

A bill to be entitled
An act relating to dental therapy; amending s. 409.906, F.S.; authorizing Medicaid to reimburse for dental services provided in a mobile dental unit that is owned by, operated by, or contracted with a health access setting or another similar setting or program; amending s. 466.001, F.S.; revising legislative purpose and intent; amending s. 466.002, F.S.; providing applicability; amending s. 466.003, F.S.; defining the terms "dental therapist" and "dental therapy"; amending s. 466.004, F.S.; requiring the chair of the Board of Dentistry to appoint a Council on Dental Therapy, effective after a specified timeframe; providing for membership, meetings, and the purpose of the council; amending s. 466.006, F.S.; revising the definitions of the terms "full-time practice" to include full-time faculty members of certain dental therapy schools; amending s. 466.009, F.S.; requiring the Department of Health to allow any person who fails the dental therapy examination to retake the examination; providing that a person who fails a practical or clinical examination to practice dental therapy and who has failed one part or procedure of the examination may be required to retake only that part or procedure to pass the examination;

26 amending s. 466.011, F.S.; requiring the board to
27 certify an applicant for licensure as a dental
28 therapist; creating s. 466.0136, F.S.; requiring the
29 board to require each licensed dental therapist to
30 complete a specified number of hours of continuing
31 education; requiring the board to adopt rules and
32 guidelines; authorizing the board to excuse licensees
33 from continuing education requirements in certain
34 circumstances; amending s. 466.016, F.S.; requiring a
35 practitioner of dental therapy to post and display her
36 or his license in each office where she or he
37 practices; amending s. 466.017, F.S.; requiring the
38 board to adopt certain rules relating to dental
39 therapists; authorizing a dental therapist under the
40 general supervision of a dentist to perform certain
41 duties if specified requirements are met; authorizing
42 a dental therapist providing services in a mobile
43 dental unit under the general supervision of a dentist
44 to perform certain duties if specified requirements
45 are met; requiring a dental therapist to notify the
46 board in writing within a specified timeframe after
47 specified adverse incidents; requiring a complete
48 written report to be filed with the board within a
49 specified timeframe; providing for disciplinary action
50 of a dental therapist; amending s. 466.018, F.S.;

51 providing that a dentist of record remains primarily
52 responsible for the dental treatment of a patient
53 regardless of whether the treatment is provided by a
54 dental therapist; requiring that the initials of a
55 dental therapist who renders treatment to a patient be
56 placed in the record of the patient; creating s.
57 466.0225, F.S.; providing application requirements and
58 examination and licensure qualifications for dental
59 therapists; creating s. 466.0227, F.S.; authorizing a
60 dental therapist to perform specified services under
61 the general supervision of a dentist under certain
62 conditions; requiring that a collaborative management
63 agreement be signed by a supervising dentist and a
64 dental therapist and to include certain information;
65 requiring the supervising dentist to determine the
66 number of hours of practice that a dental therapist
67 must complete before performing certain authorized
68 services; authorizing a supervising dentist to
69 restrict or limit the dental therapist's practice in a
70 collaborative management agreement; providing that a
71 supervising dentist may authorize a dental therapist
72 to provide dental therapy services to a patient before
73 the dentist examines or diagnoses the patient under
74 certain conditions; requiring a supervising dentist to
75 be licensed and practicing in this state; specifying

76 that the supervising dentist is responsible for
77 certain services; amending s. 466.026, F.S.; providing
78 criminal penalties; amending s. 466.028, F.S.;
79 revising grounds for denial of a license or
80 disciplinary action to include the practice of dental
81 therapy; amending s. 466.0285, F.S.; prohibiting
82 persons other than licensed dentists from employing a
83 dental therapist in the operation of a dental office
84 and from controlling the use of any dental equipment
85 or material in certain circumstances; amending s.
86 921.0022, F.S.; conforming a provision to changes made
87 by the act; requiring the department, in consultation
88 with the board and the Agency for Health Care
89 Administration, to provide reports to the Legislature
90 by specified dates; requiring that certain information
91 and recommendations be included in the reports;
92 providing an effective date.

93
94 Be It Enacted by the Legislature of the State of Florida:

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96 **Section 1. Paragraph (c) of subsection (1) of section
97 409.906, Florida Statutes, is amended, and paragraph (e) is
98 added to subsection (6) of that section, to read:**

99 409.906 Optional Medicaid services.—Subject to specific
100 appropriations, the agency may make payments for services which

101 are optional to the state under Title XIX of the Social Security
102 Act and are furnished by Medicaid providers to recipients who
103 are determined to be eligible on the dates on which the services
104 were provided. Any optional service that is provided shall be
105 provided only when medically necessary and in accordance with
106 state and federal law. Optional services rendered by providers
107 in mobile units to Medicaid recipients may be restricted or
108 prohibited by the agency. Nothing in this section shall be
109 construed to prevent or limit the agency from adjusting fees,
110 reimbursement rates, lengths of stay, number of visits, or
111 number of services, or making any other adjustments necessary to
112 comply with the availability of moneys and any limitations or
113 directions provided for in the General Appropriations Act or
114 chapter 216. If necessary to safeguard the state's systems of
115 providing services to elderly and disabled persons and subject
116 to the notice and review provisions of s. 216.177, the Governor
117 may direct the Agency for Health Care Administration to amend
118 the Medicaid state plan to delete the optional Medicaid service
119 known as "Intermediate Care Facilities for the Developmentally
120 Disabled." Optional services may include:

121 (1) ADULT DENTAL SERVICES.—

122 (c) However, Medicaid will not provide reimbursement for
123 dental services provided in a mobile dental unit, except for a
124 mobile dental unit:

125 1. Owned by, operated by, or having a contractual

126 agreement with the Department of Health and complying with
127 Medicaid's county health department clinic services program
128 specifications as a county health department clinic services
129 provider.

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

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

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

138 5. Owned by, operated by, or having a contractual
139 agreement with a health access setting as defined in s.
140 466.003(13) or a similar setting or program.

141 (6) CHILDREN'S DENTAL SERVICES.—The agency may pay for
142 diagnostic, preventive, or corrective procedures, including
143 orthodontia in severe cases, provided to a recipient under age
144 21, by or under the supervision of a licensed dentist. The
145 agency may also reimburse a health access setting as defined in
146 s. 466.003 for the remediable tasks that a licensed dental
147 hygienist is authorized to perform under s. 466.024(2). Services
148 provided under this program include treatment of the teeth and
149 associated structures of the oral cavity, as well as treatment
150 of disease, injury, or impairment that may affect the oral or

151 general health of the individual. However, Medicaid will not
152 provide reimbursement for dental services provided in a mobile
153 dental unit, except for a mobile dental unit:

154 (e) Owned by, operated by, or having a contractual
155 agreement with a health access setting as defined in s.
156 466.003(13) or a similar setting or program.

157 **Section 2. Section 466.001, Florida Statutes, is amended
158 to read:**

159 466.001 Legislative purpose and intent.—The legislative
160 purpose for enacting this chapter is to ensure that every
161 dentist, dental therapist, or dental hygienist practicing in
162 this state meets minimum requirements for safe practice without
163 undue clinical interference by persons not licensed under this
164 chapter. It is the legislative intent that dental services be
165 provided only in accordance with ~~the provisions of~~ this chapter
166 and not be delegated to unauthorized individuals. It is the
167 further legislative intent that dentists, dental therapists, and
168 dental hygienists who fall below minimum competency or who
169 otherwise present a danger to the public ~~shall~~ be prohibited
170 from practicing in this state. All provisions of this chapter
171 relating to the practice of dentistry, dental therapy, and
172 dental hygiene shall be liberally construed to carry out such
173 purpose and intent.

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

176 466.002 Persons exempt from operation of chapter.—Nothing
177 in this chapter shall apply to the following practices, acts,
178 and operations:

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

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

201 **Section 4. Section 466.003, Florida Statutes, is reordered**
202 **and amended to read:**

203 466.003 Definitions.—As used in this chapter, the term:

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

205 (2)+(6) "Dental assistant" means a person, other than a
206 dental hygienist, who, under the supervision and authorization
207 of a dentist, provides dental care services directly to a
208 patient. This term does shall not include a certified registered
209 nurse anesthetist licensed under part I of chapter 464.

210 (3)+(4) "Dental hygiene" means the rendering of
211 educational, preventive, and therapeutic dental services
212 pursuant to ss. 466.023 and 466.024 and any related extra-oral
213 procedure required in the performance of such services.

214 (4)+(5) "Dental hygienist" means a person licensed to
215 practice dental hygiene pursuant to this chapter.

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

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

221 (7)+(2) "Dentist" means a person licensed to practice
222 dentistry pursuant to this chapter.

223 (8)+(3) "Dentistry" means the healing art which is
224 concerned with the examination, diagnosis, treatment planning,
225 and care of conditions within the human oral cavity and its

226 adjacent tissues and structures. It includes the performance or
227 attempted performance of any dental operation, or oral or oral-
228 maxillofacial surgery and any procedures adjunct thereto,
229 including physical evaluation directly related to such operation
230 or surgery pursuant to hospital rules and regulations. It also
231 includes dental service of any kind gratuitously or for any
232 remuneration paid, or to be paid, directly or indirectly, to any
233 person or agency. The term "dentistry" ~~shall~~ also includes
234 ~~include~~ the following:

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

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

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

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

246 (e) Professing to the public by any method to furnish,
247 supply, construct, reproduce, or repair any prosthetic denture,
248 bridge, appliance, or other structure designed to be worn in the
249 human mouth.

250 (f) Diagnosing, prescribing, or treating or professing to

251 diagnose, prescribe, or treat disease, pain, deformity,
252 deficiency, injury, or physical condition of the human teeth or
253 jaws or oral-maxillofacial region.

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

255 (h) Correcting or attempting to correct malformations of
256 teeth or of jaws.

257 (i) Repairing or attempting to repair cavities in the
258 human teeth.

259 (9)-(7) "Department" means the Department of Health.

260 (10)-(8) "Digital scanning" means the use of digital
261 technology that creates a computer-generated replica of the hard
262 and soft tissue of the oral cavity using enhanced digital
263 photography, lasers, or other optical scanning devices.

264 (11)-(9) "Direct supervision" means supervision whereby a
265 dentist diagnoses the condition to be treated, a dentist
266 authorizes the procedure to be performed, a dentist remains on
267 the premises while the procedures are performed, and a dentist
268 approves the work performed before dismissal of the patient.

269 (12)-(11) "General supervision" means supervision whereby a
270 dentist authorizes the procedures which are being carried out
271 but need not be present when the authorized procedures are being
272 performed. The authorized procedures may also be performed at a
273 place other than the dentist's usual place of practice. The
274 issuance of a written work authorization to a commercial dental
275 laboratory by a dentist does not constitute general supervision.

276 (13)~~(15)~~ "Health access setting" means a program or an
277 institution of the Department of Children and Families, the
278 Department of Health, the Department of Juvenile Justice, a
279 nonprofit community health center, a Head Start center, a
280 federally qualified health center or look-alike as defined by
281 federal law, a school-based prevention program, a clinic
282 operated by an accredited college of dentistry, or an accredited
283 dental hygiene program in this state if such community service
284 program or institution immediately reports to the Board of
285 Dentistry all violations of s. 466.027, s. 466.028, or other
286 practice act or standard of care violations related to the
287 actions or inactions of a dentist, dental hygienist, or dental
288 assistant engaged in the delivery of dental care in such
289 setting.

290 (14)~~(10)~~ "Indirect supervision" means supervision whereby
291 a dentist authorizes the procedure and a dentist is on the
292 premises while the procedures are performed.

293 (15)~~(12)~~ "Irremediable tasks" are those intraoral
294 treatment tasks which, when performed, are irreversible and
295 create unalterable changes within the oral cavity or the
296 contiguous structures or which cause an increased risk to the
297 patient. The administration of anesthetics other than topical
298 anesthesia is considered to be an "irremediable task" for
299 purposes of this chapter.

300 (16)~~(14)~~ "Oral and maxillofacial surgery" means the

301 specialty of dentistry involving diagnosis, surgery, and
302 adjunctive treatment of diseases, injuries, and defects
303 involving the functional and esthetic aspects of the hard and
304 soft tissues of the oral and maxillofacial regions. This term
305 may not be construed to apply to any individual exempt under s.
306 466.002(1).

307 (17) (13) "Remediable tasks" are those intraoral treatment
308 tasks which are reversible and do not create unalterable changes
309 within the oral cavity or the contiguous structures and which do
310 not cause an increased risk to the patient.

311 (18) (16) "School-based prevention program" means
312 preventive oral health services offered at a school by one of
313 the entities described ~~defined~~ in subsection (13) (15) or by a
314 nonprofit organization that is exempt from federal income
315 taxation under s. 501(a) of the Internal Revenue Code, and
316 described in s. 501(c)(3) of the Internal Revenue Code.

317 **Section 5. Subsection (2) of section 466.004, Florida
318 Statutes, is amended to read:**

319 466.004 Board of Dentistry.—

320 (2) To advise the board, it is the intent of the
321 Legislature that councils be appointed as specified in
322 paragraphs (a) - (d) ~~(a), (b), and (c)~~. The department shall
323 provide administrative support to the councils and shall provide
324 public notice of meetings and agendas ~~agenda~~ of the councils.
325 Councils must ~~shall~~ include at least one board member, who shall

326 serve as chair, the council and must shall include nonboard
327 members. All council members shall be appointed by the board
328 chair. Council members shall be appointed for 4-year terms, and
329 all members are shall be eligible for reimbursement of expenses
330 in the manner of board members.

331 (a) A Council on Dental Hygiene shall be appointed by the
332 board chair and shall include one dental hygienist member of the
333 board, who shall chair the council, one dental member of the
334 board, and three dental hygienists who are actively engaged in
335 the practice of dental hygiene in this state. In making the
336 appointments, the chair shall consider recommendations from the
337 Florida Dental Hygiene Association. The council shall meet at
338 the request of the board chair, a majority of the members of the
339 board, or the council chair; however, the council must meet at
340 least three times a year. The council is charged with the
341 responsibility of and shall meet for the purpose of developing
342 rules and policies for recommendation to the board, which the
343 board shall consider, on matters pertaining to that part of
344 dentistry consisting of educational, preventive, or therapeutic
345 dental hygiene services; dental hygiene licensure, discipline,
346 or regulation; and dental hygiene education. Rule and policy
347 recommendations of the council must shall be considered by the
348 board at its next regularly scheduled meeting in the same manner
349 in which it considers rule and policy recommendations from
350 designated subcommittees of the board. Any rule or policy

351 proposed by the board pertaining to the specified part of
352 dentistry identified defined by this subsection must shall be
353 referred to the council for a recommendation before final action
354 by the board. The board may take final action on rules
355 pertaining to the specified part of dentistry identified defined
356 by this subsection without a council recommendation if the
357 council fails to submit a recommendation in a timely fashion as
358 prescribed by the board.

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

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

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

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

400 **Section 6. Paragraph (b) of subsection (4) of section**

401 **466.006, Florida Statutes, is amended to read:**

402 466.006 Examination of dentists.—

403 (4) Notwithstanding any other provision of law in chapter
404 456 pertaining to the clinical dental licensure examination or
405 national examinations, to be licensed as a dentist in this
406 state, an applicant must successfully complete both of the
407 following:

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

419 1. As an alternative to such practical or clinical
420 examination, an applicant may submit scores from an American
421 Dental Licensing Examination previously administered in a
422 jurisdiction other than this state after October 1, 2011, and
423 such examination results are recognized as valid for the purpose
424 of licensure in this state. A passing score on the American
425 Dental Licensing Examination administered out of state is the

426 same as the passing score for the American Dental Licensing
427 Examination administered in this state. The applicant must have
428 completed the examination after October 1, 2011. This
429 subparagraph may not be given retroactive application.

430 2. If the date of an applicant's passing American Dental
431 Licensing Examination scores from an examination previously
432 administered in a jurisdiction other than this state under
433 subparagraph 1. is older than 365 days, such scores are
434 nevertheless valid for the purpose of licensure in this state,
435 but only if the applicant demonstrates that all of the following
436 additional standards have been met:

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

440 b. The applicant graduated from a dental school accredited
441 by the American Dental Association Commission on Dental
442 Accreditation or its successor entity, if any, or any other
443 dental accrediting organization recognized by the United States
444 Department of Education. Provided, however, if the applicant did
445 not graduate from such a dental school, the applicant may submit
446 proof of having successfully completed a full-time supplemental
447 general dentistry program accredited by the American Dental
448 Association Commission on Dental Accreditation of at least 2
449 consecutive academic years at such accredited sponsoring
450 institution. Such program must provide didactic and clinical

451 education at the level of a D.D.S. or D.M.D. program accredited
452 by the American Dental Association Commission on Dental
453 Accreditation. For purposes of this sub subparagraph, a
454 supplemental general dentistry program does not include an
455 advanced education program in a dental specialty.

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

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

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

475 (B) If the applicant has been licensed in another state or

476 territory of the United States, the District of Columbia, or the
477 Commonwealth of Puerto Rico for less than 5 years, the applicant
478 submits proof of having been engaged in the full-time practice
479 of dentistry since the date of his or her initial licensure.

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

485 (A) Active clinical practice of dentistry providing direct
486 patient care.

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

491 (C) Full-time practice as a student at a postgraduate
492 dental education program approved by the board or accredited by
493 the American Dental Association Commission on Dental
494 Accreditation.

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

499 (A) Admissible as evidence in an administrative
500 proceeding;

501 (B) Submitted in writing;

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

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

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

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

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

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

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

526 successor organization.

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

530 466.009 Reexamination.—

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

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

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

543 466.011 Licensure.—The board shall certify for licensure
544 by the department any applicant who satisfies the requirements
545 of s. 466.006, s. 466.0067, ~~or~~ s. 466.007, or s. 466.0225. The
546 board may refuse to certify an applicant who has violated ~~any of~~
547 ~~the provisions of~~ s. 466.026 or s. 466.028.

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

550 466.0136 Continuing education; dental therapists.—In

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

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

576 466.016 License to be displayed.—

577 (1) Every practitioner of dentistry, dental therapy, or
578 dental hygiene within the meaning of this chapter shall post and
579 keep conspicuously displayed her or his license in the office
580 where wherein she or he practices, in plain sight of the
581 practitioner's patients. Any dentist, dental therapist, or
582 dental hygienist who practices at more than one location must
583 display a copy of her or his license in each office where she or
584 he practices.

585 **Section 11. Section 466.017, Florida Statutes, is amended,**
586 **to read:**

587 466.017 Prescription of drugs; anesthesia.—

588 (1) A dentist shall have the right to prescribe drugs or
589 medicine, subject to limitations imposed by law; perform
590 surgical operations within the scope of her or his practice and
591 training; administer general or local anesthesia or sedation,
592 subject to limitations imposed by law; and use such appliances
593 as may be necessary to the proper practice of dentistry.

594 (2) Pharmacists licensed pursuant to chapter 465 may fill
595 prescriptions of legally licensed dentists in this state for any
596 drugs necessary for the practice of dentistry.

597 (3) The board shall adopt rules which:

598 (a) Define general anesthesia.

599 (b) Specify which methods of general or local anesthesia
600 or sedation, if any, are limited or prohibited for use by

601 dentists.

602 (c) Establish minimal training, education, experience, or
603 certification for a dentist to use general anesthesia or
604 sedation, which rules may exclude, in the board's discretion,
605 those dentists using general anesthesia or sedation in a
606 competent and effective manner as of the effective date of the
607 rules.

608 (d) Establish further requirements relating to the use of
609 general anesthesia or sedation, including, but not limited to,
610 office equipment and the training of dental assistants, dental
611 therapists, or dental hygienists who work with dentists using
612 general anesthesia or sedation.

613 (e) Establish an administrative mechanism enabling the
614 board to verify compliance with training, education, experience,
615 equipment, or certification requirements of dentists, dental
616 therapists, dental hygienists, and dental assistants adopted
617 pursuant to this subsection. The board may charge a fee to
618 defray the cost of verifying compliance with requirements
619 adopted pursuant to this paragraph.

620 (4) A dentist, dental therapist, or dental hygienist who
621 administers or employs the use of any form of anesthesia must
622 possess a certification in either basic cardiopulmonary
623 resuscitation for health professionals or advanced cardiac life
624 support approved by the American Heart Association or the
625 American Red Cross or an equivalent agency-sponsored course with

626 recertification every 2 years. Each dental office that ~~which~~
627 uses any form of anesthesia must have immediately available and
628 in good working order such resuscitative equipment, oxygen, and
629 other resuscitative drugs as are specified by rule of the board
630 in order to manage possible adverse reactions.

631 (5) A dental hygienist under the direct supervision of a
632 dentist may administer local anesthesia, including intraoral
633 block anesthesia, soft tissue infiltration anesthesia, or both,
634 to a nonsedated patient who is 18 years of age or older, if the
635 following criteria are met:

636 (a) The dental hygienist has successfully completed a
637 course in the administration of local anesthesia which is
638 offered by a dental or dental hygiene program accredited by the
639 Commission on Dental Accreditation of the American Dental
640 Association or approved by the board. The course must include a
641 minimum of 30 hours of didactic instruction and 30 hours of
642 clinical experience, and instruction in:

- 643 1. Theory of pain control.
- 644 2. Selection-of-pain-control modalities.
- 645 3. Anatomy.
- 646 4. Neurophysiology.
- 647 5. Pharmacology of local anesthetics.
- 648 6. Pharmacology of vasoconstrictors.
- 649 7. Psychological aspects of pain control.
- 650 8. Systematic complications.

651 9. Techniques of maxillary anesthesia.
652 10. Techniques of mandibular anesthesia.
653 11. Infection control.
654 12. Medical emergencies involving local anesthesia.
655 (b) The dental hygienist presents evidence of current
656 certification in basic or advanced cardiac life support.
657 (c) The dental hygienist possesses a valid certificate
658 issued under subsection (7) (6).
659 (6) A dental therapist, under the general supervision of a
660 dentist may administer local anesthesia, including intraoral
661 block anesthesia, soft tissue infiltration anesthesia, or both,
662 if the following criteria are met:
663 (a) The dental therapist has successfully completed a
664 course in the administration of local anesthesia that meets the
665 requirements described in paragraph (5) (a).
666 (b) The dental therapist presents evidence of current
667 certification in basic or advanced cardiac life support.
668 (c) The dental therapist possesses a valid certificate
669 issued under subsection (7).
670 (7) (6) Any dental therapist or dental hygienist seeking a
671 certificate to administer local anesthesia must apply to the
672 department, remit an application fee, and submit proof of
673 successful completion of a course in the administration of local
674 anesthesia pursuant to subsection (5). The board shall certify,
675 and the department shall issue a certificate to, any dental

676 therapist who fulfills the qualifications of subsection (6) or
677 dental hygienist who fulfills the qualifications of subsection
678 (5). The board shall establish a one-time application fee not to
679 exceed \$35. The certificate is not subject to renewal but is
680 part of the dental therapist's or dental hygienist's permanent
681 record and must be prominently displayed at the location where
682 the dental therapist or dental hygienist is authorized to
683 administer local anesthesia. The board shall adopt rules
684 necessary to administer subsections subsection (5) and (6) and
685 this subsection.

686 (8)-(7) A licensed dentist, or a dental therapist who is
687 authorized by her or his supervising dentist, may operate
688 utilize an X-ray machine, expose dental X-ray films, and
689 interpret or read such films. Notwithstanding The provisions of
690 part IV of chapter 468 to the contrary notwithstanding, a
691 licensed dentist, or a dental therapist who is authorized by her
692 or his supervising dentist, may authorize or direct a dental
693 assistant to operate such equipment and expose such films under
694 her or his direction and supervision, pursuant to rules adopted
695 by the board in accordance with s. 466.024 which ensure that the
696 said assistant is competent by reason of training and experience
697 to operate the X-ray said equipment in a safe and efficient
698 manner. The board may charge a fee not to exceed \$35 to defray
699 the cost of verifying compliance with requirements adopted
700 pursuant to this section.

701 (9) ~~(8)~~ Notwithstanding ~~The provisions of s. 465.0276~~
702 ~~notwithstanding~~, a dentist need not register with the board or
703 comply with the continuing education requirements of that
704 section if the dentist confines her or his dispensing activity
705 to the dispensing of fluorides and ~~chlorhexidine~~ chlorhexidine
706 rinse solutions; provided that the dentist complies with and is
707 subject to all laws and rules applicable to pharmacists and
708 pharmacies, including, but not limited to, chapters 465, 499,
709 and 893, and all applicable federal laws and regulations, when
710 dispensing such products.

711 (10) ~~(9)~~ Any adverse incident that occurs in an office
712 maintained by a dentist must be reported to the department. The
713 required notification to the department must be submitted in
714 writing by certified mail and postmarked within 48 hours after
715 the incident occurs.

716 (11) ~~(10)~~ A dentist practicing in this state must notify
717 the board in writing by certified mail within 48 hours after any
718 adverse incident that occurs in the dentist's outpatient
719 facility. A complete written report must be filed with the board
720 within 30 days after the incident occurs.

721 (12) ~~(11)~~ Any certified registered dental hygienist
722 administering local anesthesia must notify the board in writing
723 by registered mail within 48 hours after any adverse incident
724 that was related to or the result of the administration of local
725 anesthesia. A complete written report must be filed with the

726 board within 30 days after the mortality or other adverse
727 incident.

728 (13) A dental therapist must notify the board in writing
729 by registered mail within 48 hours after any adverse incident
730 related to or resulting from the administration of local
731 anesthesia. A complete written report must be filed with the
732 board within 30 days after the mortality or other adverse
733 incident.

734 (14) (12) A failure by the dentist, dental therapist, or
735 dental hygienist to timely and completely comply with all the
736 reporting requirements in this section is the basis for
737 disciplinary action by the board pursuant to s. 466.028(1).

738 (15) (13) The department shall review each adverse incident
739 and determine whether it involved conduct by a health care
740 professional subject to disciplinary action, in which case s.
741 456.073 applies. Disciplinary action, if any, shall be taken by
742 the board under which the health care professional is licensed.

743 (16) (14) As used in subsections (10)-(15) (9)-(13), the
744 term "adverse incident" means any mortality that occurs during
745 or as the result of a dental procedure, or an incident that
746 results in a temporary or permanent physical or mental injury
747 that requires hospitalization or emergency room treatment of a
748 dental patient which occurs during or as a direct result of the
749 use of general anesthesia, deep sedation, moderate sedation,
750 pediatric moderate sedation, oral sedation, minimal sedation

751 (anxiolysis), nitrous oxide, or local anesthesia.

752 (17)~~(15)~~ The board may adopt rules to administer this
753 section.

754 **Section 12. Subsection (1) of section 466.018, Florida
755 Statutes, is amended to read:**

756 466.018 Dentist of record; patient records.—

757 (1) Each patient must ~~shall~~ have a dentist of record. The
758 dentist of record shall remain primarily responsible for all
759 dental treatment on such patient regardless of whether the
760 treatment is rendered by that ~~the~~ dentist or by another dentist,
761 a dental therapist, a dental hygienist, or a dental assistant
762 rendering such treatment in conjunction with, at the direction
763 or request of, or under the supervision of such dentist of
764 record. The dentist of record must ~~shall~~ be identified in the
765 record of the patient. If treatment is rendered by a dentist
766 other than the dentist of record or by a dental hygienist,
767 dental therapist, or dental assistant, the name or initials of
768 such person must ~~shall~~ be placed in the record of the patient.
769 In any disciplinary proceeding brought pursuant to this chapter
770 or chapter 456, it must ~~shall~~ be presumed as a matter of law
771 that treatment was rendered by the dentist of record unless
772 otherwise noted on the patient record pursuant to this section.
773 The dentist of record and any other treating dentist are subject
774 to discipline pursuant to this chapter or chapter 456 for
775 treatment rendered to the patient and performed in violation of

776 such chapter. One of the purposes of this section is to ensure
777 that the responsibility for each patient is assigned to one
778 dentist in a multidentist practice of any nature and to assign
779 primary responsibility to the dentist for treatment rendered by
780 a dental hygienist, dental therapist, or dental assistant under
781 her or his supervision. This section may ~~shall~~ not be construed
782 to assign any responsibility to a dentist of record for
783 treatment rendered pursuant to a proper referral to another
784 dentist who does not ~~in~~ practice with the dentist of record or
785 to prohibit a patient from voluntarily selecting a new dentist
786 without permission of the dentist of record.

787 **Section 13. Section 466.0225, Florida Statutes, is created
788 to read:**

789 466.0225 Examination of dental therapists; licensing.—
790 (1) (a) Any person desiring to be licensed as a dental
791 therapist must apply to the department.
792 (b) Applicants for licensure must also submit to
793 background screening in accordance with s. 456.0135.
794 (2) The department shall issue a license to an applicant
795 who the board certifies meets all of the following criteria:
796 (a) Is 18 years of age or older.
797 (b) Is a graduate of a dental therapy college or school
798 accredited by the American Dental Association Commission on
799 Dental Accreditation or its successor entity, if any, or any
800 other dental therapy accrediting entity recognized by the United

801 States Department of Education. For applicants applying for a
802 dental therapy license before January 1, 2030, the board must
803 approve the applicant's dental therapy education program if the
804 program was administered by a college or school that operates an
805 accredited dental or dental hygiene program and the college or
806 school certifies to the board that the applicant's education
807 substantially conformed to the education standards established
808 by the American Dental Association Commission on Dental
809 Accreditation or its successor entity.

810 (c) Has successfully completed a dental therapy practical
811 or clinical examination produced by the American Board of Dental
812 Examiners, Inc., or its successor entity, if any, if the board
813 finds that the successor entity's examination meets or exceeds
814 the requirements of this section. If an applicant fails to pass
815 such an examination in three attempts, the applicant is not
816 eligible to retake the examination unless the applicant
817 completes additional education requirements as specified by the
818 board.

819 (d) Has successfully completed a written examination on
820 the laws and rules of this state regulating the practice of
821 dental therapy.

822 (e) Has not been disciplined by a board, except for
823 citation offenses or minor violations.

824 (f) Has not been convicted of or pled nolo contendere to,
825 regardless of adjudication, any felony or misdemeanor related to

826 the practice of a health care profession.

827 (3) An applicant who meets the requirements of this
828 section and who has successfully completed an examination
829 identified in paragraph (2) (c) in a jurisdiction other than this
830 state, or who has successfully completed a comparable
831 examination administered or approved by the licensing authority
832 in a jurisdiction other than this state, shall be licensed to
833 practice dental therapy in this state if the board determines
834 that the other jurisdiction's examination is substantially
835 similar to those identified in paragraph (2) (c).

836 **Section 14. Section 466.0227, Florida Statutes, is created**
837 **to read:**

838 466.0227 Dental therapists; scope and area of practice.—

839 (1) Except as otherwise provided in this chapter, a dental
840 therapist may perform the dental therapy services specified in
841 subsection (2) under the general supervision of a dentist in all
842 service scenarios including mobile dental units to the extent
843 authorized by the supervising dentist and provided within the
844 terms of a written collaborative management agreement signed by
845 the dental therapist and the supervising dentist which meets the
846 requirements of subsection (3) .

847 (2) The scope of practice of a dental therapist, subject
848 to the terms of a written collaborative management agreement,
849 includes all of the following:

850 (a) Oral evaluation and assessment of dental disease and

851 formulation of an individualized treatment plan.

852 (b) Identification of oral and systemic conditions
853 requiring evaluation or treatment by dentists, physicians, or
854 other health care providers and managing referrals.

855 (c) Comprehensive charting of the oral cavity.

856 (d) Oral health instruction and disease prevention
857 education, including, but not limited to, nutritional counseling
858 and dietary analysis.

859 (e) Exposure and evaluation of radiographic images.

860 (f) Dental prophylaxis, including, but not limited to,
861 subgingival scaling and polishing procedures.

862 (g) Dispensing and administration via the oral or topical
863 route of nonnarcotic analgesic, anti-inflammatory, and
864 antibiotic medications as prescribed by a licensed health care
865 provider.

866 (h) Application of topical preventive or prophylactic
867 agents, including, but not limited to, fluoride varnish,
868 antimicrobial agents, caries arresting medicaments, and pit and
869 fissure sealants.

870 (i) Pulp vitality testing.

871 (j) Application of desensitizing medications or resins.

872 (k) Fabrication of athletic mouth guards and soft occlusal
873 guards.

874 (l) Changing of periodontal dressings.

875 (m) Administration of local anesthetic and nitrous oxide.

876 (n) Simple extraction of erupted primary teeth.

877 (o) Nonsurgical extraction of periodontally diseased
878 permanent teeth with tooth mobility of +3 to +4 to the extent
879 authorized in the dental therapist's collaborative management
880 agreement, except for the extraction of a tooth that is
881 unerupted, impacted, or fractured or that needs to be sectioned
882 for removal.

883 (p) Emergency palliative treatment of dental pain limited
884 to the procedures in this subsection.

885 (q) Preparation and placement of direct restoration in
886 primary and permanent teeth.

887 (r) Fabrication and placement of single-tooth temporary
888 crowns.

889 (s) Preparation and placement of preformed crowns on
890 primary teeth.

891 (t) Indirect and direct pulp capping on permanent teeth.

892 (u) Indirect pulp capping on primary teeth.

893 (v) Intraoral suture placement and removal.

894 (w) Minor adjustment and repair of removable prostheses.

895 (x) Placement and removal of space maintainers.

896 (y) Pulpotomy on primary teeth.

897 (z) Tooth reimplantation and stabilization.

898 (aa) Recementing of a permanent crown.

899 (bb) Additional services, treatments, or procedures as the
900 board deems appropriate by rule.

901 (3) Before performing any of the services authorized in
902 subsection (2), a dental therapist must enter into a written
903 collaborative management agreement with a supervising dentist.
904 The agreement must be signed by the dental therapist and the
905 supervising dentist and must include all of the following
906 information:

907 (a) Practice settings where services may be provided by
908 the dental therapist and the populations to be served by the
909 dental therapist.

910 (b) Any limitations on the services that may be provided
911 by the dental therapist, including the level of supervision
912 required by the supervising dentist. This may include
913 telehealth.

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

917 (d) A procedure for creating and maintaining dental
918 records for the patients who are treated by the dental
919 therapist.

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

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

925 (g) Protocols for the dental therapist to administer and

926 dispense medications, including the specific conditions and
927 circumstances under which the medications are to be dispensed
928 and administered.

929 (h) Criteria relating to the provision of care by the
930 dental therapist to patients with specific medical conditions or
931 complex medication histories, including requirements for
932 consultation before the initiation of care.

933 (i) Supervision criteria of dental therapists.

934 (j) A plan for the provision of clinical resources and
935 referrals in situations that are beyond the capabilities of the
936 dental therapist.

937 (4) A supervising dentist shall determine the number of
938 hours of practice that a dental therapist must complete under
939 direct or indirect supervision of the supervising dentist before
940 the dental therapist may perform any of the services authorized
941 in subsection (2) under general supervision.

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

946 (6) A supervising dentist may authorize a dental therapist
947 to provide dental therapy services to a patient before the
948 supervising dentist examines or diagnoses the patient if the
949 authority, conditions, and protocols are established in a
950 written collaborative management agreement and if the patient is

951 subsequently referred to a dentist for any needed additional
952 services that exceed the dental therapist's scope of practice or
953 authorization under the collaborative management agreement.

954 (7) A supervising dentist must be licensed and practicing
955 in this state. The supervising dentist is responsible for all
956 services authorized and performed by the dental therapist
957 pursuant to the collaborative management agreement and for
958 providing or arranging followup services to be provided by a
959 dentist for any additional services that exceed the dental
960 therapist's scope of practice or authorization under the
961 collaborative management agreement.

962 **Section 15. Section 466.026, Florida Statutes, is amended**
963 **to read:**

964 466.026 Prohibitions; penalties.—

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

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

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

973 (c) Knowingly employing any person to perform duties
974 outside the scope allowed such person under this chapter or the
975 rules of the board.

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

978 (e) Selling or offering to sell a diploma conferring a
979 degree from a dental college, ~~or~~ dental hygiene school or
980 college, or dental therapy school or college, or a license
981 issued pursuant to this chapter, or procuring such diploma or
982 license with intent that it will ~~shall~~ be used as evidence of
983 that which the document stands for, by a person other than the
984 one upon whom it was conferred or to whom it was granted.

985 (2) Each of the following acts constitutes a misdemeanor
986 of the first degree, punishable as provided in s. 775.082 or s.
987 775.083:

988 (a) Using the name or title "dentist," the letters
989 "D.D.S." or "D.M.D.", or any other words, letters, title, or
990 descriptive matter which in any way represents a person as being
991 able to diagnose, treat, prescribe, or operate for any disease,
992 pain, deformity, deficiency, injury, or physical condition of
993 the teeth or jaws or oral-maxillofacial region unless the person
994 has an active dentist's license issued by the department
995 pursuant to this chapter.

996 (b) Using the name "dental hygienist" or the initials
997 "R.D.H." or otherwise holding herself or himself out as an
998 actively licensed dental hygienist or implying to any patient or
999 consumer that she or he is an actively licensed dental hygienist
1000 unless that person has an active dental hygienist's license

1001 issued by the department pursuant to this chapter.

1002 (c) Using the name "dental therapist" or the initials
1003 "D.T." or otherwise holding herself or himself out as an
1004 actively licensed dental therapist or implying to any patient or
1005 consumer that she or he is an actively licensed dental therapist
1006 unless that person has an active dental therapist's license
1007 issued by the department pursuant to this chapter.

1008 (d) ~~(e)~~ Presenting as her or his own the license of
1009 another.

1010 (e) ~~(d)~~ Knowingly concealing information relative to
1011 violations of this chapter.

1012 (f) ~~(e)~~ Performing any services as a dental assistant as
1013 defined herein, except in the office of a licensed dentist,
1014 unless authorized by this chapter or by rule of the board.

1015 **Section 16. Paragraphs (b), (c), (g), (s), and (t) of**
1016 **subsection (1) of section 466.028, Florida Statutes, are amended**
1017 **to read:**

1018 466.028 Grounds for disciplinary action; action by the
1019 board.—

1020 (1) The following acts constitute grounds for denial of a
1021 license or disciplinary action, as specified in s. 456.072(2):

1022 (b) Having a license to practice dentistry, dental
1023 therapy, or dental hygiene revoked, suspended, or otherwise
1024 acted against, including the denial of licensure, by the
1025 licensing authority of another state, territory, or country.

1026 (c) Being convicted or found guilty of or entering a plea
1027 of nolo contendere to, regardless of adjudication, a crime in
1028 any jurisdiction which relates to the practice of dentistry,
1029 dental therapy, or dental hygiene. A plea of nolo contendere
1030 creates shall create a rebuttable presumption of guilt to the
1031 underlying criminal charges.

1032 (g) Aiding, assisting, procuring, or advising any
1033 unlicensed person to practice dentistry, dental therapy, or
1034 dental hygiene contrary to this chapter or to a rule of the
1035 department or the board.

1036 (s) Being unable to practice her or his profession with
1037 reasonable skill and safety to patients by reason of illness or
1038 use of alcohol, drugs, narcotics, chemicals, or any other type
1039 of material or as a result of any mental or physical condition.
1040 In enforcing this paragraph, the department ~~shall have~~, upon a
1041 finding of the State Surgeon General or her or his designee that
1042 probable cause exists to believe that the licensee is unable to
1043 practice dentistry, dental therapy, or dental hygiene because of
1044 the reasons stated in this paragraph, has the authority to issue
1045 an order to compel a licensee to submit to a mental or physical
1046 examination by physicians designated by the department. If the
1047 licensee refuses to comply with such order, the department's
1048 order directing such examination may be enforced by filing a
1049 petition for enforcement in the circuit court where the licensee
1050 resides or does business. The licensee against whom the petition

1051 is filed may shall not be named or identified by initials in any
1052 public court records or documents, and the proceedings must
1053 shall be closed to the public. The department is shall be
1054 entitled to the summary procedure provided in s. 51.011. A
1055 licensee affected under this paragraph must shall at reasonable
1056 intervals be afforded an opportunity to demonstrate that she or
1057 he can resume the competent practice of her or his profession
1058 with reasonable skill and safety to patients.

1059 (t) Committing fraud, deceit, or misconduct in the
1060 practice of dentistry, dental therapy, or dental hygiene.

1061 **Section 17. Subsection (1) of section 466.0285, Florida
1062 Statutes, is amended to read:**

1063 466.0285 Proprietorship by nondentists.—

1064 (1) A ~~No~~ person other than a dentist licensed pursuant to
1065 this chapter, or nor any entity other than a professional
1066 corporation or limited liability company composed of dentists,
1067 may not:

1068 (a) Employ a dentist, a dental therapist, or a dental
1069 hygienist in the operation of a dental office.

1070 (b) Control the use of any dental equipment or material
1071 while such equipment or material is being used for the provision
1072 of dental services, whether those services are provided by a
1073 dentist, a dental therapist, a dental hygienist, or a dental
1074 assistant.

1075 (c) Direct, control, or interfere with a dentist's

1076 clinical judgment. To direct, control, or interfere with a
1077 dentist's clinical judgment may not be interpreted to mean
1078 dental services contractually excluded, the application of
1079 alternative benefits that may be appropriate given the dentist's
1080 prescribed course of treatment, or the application of
1081 contractual provisions and scope of coverage determinations in
1082 comparison with a dentist's prescribed treatment on behalf of a
1083 covered person by an insurer, health maintenance organization,
1084 or a prepaid limited health service organization.

1085
1086 Any lease agreement, rental agreement, or other arrangement
1087 between a nondentist and a dentist whereby the nondentist
1088 provides the dentist with dental equipment or dental materials
1089 shall contain a provision whereby the dentist expressly
1090 maintains complete care, custody, and control of the equipment
1091 or practice.

1092 **Section 18. Paragraph (g) of subsection (3) of section
1093 921.0022, Florida Statutes, is amended to read:**

1094 (3) OFFENSE SEVERITY RANKING CHART

1095 (g) LEVEL 7

1096 Florida Felony

Statute Degree Description

1097 316.027(2)(c) 1st Accident involving death,

			failure to stop; leaving scene.
1098	316.193 (3) (c)2.	3rd	DUI resulting in serious bodily injury.
1099	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1100	327.35 (3) (a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.
1101	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
1102	409.920 (2) (b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.

1103	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1104	456.065 (2)	3rd	Practicing a health care profession without a license.
1105	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1106	458.327 (1)	3rd	Practicing medicine without a license.
1107	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1108	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1109	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1110			

1111	462.17	3rd	Practicing naturopathy without a license.
1112	463.015(1)	3rd	Practicing optometry without a license.
1113	464.016(1)	3rd	Practicing nursing without a license.
1114	465.015(2)	3rd	Practicing pharmacy without a license.
1115	466.026(1)	3rd	Practicing dentistry, <u>dental therapy</u> , or dental hygiene without a license.
1116	467.201	3rd	Practicing midwifery without a license.
1117	468.366	3rd	Delivering respiratory care services without a license.
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.

1118	483.901(7)	3rd	Practicing medical physics without a license.
1119	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
1120	484.053	3rd	Dispensing hearing aids without a license.
1121	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1122	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1123	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments

			exceeding \$300 but less than \$20,000.
1124	655.50(10) (b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1125	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1126	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
1127	775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1128	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the

			perpetrator of an attempted felony.
1129	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1130	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1131	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1132	784.045(1) (a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1133	784.045(1) (a)2.	2nd	Aggravated battery; using deadly weapon.

1134	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1135	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1136	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1137	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1138	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1139	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1140	784.081 (1)	1st	Aggravated battery on specified official or employee.
1141	784.082 (1)	1st	Aggravated battery by detained person on visitor or other

			detainee.
1142			
	784.083(1)	1st	Aggravated battery on code inspector.
1143			
	787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
1144			
	787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
1145			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1146			
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
1147			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

1148	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1149	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1150	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1151	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1152	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1153	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided

			for in s. 874.04.
1154			
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1155			
	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
1156			
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1157			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1158			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.

1159	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
1160	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1161	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1162	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1163	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1164	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1165			

	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1166	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1167	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1168	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1169	812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
1170			

1171	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1172	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1173	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1174	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1175	817.034 (4) (a)1.	1st	Communications fraud, value greater than \$50,000.
1176	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1177	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234 (11) (c)	1st	Insurance fraud; property value

			\$100,000 or more.
1178	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1179	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
1180	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
1181	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1182	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
1183			

	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1184	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
1185	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1186	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1187	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1188	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which

1189			includes child pornography.
	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1190	838.015	2nd	Bribery.
1191	838.016	2nd	Unlawful compensation or reward for official behavior.
1192	838.021(3) (a)	2nd	Unlawful harm to a public servant.
1193	838.22	2nd	Bid tampering.
1194	843.0855(2)	3rd	Impersonation of a public officer or employee.
1195	843.0855(3)	3rd	Unlawful simulation of legal process.
1196	843.0855(4)	3rd	Intimidation of a public officer or employee.
1197			

	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1198	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1199	872.06	2nd	Abuse of a dead human body.
1200	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1201	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1202	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.) within 1,000 feet of a child

			care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
1203	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
1204	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1205	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1206	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200

1207			grams.
	893.135	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1208	(1) (c)1.a.		
	893.135	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1209	(1) (c)2.a.		
	893.135	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
1210	(1) (c)2.b.		
	893.135	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1211	(1) (c)3.a.		
	893.135	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1212	(1) (c)3.b.		
	893.135	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
	(1) (c)4.b.(I)		

1213	893.135 (1) (d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
1214	893.135 (1) (e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
1215	893.135 (1) (f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
1216	893.135 (1) (g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1217	893.135 (1) (h)1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1218	893.135 (1) (j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

1219	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1220	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
1221	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1222	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1223	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1224	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1225			

	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1226	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1227	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1228	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1229	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1230			

	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1231	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
1232	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1233	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1234	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1235			

	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1236	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1237	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1238			
1239			

1240 **Section 19.** The Department of Health, in consultation with
1241 the Board of Dentistry and the Agency for Health Care
1242 Administration, shall submit a progress report to the President
1243 of the Senate and the Speaker of the House of Representatives by
1244 July 1, 2029, and a final report 4 years after the first dental
1245 therapy license is issued. The reports must include all of the
1246 following information and recommendations:

1247 (1) The progress that has been made in this state to
1248 implement dental therapy training programs, licensing, and

1249 Medicaid reimbursement.

1250 (2) Data demonstrating the effects of dental therapy in
1251 this state on all of the following:

1252 (a) Patient access to dental services.

1253 (b) Costs to dental providers, patients, dental insurance
1254 carriers, and the state.

1255 (c) The quality and safety of dental services.

1256 (3) Specific recommendations for any necessary
1257 legislative, administrative, or regulatory reform relating to
1258 the practice of dental therapy.

1259 (4) Any other information the department deems
1260 appropriate.

1261 **Section 20.** This act shall take effect July 1, 2026.