

By Senator Collins

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1 A bill to be entitled
2 An act relating to dental therapy; amending s.
3 409.906, F.S.; authorizing Medicaid to reimburse for
4 dental services provided in a mobile dental unit that
5 is owned by, operated by, or has a contractual
6 agreement with a health access setting or another
7 similar setting or program; amending s. 466.001, F.S.;
8 revising legislative purpose and intent; amending s.
9 466.002, F.S.; providing applicability; reordering and
10 amending s. 466.003, F.S.; defining the terms "dental
11 therapist" and "dental therapy"; making technical
12 changes; amending s. 466.004, F.S.; requiring the
13 chair of the Board of Dentistry to appoint a Council
14 on Dental Therapy, effective after a specified
15 timeframe; providing for the membership, meetings, and
16 purpose of the council; amending s. 466.006, F.S.;
17 revising the definitions of the terms "full-time
18 practice" and "full-time practice of dentistry within
19 the geographic boundaries of this state within 1 year"
20 to include full-time faculty members of certain dental
21 therapy schools; amending s. 466.009, F.S.; requiring
22 the Department of Health to allow any person who fails
23 the dental therapy examination to retake the
24 examination; providing that a person who fails a
25 practical or clinical examination to practice dental
26 therapy and who has failed one part or procedure of
27 the examination may be required to retake only that
28 part or procedure to pass the examination; requiring
29 such applicant to retake the entire examination under

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30 certain circumstances; amending s. 466.011, F.S.;

31 requiring the board to certify an applicant for

32 licensure as a dental therapist; creating s. 466.0136,

33 F.S.; requiring the board to require each licensed

34 dental therapist to complete a specified number of

35 hours of continuing education; requiring the board to

36 adopt rules and guidelines; requiring dental

37 therapists to retain certain documentation in their

38 records; authorizing the board to excuse licensees

39 from continuing education requirements in certain

40 circumstances; amending s. 466.016, F.S.; requiring a

41 practitioner of dental therapy to post and display her

42 or his license in each office where she or he

43 practices; amending s. 466.017, F.S.; requiring the

44 board to adopt certain rules relating to dental

45 therapists; authorizing a dental therapist under the

46 supervision of a dentist to administer local

47 anesthesia and operate an X-ray machine, expose dental

48 X-ray films, and interpret or read such films if

49 specified requirements are met; making a technical

50 change; amending s. 466.018, F.S.; providing that a

51 dentist of record remains primarily responsible for

52 the dental treatment of a patient regardless of

53 whether the treatment is provided by a dental

54 therapist; requiring that the initials of a dental

55 therapist who renders treatment to a patient be placed

56 in the record of the patient; creating s. 466.0225,

57 F.S.; providing application requirements and

58 examination and licensure qualifications for dental

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59 therapists; creating s. 466.0227, F.S.; authorizing a
60 dental therapist to perform specified services under
61 the supervision of a dentist under certain conditions;
62 specifying state-specific dental therapy services;
63 requiring that a collaborative management agreement be
64 signed by a supervising dentist and a dental therapist
65 and include certain information; requiring the
66 supervising dentist to determine the number of hours
67 of practice that a dental therapist must complete
68 before performing certain authorized services;
69 authorizing a supervising dentist to restrict or limit
70 the dental therapist's practice in a collaborative
71 management agreement; providing that a supervising
72 dentist may authorize a dental therapist to provide
73 dental therapy services to a patient before the
74 dentist examines or diagnoses the patient under
75 certain conditions; requiring a supervising dentist to
76 be licensed and practicing in this state; specifying
77 that the supervising dentist is responsible for
78 certain services; amending s. 466.026, F.S.; providing
79 criminal penalties for practicing dental therapy
80 without an active license, selling or offering to sell
81 a diploma from a dental therapy school or college,
82 falsely using a specified name or initials, or holding
83 oneself out as an actively licensed dental therapist;
84 amending s. 466.028, F.S.; revising grounds for denial
85 of a license or disciplinary action to include the
86 practice of dental therapy; amending s. 466.0285,
87 F.S.; prohibiting persons other than licensed dentists

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88 from employing a dental therapist in the operation of
89 a dental office and from controlling the use of any
90 dental equipment or material in certain circumstances;
91 requiring the department, in consultation with the
92 board and the Agency for Health Care Administration,
93 to provide reports to the Legislature by specified
94 dates; requiring that certain information and
95 recommendations be included in the reports; providing
96 an effective date.

97

98 Be It Enacted by the Legislature of the State of Florida:

99

100 Section 1. Paragraph (c) of subsection (1) of section
101 409.906, Florida Statutes, is amended, and paragraph (e) is
102 added to subsection (6) of that section, to read:

103 409.906 Optional Medicaid services.—Subject to specific
104 appropriations, the agency may make payments for services which
105 are optional to the state under Title XIX of the Social Security
106 Act and are furnished by Medicaid providers to recipients who
107 are determined to be eligible on the dates on which the services
108 were provided. Any optional service that is provided shall be
109 provided only when medically necessary and in accordance with
110 state and federal law. Optional services rendered by providers
111 in mobile units to Medicaid recipients may be restricted or
112 prohibited by the agency. Nothing in this section shall be
113 construed to prevent or limit the agency from adjusting fees,
114 reimbursement rates, lengths of stay, number of visits, or
115 number of services, or making any other adjustments necessary to
116 comply with the availability of moneys and any limitations or

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117 directions provided for in the General Appropriations Act or
118 chapter 216. If necessary to safeguard the state's systems of
119 providing services to elderly and disabled persons and subject
120 to the notice and review provisions of s. 216.177, the Governor
121 may direct the Agency for Health Care Administration to amend
122 the Medicaid state plan to delete the optional Medicaid service
123 known as "Intermediate Care Facilities for the Developmentally
124 Disabled." Optional services may include:

125 (1) ADULT DENTAL SERVICES.—

126 (c) However, Medicaid will not provide reimbursement for
127 dental services provided in a mobile dental unit, except for a
128 mobile dental unit:

129 1. Owned by, operated by, or having a contractual agreement
130 with the Department of Health and complying with Medicaid's
131 county health department clinic services program specifications
132 as a county health department clinic services provider.

133 2. Owned by, operated by, or having a contractual
134 arrangement with a federally qualified health center and
135 complying with Medicaid's federally qualified health center
136 specifications as a federally qualified health center provider.

137 3. Rendering dental services to Medicaid recipients, 21
138 years of age and older, at nursing facilities.

139 4. Owned by, operated by, or having a contractual agreement
140 with a state-approved dental educational institution.

141 5. Owned by, operated by, or having a contractual agreement
142 with a health access setting as defined in s. 466.003 or a
143 similar setting or program.

144 (6) CHILDREN'S DENTAL SERVICES.—The agency may pay for
145 diagnostic, preventive, or corrective procedures, including

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146 orthodontia in severe cases, provided to a recipient under age
147 21, by or under the supervision of a licensed dentist. The
148 agency may also reimburse a health access setting as defined in
149 s. 466.003 for the remediable tasks that a licensed dental
150 hygienist is authorized to perform under s. 466.024(2). Services
151 provided under this program include treatment of the teeth and
152 associated structures of the oral cavity, as well as treatment
153 of disease, injury, or impairment that may affect the oral or
154 general health of the individual. However, Medicaid will not
155 provide reimbursement for dental services provided in a mobile
156 dental unit, except for a mobile dental unit:

157 (e) Owned by, operated by, or having a contractual
158 agreement with a health access setting as defined in s. 466.003
159 or a similar setting or program.

160 Section 2. Section 466.001, Florida Statutes, is amended to
161 read:

162 466.001 Legislative purpose and intent.—The legislative
163 purpose for enacting this chapter is to ensure that every
164 dentist, dental therapist, or dental hygienist practicing in
165 this state meets minimum requirements for safe practice without
166 undue clinical interference by persons not licensed under this
167 chapter. It is the legislative intent that dental services be
168 provided only in accordance with ~~the provisions of~~ this chapter
169 and not be delegated to unauthorized individuals. It is the
170 further legislative intent that dentists, dental therapists, and
171 dental hygienists who fall below minimum competency or who
172 otherwise present a danger to the public ~~shall~~ be prohibited
173 from practicing in this state. All provisions of this chapter
174 relating to the practice of dentistry, dental therapy, and

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175 dental hygiene shall be liberally construed to carry out such
176 purpose and intent.

177 Section 3. Subsections (5) and (6) of section 466.002,
178 Florida Statutes, are amended to read:

179 466.002 Persons exempt from operation of chapter.—Nothing
180 in this chapter shall apply to the following practices, acts,
181 and operations:

182 (5) Students in Florida schools of dentistry, dental
183 therapy, and dental hygiene or dental assistant educational
184 programs, while performing regularly assigned work under the
185 curriculum of such schools or programs.

186 (6) Instructors in Florida schools of dentistry,
187 instructors in dental programs that prepare persons holding
188 D.D.S. or D.M.D. degrees for certification by a specialty board
189 and that are accredited in the United States by January 1, 2005,
190 in the same manner as the board recognizes accreditation for
191 Florida schools of dentistry that are not otherwise affiliated
192 with a Florida school of dentistry, or instructors in Florida
193 schools of dental hygiene or dental therapy or dental assistant
194 educational programs, while performing regularly assigned
195 instructional duties under the curriculum of such schools or
196 programs. A full-time dental instructor at a dental school or
197 dental program approved by the board may be allowed to practice
198 dentistry at the teaching facilities of such school or program,
199 upon receiving a teaching permit issued by the board, in strict
200 compliance with such rules as are adopted by the board
201 pertaining to the teaching permit and with the established rules
202 and procedures of the dental school or program as recognized in
203 this section.

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204 Section 4. Section 466.003, Florida Statutes, is reordered
205 and amended to read:

206 466.003 Definitions.—As used in this chapter, the term:

207 (1) "Board" means the Board of Dentistry.

208 (7)~~(2)~~ "Dentist" means a person licensed to practice
209 dentistry pursuant to this chapter.

210 (8)~~(3)~~ "Dentistry" means the healing art which is concerned
211 with the examination, diagnosis, treatment planning, and care of
212 conditions within the human oral cavity and its adjacent tissues
213 and structures. It includes the performance or attempted
214 performance of any dental operation, or oral or oral-
215 maxillofacial surgery and any procedures adjunct thereto,
216 including physical evaluation directly related to such operation
217 or surgery pursuant to hospital rules and regulations. It also
218 includes dental service of any kind gratuitously or for any
219 remuneration paid, or to be paid, directly or indirectly, to any
220 person or agency. The term "dentistry" ~~shall~~ also includes
221 ~~include~~ the following:

222 (a) ~~The~~ Taking ~~of~~ an impression of the human tooth, teeth,
223 or jaws directly or indirectly and by any means or method.

224 (b) Supplying artificial substitutes for the natural teeth
225 or furnishing, supplying, constructing, reproducing, or
226 repairing any prosthetic denture, bridge, appliance, or any
227 other structure designed to be worn in the human mouth except on
228 the written work order of a duly licensed dentist.

229 (c) ~~The~~ Placing ~~of~~ an appliance or structure in the human
230 mouth or the adjusting or attempting to adjust the same.

231 (d) Delivering the same to any person other than the
232 dentist upon whose work order the work was performed.

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233 (e) Professing to the public by any method to furnish,
234 supply, construct, reproduce, or repair any prosthetic denture,
235 bridge, appliance, or other structure designed to be worn in the
236 human mouth.

237 (f) Diagnosing, prescribing, or treating or professing to
238 diagnose, prescribe, or treat disease, pain, deformity,
239 deficiency, injury, or physical condition of the human teeth or
240 jaws or oral-maxillofacial region.

241 (g) Extracting or attempting to extract human teeth.

242 (h) Correcting or attempting to correct malformations of
243 teeth or of jaws.

244 (i) Repairing or attempting to repair cavities in ~~the~~ human
245 teeth.

246 (3)~~(4)~~ "Dental hygiene" means the rendering of educational,
247 preventive, and therapeutic dental services pursuant to ss.
248 466.023 and 466.024 and any related extra-oral procedure
249 required in the performance of such services.

250 (4)~~(5)~~ "Dental hygienist" means a person licensed to
251 practice dental hygiene pursuant to this chapter.

252 (2)~~(6)~~ "Dental assistant" means a person, other than a
253 dental hygienist, who, under the supervision and authorization
254 of a dentist, provides dental care services directly to a
255 patient. This term does ~~shall~~ not include a certified registered
256 nurse anesthetist licensed under part I of chapter 464.

257 (5) "Dental therapist" means a person licensed to practice
258 dental therapy pursuant to s. 466.0225.

259 (6) "Dental therapy" means the rendering of services
260 pursuant to s. 466.0227 and any related extraoral services or
261 procedures required in the performance of such services.

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262 (9)~~(7)~~ "Department" means the Department of Health.

263 (10)~~(8)~~ "Digital scanning" means the use of digital
264 technology that creates a computer-generated replica of the hard
265 and soft tissue of the oral cavity using enhanced digital
266 photography, lasers, or other optical scanning devices.

267 (11)~~(9)~~ "Direct supervision" means supervision whereby a
268 dentist diagnoses the condition to be treated, a dentist
269 authorizes the procedure to be performed, a dentist remains on
270 the premises while the procedures are performed, and a dentist
271 approves the work performed before dismissal of the patient.

272 (14)~~(10)~~ "Indirect supervision" means supervision whereby a
273 dentist authorizes procedures ~~the procedure~~ and a dentist is on
274 the premises while the procedures are performed.

275 (12)~~(11)~~ "General supervision" means supervision whereby a
276 dentist authorizes the procedures which are being carried out
277 but need not be present when the authorized procedures are being
278 performed. The authorized procedures may also be performed at a
279 place other than the dentist's usual place of practice. The
280 issuance of a written work authorization to a commercial dental
281 laboratory by a dentist does not constitute general supervision.

282 (15)~~(12)~~ "Irremediable tasks" are those intraoral treatment
283 tasks which, when performed, are irreversible and create
284 unalterable changes within the oral cavity or the contiguous
285 structures or which cause an increased risk to the patient. The
286 administration of anesthetics other than topical anesthesia is
287 considered to be an "irremediable task" for purposes of this
288 chapter.

289 (17)~~(13)~~ "Remediable tasks" are those intraoral treatment
290 tasks which are reversible and do not create unalterable changes

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291 within the oral cavity or the contiguous structures and which do
292 not cause an increased risk to the patient.

293 (16)~~(14)~~ "Oral and maxillofacial surgery" means the
294 specialty of dentistry involving diagnosis, surgery, and
295 adjunctive treatment of diseases, injuries, and defects
296 involving the functional and esthetic aspects of the hard and
297 soft tissues of the oral and maxillofacial regions. This term
298 may not be construed to apply to any individual exempt under s.
299 466.002(1).

300 (13)~~(15)~~ "Health access setting" means a program or an
301 institution of the Department of Children and Families, the
302 Department of Health, the Department of Juvenile Justice, a
303 nonprofit community health center, a Head Start center, a
304 federally qualified health center or look-alike as defined by
305 federal law, a school-based prevention program, a clinic
306 operated by an accredited college of dentistry, or an accredited
307 dental hygiene program in this state if such community service
308 program or institution immediately reports to the Board of
309 Dentistry all violations of s. 466.027, s. 466.028, or other
310 practice act or standard of care violations related to the
311 actions or inactions of a dentist, dental hygienist, or dental
312 assistant engaged in the delivery of dental care in such
313 setting.

314 (18)~~(16)~~ "School-based prevention program" means preventive
315 oral health services offered at a school by one of the entities
316 described ~~defined~~ in subsection (13) ~~(15)~~ or by a nonprofit
317 organization that is exempt from federal income taxation under
318 s. 501(a) of the Internal Revenue Code, and described in s.
319 501(c) (3) of the Internal Revenue Code.

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320 Section 5. Subsection (2) of section 466.004, Florida
321 Statutes, is amended to read:

322 466.004 Board of Dentistry.—

323 (2) ~~To advise the board,~~ It is the intent of the
324 Legislature that councils be appointed as specified in
325 paragraphs (a)-(d) to advise the board ~~(a), (b), and (c)~~. The
326 department shall provide administrative support to the councils
327 and shall provide public notice of meetings and agendas ~~agenda~~
328 of the councils. Councils must ~~shall~~ include at least one board
329 member, who shall serve as chair, ~~the council~~ and must ~~shall~~
330 include nonboard members. All council members shall be appointed
331 by the board chair. Council members shall be appointed for 4-
332 year terms, and all members are ~~shall be~~ eligible for
333 reimbursement of expenses in the manner of board members.

334 (a) A Council on Dental Hygiene shall be appointed by the
335 board chair and shall include one dental hygienist member of the
336 board, who shall chair the council, one dental member of the
337 board, and three dental hygienists who are actively engaged in
338 the practice of dental hygiene in this state. In making the
339 appointments, the chair shall consider recommendations from the
340 Florida Dental Hygiene Association. The council shall meet at
341 the request of the board chair, a majority of the members of the
342 board, or the council chair; however, the council must meet at
343 least three times each ~~a~~ year. The council is charged with, the
344 ~~responsibility of~~ and shall meet for the purpose of, developing
345 rules and policies for recommendation to the board, which the
346 board shall consider, on matters pertaining to that part of
347 dentistry consisting of educational, preventive, or therapeutic
348 dental hygiene services; dental hygiene licensure, discipline,

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349 or regulation; and dental hygiene education. The board shall
350 consider rule and policy recommendations of the council ~~shall be~~
351 ~~considered by the board~~ at its next regularly scheduled meeting
352 in the same manner in which it considers rule and policy
353 recommendations from designated subcommittees of the board. Any
354 rule or policy proposed by the board pertaining to the specified
355 part of dentistry identified ~~defined~~ by this subsection must
356 ~~shall~~ be referred to the council for a recommendation before
357 final action by the board. The board may take final action on
358 rules pertaining to the specified part of dentistry identified
359 ~~defined~~ by this subsection without a council recommendation if
360 the council fails to submit a recommendation in a timely fashion
361 as prescribed by the board.

362 (b) A Council on Dental Assisting shall be appointed by the
363 board chair and shall include one board member who shall chair
364 the council and three dental assistants who are actively engaged
365 in dental assisting in this state. The council shall meet at the
366 request of the board chair or a majority of the members of the
367 board. The council shall meet for the purpose of developing
368 recommendations to the board on matters pertaining to that part
369 of dentistry related to dental assisting.

370 (c) Effective 28 months after the first dental therapy
371 license is granted by the board, the board chair shall appoint a
372 Council on Dental Therapy, which must include one board member
373 who shall chair the council and three dental therapists who are
374 actively engaged in the practice of dental therapy in this
375 state. The council shall meet at the request of the board chair,
376 a majority of the members of the board, or the council chair;
377 however, the council shall meet at least three times per year.

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378 The council is charged with, and shall meet for the purpose of,
379 developing rules and policies for recommendation to the board on
380 matters pertaining to that part of dentistry consisting of
381 educational, preventive, or therapeutic dental therapy services;
382 dental therapy licensure, discipline, or regulation; and dental
383 therapy education. The board shall consider the recommended
384 rules and policies at its next regularly scheduled meeting in
385 the same manner in which it considers rule and policy
386 recommendations from designated subcommittees of the board. Any
387 rule or policy proposed by the board pertaining to the specified
388 part of dentistry identified by this subsection must be referred
389 to the council for a recommendation before final action by the
390 board. The board may take final action on rules pertaining to
391 the specified part of dentistry identified by this subsection
392 without a council recommendation if the council fails to submit
393 a recommendation in a timely fashion as prescribed by the board.

394 (d) With the concurrence of the State Surgeon General, the
395 board chair may create and abolish other advisory councils
396 relating to dental subjects, including, but not limited to:
397 examinations, access to dental care, indigent care, nursing home
398 and institutional care, public health, disciplinary guidelines,
399 and other subjects as appropriate. Such councils shall be
400 appointed by the board chair and shall include at least one
401 board member who shall serve as chair.

402 Section 6. Paragraph (b) of subsection (4) of section
403 466.006, Florida Statutes, is amended to read:

404 466.006 Examination of dentists.—

405 (4) Notwithstanding any other provision of law in chapter
406 456 pertaining to the clinical dental licensure examination or

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407 national examinations, to be licensed as a dentist in this
408 state, an applicant must successfully complete both of the
409 following:

410 (b) A practical or clinical examination, which must be the
411 American Dental Licensing Examination produced by the American
412 Board of Dental Examiners, Inc., or its successor entity, if
413 any, which is administered in this state, provided that the
414 board has attained, and continues to maintain thereafter,
415 representation on the board of directors of the American Board
416 of Dental Examiners, the examination development committee of
417 the American Board of Dental Examiners, and such other
418 committees of the American Board of Dental Examiners as the
419 board deems appropriate by rule to assure that the standards
420 established herein are maintained organizationally.

421 1. As an alternative to such practical or clinical
422 examination, an applicant may submit scores from an American
423 Dental Licensing Examination previously administered in a
424 jurisdiction other than this state after October 1, 2011, and
425 such examination results are recognized as valid for the purpose
426 of licensure in this state. A passing score on the American
427 Dental Licensing Examination administered out of state is the
428 same as the passing score for the American Dental Licensing
429 Examination administered in this state. The applicant must have
430 completed the examination after October 1, 2011. This
431 subparagraph may not be given retroactive application.

432 2. If the date of an applicant's passing American Dental
433 Licensing Examination scores from an examination previously
434 administered in a jurisdiction other than this state under
435 subparagraph 1. is older than 365 days, such scores are

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436 nevertheless valid for the purpose of licensure in this state,
437 but only if the applicant demonstrates that all of the following
438 additional standards have been met:

439 a. The applicant completed the American Dental Licensing
440 Examination after October 1, 2011. This sub-subparagraph may not
441 be given retroactive application.

442 b. The applicant graduated from a dental school accredited
443 by the American Dental Association Commission on Dental
444 Accreditation or its successor entity, if any, or any other
445 dental accrediting organization recognized by the United States
446 Department of Education. Provided, however, if the applicant did
447 not graduate from such a dental school, the applicant may submit
448 proof of having successfully completed a full-time supplemental
449 general dentistry program accredited by the American Dental
450 Association Commission on Dental Accreditation of at least 2
451 consecutive academic years at such accredited sponsoring
452 institution. Such program must provide didactic and clinical
453 education at the level of a D.D.S. or D.M.D. program accredited
454 by the American Dental Association Commission on Dental
455 Accreditation. For purposes of this sub-subparagraph, a
456 supplemental general dentistry program does not include an
457 advanced education program in a dental specialty.

458 c. The applicant currently possesses a valid and active
459 dental license in good standing, with no restriction, which has
460 never been revoked, suspended, restricted, or otherwise
461 disciplined, from another state or territory of the United
462 States, the District of Columbia, or the Commonwealth of Puerto
463 Rico.

464 d. The applicant must disclose to the board during the

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465 application process if he or she has been reported to the
466 National Practitioner Data Bank, the Healthcare Integrity and
467 Protection Data Bank, or the American Association of Dental
468 Boards Clearinghouse. This sub-subparagraph does not apply if
469 the applicant successfully appealed to have his or her name
470 removed from the data banks of these agencies.

471 e.(I) (A) The applicant submits proof of having been
472 consecutively engaged in the full-time practice of dentistry in
473 another state or territory of the United States, the District of
474 Columbia, or the Commonwealth of Puerto Rico in the 5 years
475 immediately preceding the date of application for licensure in
476 this state; or

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

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

487 (A) Active clinical practice of dentistry providing direct
488 patient care.

489 (B) Full-time practice as a faculty member employed by a
490 dental, dental therapy, or dental hygiene school approved by the
491 board or accredited by the American Dental Association
492 Commission on Dental Accreditation.

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

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494 dental education program approved by the board or accredited by
495 the American Dental Association Commission on Dental
496 Accreditation.

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

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

502 (B) Submitted in writing;

503 (C) Further documented by an applicant's annual income tax
504 return filed with the Internal Revenue Service for each year in
505 the preceding 5-year period or, if the applicant has been
506 practicing for less than 5 years, the period since initial
507 licensure; and

508 (D) Specifically found by the board to be both credible and
509 admissible.

510 (IV) The board may excuse applicants from the 1,200-hour
511 requirement in the event of hardship, as defined by the board.

512 f. The applicant submits documentation that he or she has
513 completed, or will complete before he or she is licensed in this
514 state, continuing education equivalent to this state's
515 requirements for the last full reporting biennium.

516 g. The applicant proves that he or she has never been
517 convicted of, or pled nolo contendere to, regardless of
518 adjudication, any felony or misdemeanor related to the practice
519 of a health care profession in any jurisdiction.

520 h. The applicant has successfully passed a written
521 examination on the laws and rules of this state regulating the
522 practice of dentistry and the computer-based diagnostic skills

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523 examination.

524 i. The applicant submits documentation that he or she has
525 successfully completed the applicable examination administered
526 by the Joint Commission on National Dental Examinations or its
527 successor organization.

528 Section 7. Subsection (1) of section 466.009, Florida
529 Statutes, is amended, and subsection (4) is added to that
530 section, to read:

531 466.009 Reexamination.—

532 (1) Any person who fails an examination that is required
533 under s. 466.006, ~~or~~ s. 466.007, or s. 466.0225 may retake the
534 examination.

535 (4) If an applicant for a license to practice dental
536 therapy fails the practical or clinical examination and she or
537 he has failed only one part or procedure of such examination,
538 she or he may be required to retake only that part or procedure
539 to pass such examination. However, if any such applicant fails
540 more than one part or procedure of any such examination, she or
541 he must be required to retake the entire examination.

542 Section 8. Section 466.011, Florida Statutes, is amended to
543 read:

544 466.011 Licensure.—The board shall certify for licensure by
545 the department any applicant who satisfies the requirements of
546 s. 466.006, s. 466.0067, ~~or~~ s. 466.007, or s. 466.0225. The
547 board may refuse to certify an applicant who has violated ~~any of~~
548 ~~the provisions of~~ s. 466.026 or s. 466.028.

549 Section 9. Section 466.0136, Florida Statutes, is created
550 to read:

551 466.0136 Continuing education; dental therapists.—In

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552 addition to any other requirements for relicensure for dental
553 therapists specified in this chapter, the board shall require
554 each licensed dental therapist to complete at least 24 hours,
555 but not more than 36 hours, biennially of continuing education
556 in dental subjects in programs approved by the board or in
557 equivalent programs of continuing education. Programs of
558 continuing education approved by the board must be programs of
559 learning which, in the opinion of the board, contribute directly
560 to the dental education of the dental therapist. An individual
561 licensed as both a dental therapist and a dental hygienist may
562 use 2 hours of continuing education that is approved for both
563 dental therapy and dental hygiene education to satisfy both
564 dental therapy and dental hygiene continuing education
565 requirements. The board shall adopt rules and guidelines to
566 administer and enforce this section. The dental therapist shall
567 retain in her or his records any receipts, vouchers, or
568 certificates necessary to document completion of such continuing
569 education. Compliance with these continuing education
570 requirements is mandatory for issuance of the renewal
571 certificate. The board may excuse licensees, as a group or
572 individually, from all or part of the continuing education
573 requirements if an unusual circumstance, emergency, or hardship
574 prevents compliance with this section.

575 Section 10. Subsection (1) of section 466.016, Florida
576 Statutes, is amended to read:

577 466.016 License to be displayed.—

578 (1) Every practitioner of dentistry, dental therapy, or
579 dental hygiene ~~within the meaning of this chapter~~ shall post and
580 keep conspicuously displayed in plain sight of the

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581 practitioner's patients her or his license in each ~~the~~ office
 582 where ~~wherein~~ she or he practices, ~~in plain sight of the~~
 583 ~~practitioner's patients. Any dentist or dental hygienist who~~
 584 ~~practices at more than one location must display a copy of her~~
 585 ~~or his license in each office where she or he practices.~~

586 Section 11. Present subsections (7) through (15) of section
 587 466.017, Florida Statutes, are redesignated as subsections (9)
 588 through (17), respectively, new subsections (7) and (8) are
 589 added to that section, and paragraphs (d) and (e) of subsection
 590 (3), subsection (4), and present subsections (7), (8), and (14)
 591 of that section are amended, to read:

592 466.017 Prescription of drugs; anesthesia.—

593 (3) The board shall adopt rules which:

594 (d) Establish further requirements relating to the use of
 595 general anesthesia or sedation, including, but not limited to,
 596 office equipment and the training of dental assistants, dental
 597 therapists, or dental hygienists who work with dentists using
 598 general anesthesia or sedation.

599 (e) Establish an administrative mechanism that allows
 600 ~~enabling~~ the board to verify compliance with training,
 601 education, experience, equipment, or certification requirements
 602 adopted pursuant to this subsection which are applicable to ~~of~~
 603 dentists, dental therapists, dental hygienists, and dental
 604 assistants adopted pursuant to this subsection. The board may
 605 charge a fee to defray the cost of verifying compliance with
 606 requirements adopted pursuant to this paragraph.

607 (4) A dentist, dental therapist, or dental hygienist who
 608 administers or employs the use of any form of anesthesia must
 609 possess a certification in either basic cardiopulmonary

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610 resuscitation for health professionals or advanced cardiac life
611 support approved by the American Heart Association or the
612 American Red Cross or an equivalent agency-sponsored course with
613 recertification every 2 years. Each dental office that ~~which~~
614 uses any form of anesthesia must have immediately available and
615 in good working order such resuscitative equipment, oxygen, and
616 other resuscitative drugs as are specified by rule of the board
617 in order to manage possible adverse reactions.

618 (7) A dental therapist, under the direct supervision of a
619 dentist, may administer local anesthesia, including intraoral
620 block anesthesia or soft tissue infiltration anesthesia, if she
621 or he has completed the course described in paragraph (5) (a) and
622 presents evidence of current certification in basic or advanced
623 cardiac life support.

624 (8) A dental therapist providing services in a mobile
625 dental unit, under the general supervision of a dentist, may
626 administer local anesthesia, including intraoral block
627 anesthesia or soft tissue infiltration anesthesia, if she or he
628 has completed the course described in paragraph (5) (a) and
629 presents evidence of current certification in basic or advanced
630 cardiac life support.

631 (9)~~(7)~~ A licensed dentist, or a dental therapist who is
632 authorized by her or his supervising dentist, may operate
633 ~~utilize~~ an X-ray machine, expose dental X-ray films, and
634 interpret or read such films. ~~Notwithstanding The provisions of~~
635 ~~part IV of chapter 468 to the contrary notwithstanding, a~~
636 licensed dentist, or a dental therapist who is authorized by her
637 or his supervising dentist, may authorize or direct a dental
638 assistant to operate such equipment and expose such films under

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639 her or his direction and supervision, pursuant to rules adopted
640 by the board in accordance with s. 466.024 which ensure that the
641 ~~said~~ assistant is competent by reason of training and experience
642 to operate the X-ray ~~said~~ equipment in a safe and efficient
643 manner. The board may charge a fee not to exceed \$35 to defray
644 the cost of verifying compliance with requirements adopted
645 pursuant to this section.

646 ~~(10)-(8)~~ Notwithstanding ~~The provisions of~~ s. 465.0276
647 ~~notwithstanding~~, a dentist need not register with the board or
648 comply with the continuing education requirements of that
649 section if the dentist confines her or his dispensing activity
650 to the dispensing of fluorides and chlorhexidine ~~chlorhexidine~~
651 rinse solutions; provided that the dentist complies with and is
652 subject to all laws and rules applicable to pharmacists and
653 pharmacies, including, but not limited to, chapters 465, 499,
654 and 893, and all applicable federal laws and regulations, when
655 dispensing such products.

656 ~~(16)-(14)~~ As used in subsections (11)-(15) ~~(9)-(13)~~, the
657 term "adverse incident" means any mortality that occurs during
658 or as the result of a dental procedure, or an incident that
659 results in a temporary or permanent physical or mental injury
660 that requires hospitalization or emergency room treatment of a
661 dental patient which occurs during or as a direct result of the
662 use of general anesthesia, deep sedation, moderate sedation,
663 pediatric moderate sedation, oral sedation, minimal sedation
664 (anxiolysis), nitrous oxide, or local anesthesia.

665 Section 12. Subsection (1) of section 466.018, Florida
666 Statutes, is amended to read:

667 466.018 Dentist of record; patient records.-

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668 (1) Each patient must ~~shall~~ have a dentist of record. The
669 dentist of record shall remain primarily responsible for all
670 dental treatment on such patient regardless of whether the
671 treatment is rendered by that ~~the~~ dentist or by another dentist,
672 a dental therapist, a dental hygienist, or a dental assistant
673 rendering such treatment in conjunction with, at the direction
674 or request of, or under the supervision of such dentist of
675 record. The dentist of record must ~~shall~~ be identified in the
676 record of the patient. If treatment is rendered by a dentist
677 other than the dentist of record or by a dental hygienist,
678 dental therapist, or dental assistant, the name or initials of
679 such person must ~~shall~~ be placed in the record of the patient.
680 In any disciplinary proceeding brought pursuant to this chapter
681 or chapter 456, it must ~~shall~~ be presumed as a matter of law
682 that treatment was rendered by the dentist of record unless
683 otherwise noted on the patient record pursuant to this section.
684 The dentist of record and any other treating dentist are subject
685 to discipline pursuant to this chapter or chapter 456 for
686 treatment rendered to the patient and performed in violation of
687 such chapter. One of the purposes of this section is to ensure
688 that the responsibility for each patient is assigned to one
689 dentist in a multidentist practice of any nature and to assign
690 primary responsibility to the dentist for treatment rendered by
691 a dental hygienist, dental therapist, or dental assistant under
692 her or his supervision. This section may ~~shall~~ not be construed
693 to assign any responsibility to a dentist of record for
694 treatment rendered pursuant to a proper referral to another
695 dentist who does not ~~is~~ practice with the dentist of record or
696 to prohibit a patient from voluntarily selecting a new dentist

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697 without permission of the dentist of record.

698 Section 13. Section 466.0225, Florida Statutes, is created
699 to read:

700 466.0225 Examination of dental therapists; licensing.-

701 (1) Any person desiring to be licensed as a dental
702 therapist must apply to the department to take the licensure
703 examinations and shall verify the information required on the
704 application by oath. The application must include two recent
705 photographs of the applicant.

706 (2) An applicant is entitled to take the examinations
707 required under this section and receive licensure to practice
708 dental therapy in this state if the applicant meets all of the
709 following criteria:

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

711 (b) Is a graduate of a dental therapy college or school
712 accredited by the American Dental Association Commission on
713 Dental Accreditation or its successor entity, if any, or any
714 other dental therapy accrediting entity recognized by the United
715 States Department of Education. For applicants applying for a
716 dental therapy license before January 1, 2030, the board must
717 approve the applicant's dental therapy education program if the
718 program was administered by a college or school that operates an
719 accredited dental or dental hygiene program and the college or
720 school certifies to the board that the applicant's education
721 substantially conformed to the education standards established
722 by the American Dental Association Commission on Dental
723 Accreditation or its successor entity.

724 (c) Has successfully completed a dental therapy practical
725 or clinical examination produced by the American Board of Dental

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726 Examiners, Inc., (ADEX) or its successor entity, if any, if the
727 board finds that the successor entity's examination meets or
728 exceeds the requirements of this section. If an applicant fails
729 to pass such an examination after three attempts, the applicant
730 is not eligible to retake the examination unless the applicant
731 completes additional education requirements as specified by the
732 board. If a dental therapy examination has not been established
733 by ADEX, the board must administer or approve an alternative
734 examination.

735 (d) Has not been disciplined by a board, except for
736 citation offenses or minor violations.

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

740 (f) Has successfully completed a written examination on the
741 laws and rules of this state regulating the practice of dental
742 therapy.

743 (3) The board shall license an applicant to practice dental
744 therapy in this state if she or he meets the requirements of
745 this section and has successfully completed an examination
746 identified in paragraph (2)(c) in a jurisdiction other than this
747 state or has successfully completed a comparable examination
748 administered or approved by the licensing authority in a
749 jurisdiction other than this state if the board determines that
750 the other jurisdiction's examination is substantially similar to
751 an examination identified in paragraph (2)(c).

752 Section 14. Section 466.0227, Florida Statutes, is created
753 to read:

754 466.0227 Dental therapists; scope and area of practice.—

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755 (1) Except as otherwise provided in this chapter, a dental
756 therapist may perform the dental therapy services specified in
757 subsection (2) under the general supervision of a dentist if
758 providing services in a mobile dental unit and under direct
759 supervision of a dentist in all other service scenarios to the
760 extent authorized by the supervising dentist and provided within
761 the terms of a written collaborative management agreement signed
762 by the dental therapist and the supervising dentist which meets
763 the requirements of subsection (3).

764 (2) Dental therapy services include all of the following:

765 (a) All services, treatments, and competencies identified
766 by the American Dental Association Commission on Dental
767 Accreditation in the commission's Accreditation Standards for
768 Dental Therapy Education Programs.

769 (b) The following state-specific services, if the dental
770 therapist's education included curriculum content satisfying the
771 American Dental Association Commission on Dental Accreditation
772 criteria for state-specific dental therapy services:

773 1. Evaluating radiographs.

774 2. Placement of space maintainers.

775 3. Pulpotomies on primary teeth.

776 4. Dispensing and administering nonopioid analgesics,
777 including nitrous oxide, anti-inflammatories, and antibiotics,
778 as authorized by the supervising dentist and within the
779 parameters of the collaborative management agreement.

780 5. Oral evaluation and assessment of dental disease and
781 formulation of an individualized treatment plan if authorized by
782 the supervising dentist and subject to any conditions,
783 limitations, and protocols specified by the supervising dentist

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784 in the collaborative management agreement.

785 (3) Before performing any of the services authorized in
786 subsection (2), a dental therapist must enter into a written
787 collaborative management agreement with a supervising dentist.
788 The agreement must be signed by the dental therapist and the
789 supervising dentist and must include all of the following
790 information:

791 (a) Practice settings where services may be provided by the
792 dental therapist and the populations to be served by the dental
793 therapist.

794 (b) Any limitations on the services, including telehealth,
795 which may be provided by the dental therapist, including the
796 level of supervision required by the supervising dentist.

797 (c) Age-specific and procedure-specific practice protocols
798 for the dental therapist, including case-selection criteria,
799 assessment guidelines, and imaging frequency.

800 (d) A procedure for creating and maintaining dental records
801 for the patients who are treated by the dental therapist.

802 (e) A plan to manage medical emergencies in each practice
803 setting where the dental therapist provides care.

804 (f) A quality assurance plan for monitoring care provided
805 by the dental therapist, including patient care review,
806 referral, and follow-up and a quality assurance chart review.

807 (g) Protocols for the dental therapist to administer and
808 dispense medications, including the specific conditions for
809 which and circumstances under which the medications may be
810 dispensed and administered.

811 (h) Criteria relating to the provision of care by the
812 dental therapist to patients with specific medical conditions or

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813 complex medication histories, including requirements for
814 consultation with the supervising dentist before the initiation
815 of care.

816 (i) Supervision criteria for dental therapists.

817 (j) A plan for the provision of clinical resources and
818 referrals in situations that are beyond the capabilities of the
819 dental therapist.

820 (4) A supervising dentist shall determine the number of
821 hours of practice that a dental therapist must complete under
822 direct or indirect supervision of the supervising dentist before
823 the dental therapist may perform any of the services authorized
824 in subsection (2) under general or direct supervision.

825 (5) A supervising dentist may restrict or limit the dental
826 therapist's practice in the written collaborative management
827 agreement to be less than the full scope of practice for dental
828 therapists which is authorized in subsection (2).

829 (6) A supervising dentist may authorize a dental therapist
830 to provide dental therapy services to a patient before the
831 supervising dentist examines or diagnoses the patient if such
832 authority and related conditions and protocols are established
833 in a written collaborative management agreement, provided that
834 the patient must be subsequently referred to a dentist for any
835 needed additional services that exceed the dental therapist's
836 scope of practice or authorization under the collaborative
837 management agreement.

838 (7) A supervising dentist must be licensed and practicing
839 in this state. The supervising dentist is responsible for all
840 services authorized and performed by the dental therapist
841 pursuant to the collaborative management agreement and for

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842 providing or arranging follow-up services to be provided by a
843 dentist for any additional services that exceed the dental
844 therapist's scope of practice or authorization under the
845 collaborative management agreement.

846 Section 15. Section 466.026, Florida Statutes, is amended
847 to read:

848 466.026 Prohibitions; penalties.—

849 (1) Each of the following acts constitutes a felony of the
850 third degree, punishable as provided in s. 775.082, s. 775.083,
851 or s. 775.084:

852 (a) Practicing dentistry, dental therapy, or dental hygiene
853 unless the person has an appropriate, active license issued by
854 the department pursuant to this chapter.

855 (b) Using or attempting to use a license issued pursuant to
856 this chapter which license has been suspended or revoked.

857 (c) Knowingly employing any person to perform duties
858 outside the scope allowed such person under this chapter or the
859 rules of the board.

860 (d) Giving false or forged evidence to the department or
861 board for the purpose of obtaining a license.

862 (e) Selling or offering to sell a diploma conferring a
863 degree from a dental college, ~~or~~ dental hygiene school or
864 college, or dental therapy school or college, or a license
865 issued pursuant to this chapter, or procuring such diploma or
866 license with intent that it will ~~shall~~ be used as evidence of
867 that which the document stands for, by a person other than the
868 one upon whom it was conferred or to whom it was granted.

869 (2) Each of the following acts constitutes a misdemeanor of
870 the first degree, punishable as provided in s. 775.082 or s.

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871 775.083:

872 (a) Using the name or title "dentist," the letters "D.D.S."
873 or "D.M.D.", or any other words, letters, title, or descriptive
874 matter which in any way represents a person as being able to
875 diagnose, treat, prescribe, or operate for any disease, pain,
876 deformity, deficiency, injury, or physical condition of the
877 teeth or jaws or oral-maxillofacial region unless the person has
878 an active dentist's license issued by the department pursuant to
879 this chapter.

880 (b) Using the name "dental hygienist" or the initials
881 "R.D.H." or otherwise holding herself or himself out as an
882 actively licensed dental hygienist or implying to any patient or
883 consumer that she or he is an actively licensed dental hygienist
884 unless that person has an active dental hygienist's license
885 issued by the department pursuant to this chapter.

886 (c) Using the name "dental therapist" or the initials
887 "D.T." or otherwise holding herself or himself out as an
888 actively licensed dental therapist or implying to any patient or
889 consumer that she or he is an actively licensed dental therapist
890 unless that person has an active dental therapist's license
891 issued by the department pursuant to this chapter.

892 (d) Presenting as her or his own the license of another.

893 (e) ~~(d)~~ Knowingly concealing information relative to
894 violations of this chapter.

895 (f) ~~(e)~~ Performing any services as a dental assistant as
896 defined herein, except in the office of a licensed dentist,
897 unless authorized by this chapter or by rule of the board.

898 Section 16. Paragraphs (b), (c), (g), (s), and (t) of
899 subsection (1) of section 466.028, Florida Statutes, are amended

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900 to read:

901 466.028 Grounds for disciplinary action; action by the
902 board.—

903 (1) The following acts constitute grounds for denial of a
904 license or disciplinary action, as specified in s. 456.072(2):

905 (b) Having a license to practice dentistry, dental therapy,
906 or dental hygiene revoked, suspended, or otherwise acted
907 against, including the denial of licensure, by the licensing
908 authority of another state, territory, or country.

909 (c) Being convicted or found guilty of or entering a plea
910 of nolo contendere to, regardless of adjudication, a crime in
911 any jurisdiction which relates to the practice of dentistry,
912 dental therapy, or dental hygiene. A plea of nolo contendere
913 creates ~~shall create~~ a rebuttable presumption of guilt to the
914 underlying criminal charges.

915 (g) Aiding, assisting, procuring, or advising any
916 unlicensed person to practice dentistry, dental therapy, or
917 dental hygiene contrary to this chapter or to a rule of the
918 department or the board.

919 (s) Being unable to practice her or his profession with
920 reasonable skill and safety to patients by reason of illness or
921 use of alcohol, drugs, narcotics, chemicals, or any other type
922 of material or as a result of any mental or physical condition.
923 In enforcing this paragraph, the department ~~shall have,~~ upon a
924 finding of the State Surgeon General or her or his designee that
925 probable cause exists to believe that the licensee is unable to
926 practice dentistry, dental therapy, or dental hygiene because of
927 the reasons stated in this paragraph, has the authority to issue
928 an order to compel a licensee to submit to a mental or physical

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929 examination by physicians designated by the department. If the
930 licensee refuses to comply with such order, the department's
931 order directing such examination may be enforced by filing a
932 petition for enforcement in the circuit court where the licensee
933 resides or does business. The licensee against whom the petition
934 is filed may ~~shall~~ not be named or identified by initials in any
935 public court records or documents, and the proceedings must
936 ~~shall~~ be closed to the public. The department is ~~shall be~~
937 entitled to the summary procedure provided in s. 51.011. A
938 licensee affected under this paragraph must ~~shall~~ at reasonable
939 intervals be afforded an opportunity to demonstrate that she or
940 he can resume the competent practice of her or his profession
941 with reasonable skill and safety to patients.

942 (t) Fraud, deceit, or misconduct in the practice of
943 dentistry, dental therapy, or dental hygiene.

944 Section 17. Paragraphs (a) and (b) of subsection (1) of
945 section 466.0285, Florida Statutes, are amended to read:

946 466.0285 Proprietorship by nondentists.—

947 (1) No person other than a dentist licensed pursuant to
948 this chapter, nor any entity other than a professional
949 corporation or limited liability company composed of dentists,
950 may:

951 (a) Employ a dentist, a dental therapist, or a dental
952 hygienist in the operation of a dental office.

953 (b) Control the use of any dental equipment or material
954 while such equipment or material is being used for the provision
955 of dental services, whether those services are provided by a
956 dentist, a dental therapist, a dental hygienist, or a dental
957 assistant.

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959 Any lease agreement, rental agreement, or other arrangement
960 between a nondentist and a dentist whereby the nondentist
961 provides the dentist with dental equipment or dental materials
962 shall contain a provision whereby the dentist expressly
963 maintains complete care, custody, and control of the equipment
964 or practice.

965 Section 18. The Department of Health, in consultation with
966 the Board of Dentistry and the Agency for Health Care
967 Administration, shall submit a progress report to the President
968 of the Senate and the Speaker of the House of Representatives by
969 July 1, 2028, and a final report 4 years after the first dental
970 therapy license is issued. The reports must include all of the
971 following information and recommendations:

972 (1) The progress that has been made in this state to
973 implement dental therapy training programs, licensing, and
974 Medicaid reimbursement.

975 (2) Data demonstrating the effects of dental therapy in
976 this state on all of the following:

977 (a) Patient access to dental services.

978 (b) Costs to dental providers, patients, dental insurance
979 carriers, and the state.

980 (c) The quality and safety of dental services.

981 (3) Specific recommendations for any necessary legislative,
982 administrative, or regulatory reform relating to the practice of
983 dental therapy.

984 (4) Any other information the department deems appropriate.

985 Section 19. This act shall take effect July 1, 2025.