
 - The applicant has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession.

⁸ Section 466.006, F.S.

⁹ Section 466.006, (2)(b)2., F.S. A dental school student who takes the licensure examinations during the student's final year of an approved dental school must have graduated before he or she may be certified for licensure.

¹⁰ American Dental Association, Joint Commission on National Dental Examinations, *Upholding Quality Oral Care For All*, available at <https://jcnde.ada.org/> (last visited Jan. 8, 2024).

¹¹ Section 466.003(14), F.S.

¹² See ss. 456.049 and 627.912, F.S.

A dental school graduate from a school not accredited by the ADA CODA, a U.S. DOE-recognized dental accrediting entity, or approved by the BOD, and desiring to take the ADEX, is not entitled to do so until the applicant:

- Demonstrates completion of a program defined by BOD rule at an accredited American dental school and receives either a D.D.S. or D.M.D. from the school; or
- Submits proof of successful completion of at least two consecutive years at a full-time supplemental general dentistry program accredited by the ADA CODA; and a supplemental general dentistry program does not include an advanced education program in a dental specialty.

Current law requires the ADEX clinical dental examination to include the following:

- Comprehensive diagnostic skills examination including an examination, clinical diagnosis and treatment planning;
- Two restorations on a manikin that has typodont teeth with simulated caries as approved by the Commission on Dental Competency Assessments. The board by rule shall determine the class of such restorations;¹³
- Demonstration of periodontal skills on a manikin that has typodont teeth with simulated calculus as approved by the Commission on Dental Competency Assessments;
- Demonstration of prosthetics and restorative skills in complete and partial dentures and crowns and bridges and the utilization of practical methods of evaluation, specifically including the evaluation by the candidate of completed laboratory products such as, but not limited to, crowns and inlays filled to prepared model teeth;
- Demonstration of restorative skills on a manikin on a manikin that has typodont teeth with simulated calculus as approved by the Commission on Dental Competency Assessments;
- Demonstration of restorative skills on a manikin which requires the candidate to complete procedures performed in preparation for a cast restoration;
- Demonstration of endodontic skills; and
- A diagnostic skills examination demonstrating ability to diagnose conditions within the human oral cavity and its adjacent tissues and structures from photographs, slides, radiographs, or models, pursuant to board rules.¹⁴

The DOH, in consultation with the BOD, is to plan the times, places, physical facilities, training of personnel, and other arrangements concerning the administration of the examination. The BOD or a duly designated committee, must approve the final plans for the administration of the examination. The BOD may by rule provide for additional procedures to be tested on the licensure examination, provided such procedures are common to the practice of general dentistry. The BOD must establish by rule the passing grade for each procedure and the acceptable variation for examiners. The DOH must require all examiners to attend a mandatory standardization exercise prior to each practical or clinical examination and must employ only those dentists who have substantially adhered to the standard of grading established at the exercise.¹⁵

¹³ See Fla. Admin. Code R. 64B5-2.013 (2023).

¹⁴ Section 466.006(5)(a), F.S.

¹⁵ Section 466.006(5)(d), F.S.

The cost of taking the full dental ADEX examination is \$2,795 plus ancillary fees.¹⁶

As an alternative to taking the ADEX in Florida, an applicant may submit scores from an ADEX administered in another state after October 1, 2011, and those results will be recognized as valid in Florida for the purpose of licensure. Those examination results are valid for 365 days after the publication of the official examination results. A passing ADEX score administered out of state is the same required score for passing the ADEX taken in this state.¹⁷

If an applicant's passing score on the ADEX administered in another state is older than 365 days, such scores are also valid for the purpose of licensure in this state, but only if the applicant demonstrates that all of the following additional criteria have been met, that:¹⁸

- The NBDE, administered by the JCNDE. organization was taken and passed;
- The ADEX was passed after October 1, 2011;
- The dental school graduated from was:
 - Accredited by the ADA-CODA or its successor; or
 - Accredited by any other dental accrediting organization recognized by the U.S. DOE; or
 - A dental school not ADA-CODA accredited, but submits additional proof of:
 - Successful completion of a full-time supplemental general dentistry program accredited by the ADA-CODA of at least two consecutive academic years that provides didactic and clinical education at the level of a D.D.S. or D.M.D. program accredited by the ADA-CODA; and the supplemental general dentistry program does not include an advanced education program in a dental specialty;
- The applicant possesses a current, valid and active dental license in good standing, with no restriction, which has never been revoked, suspended, restricted, or otherwise disciplined, from another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;
- The applicant submits proof that he or she has never been reported to the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank, or the American Association of Dental Boards Clearinghouse; or has successfully appealed to have his or her name removed from the data banks of these agencies;
- The applicant submits proof of having been consecutively engaged in the full-time practice of dentistry¹⁹ in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico in the five years immediately preceding the date of application for licensure in this state; or if the applicant has been licensed for less than five

¹⁶ The Commission on Dental Competency Assessments (CDCA) - Western Regional Examining Board (WREB) Council of Interstate Testing Agencies (CITA), *ADEX Dental*, available at <https://adextesting.org/adex-dental/> (last visited Jan. 8, 2024).

¹⁷ Section 466. 006(4)(b)1, F.S.

¹⁸ Section 466. 006(4)(b)2, F.S.

¹⁹ See s. 466. 006(4)(b)2.,e.,II - IV, F.S. The "full-time practice" of dentistry means a minimum of 1,200 hours per year for each and every year in the consecutive five year period or, when applicable, the period since initial licensure, and must include any combination of the following: (1) active clinical practice of dentistry providing direct patient care; (2) full-time practice as a faculty member employed by a dental or dental hygiene school approved by the board or accredited by the ADA-CODA; or (3) full-time practice as a student at a postgraduate dental education program approved by the board or accredited by the ADA-CODA. The BOD must develop rules to determine what type of proof of full time practice is required including cost recoupment and other specific criteria; and an affidavit of the applicant is not sufficient unless attested to by a non-relative with personal knowledge of the applicants practice.

years, the applicant submits proof of having been engaged in the full-time practice of dentistry since the date of his or her initial licensure;

- The applicant submits documentation that he or she has completed, or will complete before he or she is licensed in Florida, the continuing education requirements for the last full reporting biennium;
- The applicant proves that he or she has never been convicted of, or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession in any jurisdiction;
- The applicant has passed the Florida laws and rules examination and the computer-based diagnostic skills examination.²⁰

All applicants for dental licensure, relocating to Florida based on ADEX scores administered in another state, are required to engage in the full-time practice of dentistry inside the geographic boundaries of state within one year of receiving their licensure in order to maintain a valid active licensure. This requirements of the full-time practice of dentistry within the geographic boundaries of this state within one year was based on Legislative findings that the state had a substantial interest in improving access to dental care for the state's underserved citizens and furthering the state's economic development goals. Licenses issued to dentists on ADEX scores administered in another state expire after the initial issuance if the BOD finds that it did not receive acceptable proof of full-time practice within the geographic boundaries of this state within one year after issuance of the initial license.²¹

Reexamination

If an applicant fails to pass either the diagnostic or clinical examinations in three attempts, the applicant is not eligible for reexamination unless she or he completes additional educational requirements established by the board²² and pays a reexamination fee set by board.²³

Continuing Education

Each licensed dentist must complete at least 30 hours of continuing professional education (CE) in dental subjects biennially, in order to renew his or her license; unless he or she is a newly licensed dentist and renewing for the first time. A dentist renewing for the first time is only required to complete two CE hours on prescribing controlled substances and two hours on HIV/AIDS. Other than the first renew, dentists must have 30 CE hours including two hours of CE in the safe and effective prescribing of controlled substances, and two hours on medical errors every renewal period. Dentists must also complete two CE hours in domestic violence every third biennial renewal.

The CE programs must be programs of learning that contribute directly to the dental education of the dentist and may include, but are not limited to, attendance at lectures, study clubs, college postgraduate courses, or scientific sessions of conventions; and research, graduate study, teaching, or service as a clinician. The BOD may also authorize up to three hours of credit

²⁰ Section 466.006(4)(b)2, F.S.

²¹ Section 466.006(6), F.S.

²² Section 466.006(5)(a), F.S.

²³ Section 466.009(1), F.S.

biennially for a practice management course that includes principles of ethical practice management, provides substance abuse, effective communication with patients, time management, and burnout prevention instruction. Credits are earned at the rate of one-half credit hour per 25-30 contact minutes of instruction and one credit hour per 50-60 contact minutes of instruction.²⁴

III. Effect of Proposed Changes:

SB 938 amends s. 466.006, F.S., to remove the DOH and the BOD from the dental licensure examination administration process. The bill deletes obsolete language requiring the DOH and the BOD, as applicable, to:

- Consult with the BOD in planning the times, places, physical facilities, training of personnel, and other arrangements concerning the administration of the examination;²⁵
- Require a mandatory standardization exercise for all examiners prior to each practical or clinical examination and retain for employment only those dentists who have substantially adhered to the standard of grading established at such exercise;²⁶ and
- Charge a fee to retake the dental or dental hygiene examination, as set by BOD rule, not to exceed the amount of the original test fee.²⁷

The bill amends the dental licensure requirements to delete the obsolete requirement that a dental license applicant apply to the DOH to take the ADEX.^{28,29}

The bill requires the DOH to license an applicant if he or she is 18 years of age or older, applies to the DOH, pays a nonrefundable fee not exceeding \$100, and the BOD certifies that the applicant meets a specific list of criteria. The bill amends the criteria as follows:

- Deletes the language that dental students who have completed the coursework necessary to prepare for procedures required to pass the ADEX must wait until their final year of the program to apply for licensure;
- Deletes language providing that a dental student's ADEX scores are valid for only 365 days after the date the examinations are completed.
- Deletes the NBDE dental examination and replaces it with the examination administered by the JCNDE,³⁰ or its successor organization;
- Deletes the alternate pathway to dental licensure for an applicant with an active Florida health access dental license who:

²⁴ Section 466.0135, F.S.

²⁵ Section 466.006(5), F.S.

²⁶ *Id.*

²⁷ Section 466.009(1), F.S.

²⁸ The American Board of Dental Examiners, Inc., Frequently Asked Questions, *When Can I Take the ADEX examination?* available at <https://adexams.org/faqs/> (last visited Jan. 8, 2024). The ADEX examinations are administered by the NERB (DBA) as CDCA-WREB and CITA regional testing agencies. By contacting these testing agencies, they will direct a candidate to the schedule of examinations being administered by that testing agency during the current exam season. The candidate will then have an opportunity to select the particular exam site that best fits his or her needs.

²⁹ See s. 466.006(4)(a), F.S., Florida accepts the ADEX provided that the BOD has, and continues to maintain, representation on the board of directors of the ABDE, the examination development committee of the ABDE, and such other committees of the ABDE as the BOD deems, by rule, appropriate to assure that the standards are maintained organizationally.

³⁰ Joint Commission on National Dental Examinations, Inc., Integrated National Board Dental Examination (INBDE), *The INBDE at a Glance, About the INBDE*, available at <https://jcnde.ada.org/inbde> (last visited Jan. 8, 2024).

- Has least 5,000 hours within four consecutive years of clinical practice experience providing direct patient care in a health access setting;³¹
- Is a retired veteran dentist from any branch of the United States Armed Services who has practiced dentistry while on active duty and has at least 3,000 hours within three consecutive years providing direct patient care in a health access setting; or
- Has provided a portion of his or her salaried time teaching health profession students in any public education setting, including, but not limited to, a community college, college, or university, and has at least 3,000 hours within three consecutive years of clinical practice experience providing direct patient care in a health access setting; and
- Has no BOD disciplinary action; no reports of claims for personal injuries or damages to the Office of Insurance Regulation; and no convictions or pleas of nolo contendere, regardless of adjudication, to any felony or misdemeanor related to the practice of a health care profession.
- Deletes language relating to all applicants for dental licensure who have taken the ADEX, either in-state or out-of-state, after October 1, 2011, that those scores are only valid for 365 days after the date the official examination results are published.
- Deletes the additional requirement for applicants who currently have a valid, active unrestricted dental license in good standing, with no restriction, which has never been revoked, suspended, restricted, or otherwise disciplined, from another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and are submitting ADEX scores taken out-of-state after October 1, 2011, which are older than 365 days, that the applicants must submit proof that he or she has never been reported to the National Practitioner Data Bank, or the Healthcare Integrity and Protection Data Bank.

SB 938 amends s. 466.006(4)(b)2.e.(III), F.S., to direct the BOD to develop rules to determine the type of proof required from applicants who currently have a valid, active, unrestricted dental license in good standing, from another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, to verify that the applicant has been engaged in the “full-time practice of dentistry”³² for five years or more; or if less than five years since the date of his or her initial licensure. The rules must include, at a minimum, the type of written proof required as admissible evidence in an administrative proceeding to establish a full-time practice and to recoup to the BOD the cost of verifying full-time practice; further documented by an applicant’s annual federal income tax returns filed with the Internal Revenue Service for each year in the preceding five year period or, if the applicant has been practicing for less than five years, the period since initial licensure. The bill deletes from s. 466.006(4)(b)2.e.(III)(D), F.S., the affidavit of an unrelated person who is familiar with the applicant’s practice who testifies with particularity that the applicant has been engaged in full-time practice as admissible proof of full-time practice.

The bill amends s. 466.006(4)(b)2.e.(IV), F.S., to authorize the BOD to excuse applicants who currently have a valid, active unrestricted dental license in good standing, from another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, from the 1,200 hour requirement of s 466.006,(4)(b)2.e.(II), F.S., which defines “full-time

³¹ See s. 466.003(14), F.S.

³² Section 466.006,(4)(e)II, F.S.

practice” as a minimum of 1,200 hours per year in the consecutive five year period, in the event of hardship as defined by the BOD.

The bill deletes language from s. 466.006(4)(b)2.e.(IV), F.S., which specifies that the applicant’s affidavit alone is not acceptable proof of full-time practice unless it is further attested to by someone unrelated to the applicant who has personal knowledge of the applicant’s practice. The bill further deletes the BOD ability to require the applicant or the applicant’s affidavit witnesses to appear before the BOD and give oral testimony under oath, if the BOD deems it necessary to assess their credibility or accuracy.

SB 938 amends s. 466.006(5), F.S., to clarify that the practical examination required under s. 466.006(4), F.S., is the ADEX developed by the American Board of Dental Examiners, Inc., or its successor entity, provided the BOD finds that the successor entity’s clinical examination complies with the provisions s.466.006, F.S., and must include, at a minimum, all the required clinical diagnostic and treatment planning set out in s. 466.006(5)(a), F.S.

The bill deletes s. 466.006,(6), F.S., which currently requires dentists licensed and practicing in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and relocating to Florida, who are applying for licensure based on ADEX scores from a state other than Florida, to actually engage in the full-time practice of dentistry inside the geographic boundaries of Florida within one year of receiving Florida licensure. The subsection currently requires proof of full-time practice be provided to the BOD or the dentist’s license will expire and requires the dentist to immediately cease and desist from practicing dentistry and surrender his or her license. Any use of the expired license is a felony of the third degree pursuant to s. 466.006(1)(b), F.S., punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

The bill amends s. 466.009, F.S., to allow any person who fails the examination required under ss. 466.006 or 466.007, F.S., for licensure as a dentist or dental hygienist to retake the examination.

The bill amends s. 466.0135, F.S., to provide that the BOD may authorize up to three hours of credit biennially for a practice management course that may include instruction on principles of ethical practice management, provides substance abuse, effective communication with patients, time management, or burnout prevention instruction. This revision clarifies the content of the course and provides that one or more of the listed subjects may be included, as opposed to the current requirement for all of them to be included.

The bill provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 466.006, 466.009, and 466.0135.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
