

Committee Substitute for
Committee Substitute for Senate Bill No. 2760

An act relating to dentistry; amending s. 466.003, F.S.; providing a definition; amending s. 466.006, F.S.; revising the requirements for entitlement to take the necessary examinations to practice dentistry in this state; creating s. 466.0067, F.S.; providing requirements for application for a health access dental license in this state; creating s. 466.00671, F.S.; providing requirements for renewal of a health access dental license; creating s. 466.00672, F.S.; providing conditions in which the Board of Dentistry of the Department of Health may revoke a health access dental license; providing that the failure of a holder of a health access dental license to limit the practice of dentistry to health access settings is the unlicensed practice of dentistry; creating s. 466.00673, F.S.; providing for the repeal of statutory language regarding health access dental licensure; creating s. 466.00775, F.S.; requiring the board to adopt rules; amending s. 466.011, F.S.; conforming provisions to changes made in this act; amending s. 466.021, F.S.; revising requirements relating to retention of dental laboratories by dentists; changing terminology to reflect employment of dental laboratories and to change references to work orders to prescriptions; requiring a dental laboratory to keep the original or an electronic copy of prescriptions; amending s. 466.032, F.S.; requiring specified continuing education for renewal of registration of a dental laboratory by a time certain; providing a listing of agencies or organizations that are authorized to develop and offer continuing education; requiring a dental laboratory owner to submit a sworn statement attesting to compliance with continuing education requirements and providing specified information; authorizing the Department of Health to request documentation of continuing education; authorizing the department to request such documentation at random without cause; providing exemptions from continuing education requirements; providing for voluntary compliance by certain dental laboratories; amending s. 466.007, F.S.; providing that certain applicants for examination for licensure as a dental hygienist be required to complete additional coursework only after failing to pass the initial examination; providing an effective date.

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

Section 1. Subsection (14) is added to section 466.003, Florida Statutes, to read:

466.003 Definitions.—As used in this chapter:

(14) “Health access settings” means programs and institutions of the Department of Children and Family Services, the Department of Health, the Department of Juvenile Justice, nonprofit community health centers, Head Start centers, federally qualified health centers (FQHCs), FQHC look-alikes

as defined by federal law, and clinics operated by accredited colleges of dentistry in this state if such community service programs and institutions immediately report to the Board of Dentistry all violations of s. 466.027, s. 466.028, or other practice act or standard of care violations related to the actions or inactions of a dentist, dental hygienist, or dental assistant engaged in the delivery of dental care in such settings.

Section 2. Paragraph (c) of subsection (2) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(2) An applicant shall be entitled to take the examinations required in this section to practice dentistry in this state if the applicant:

(c)1. Has successfully completed the National Board of Dental Examiners dental examination within 10 years of the date of application; or-

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

a. The applicant has at least 5,000 hours within 4 consecutive years of clinical practice experience providing direct patient care in a health access setting as defined in s. 466.003(14); the applicant is a retired veteran dentist of any branch of the United States Armed Services who has practiced dentistry while on active duty and has at least 3,000 hours within 3 consecutive years of clinical practice experience providing direct patient care in a health access setting as defined in s. 466.003(14); or the applicant has provided a portion of his or her salaried time teaching health profession students in any public education setting, including, but not limited to, a community college, college, or university, and has at least 3,000 hours within 3 consecutive years of clinical practice experience providing direct patient care in a health access setting as defined in s. 466.003(14);

b. The applicant has not been disciplined by the board, except for citation offenses or minor violations;

c. The applicant has not filed a report pursuant to s. 456.049; and

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

Section 3. Section 466.0067, Florida Statutes, is created to read:

466.0067 Application for health access dental license.—The Legislature finds that there is an important state interest in attracting dentists to practice in underserved health access settings in this state and further, that allowing out-of-state dentists who meet certain criteria to practice in health access settings without the supervision of a dentist licensed in this state is substantially related to achieving this important state interest. Therefore, notwithstanding the requirements of s. 466.006, the board shall grant a health access dental license to practice dentistry in this state in health access settings as defined in s. 466.003(14) to an applicant that:

- (1) Files an appropriate application approved by the board;
- (2) Pays an application license fee for a health access dental license, laws-and-rule exam fee, and an initial licensure fee. The fees specified in this subsection may not differ from an applicant seeking licensure pursuant to s. 466.006;
- (3) Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;
- (4) Submits proof of graduation from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency;
- (5) Submits documentation that she or he has completed, or will obtain prior to licensure, continuing education equivalent to this state's requirement for dentists licensed under s. 466.006 for the last full reporting biennium before applying for a health access dental license;
- (6) Submits proof of her or his successful completion of parts I and II of the dental examination by the National Board of Dental Examiners and a state or regional clinical dental licensing examination that the board has determined effectively measures the applicant's ability to practice safely;
- (7) Currently holds a valid, active, dental license in good standing which has not been revoked, suspended, restricted, or otherwise disciplined from another of these United States, the District of Columbia, or a United States territory;
- (8) Has never had a license revoked from another of these United States, the District of Columbia, or a United States territory;
- (9) Has never failed the examination specified in s. 466.006, unless the applicant was reexamined pursuant to s. 466.006 and received a license to practice dentistry in this state;
- (10) Has not been reported to the National Practitioner Data Bank, unless the applicant successfully appealed to have his or her name removed from the data bank;
- (11) Submits proof that he or she has been engaged in the active, clinical practice of dentistry providing direct patient care for 5 years immediately preceding the date of application, or in instances when the applicant has graduated from an accredited dental school within the preceding 5 years, submits proof of continuous clinical practice providing direct patient care since graduation; and
- (12) Has passed an examination covering the laws and rules of the practice of dentistry in this state as described in s. 466.006(4)(a).

Section 4. Section 466.00671, Florida Statutes, is created to read:

466.00671 Renewal of the health access dental license.—

(1) A health access dental licensee shall apply for renewal each biennium. At the time of renewal, the licensee shall sign a statement that she or he has complied with all continuing education requirements of an active dentist licensee. The board shall renew a health access dental license for an applicant that:

(a) Submits documentation, as approved by the board, from the employer in the health access setting that the licensee has at all times pertinent remained an employee;

(b) Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;

(c) Has paid a renewal fee set by the board. The fee specified herein may not differ from the renewal fee adopted by the board pursuant to s. 466.013. The department may provide payment for these fees through the dentist's salary, benefits, or other department funds;

(d) Has not failed the examination specified in s. 466.006 since initially receiving a health access dental license or since the last renewal; and

(e) Has not been reported to the National Practitioner Data Bank, unless the applicant successfully appealed to have his or her name removed from the data bank.

(2) The board may undertake measures to independently verify the health access dental licensee's ongoing employment status in the health access setting.

Section 5. Section 466.00672, Florida Statutes, is created to read:

466.00672 Revocation of health access dental license.—

(1) The board shall revoke a health access dental license upon:

(a) The licensee's termination from employment from a qualifying health access setting;

(b) Final agency action determining that the licensee has violated any provision of s. 466.027 or s. 466.028, other than infractions constituting citation offenses or minor violations; or

(c) Failure of the Florida dental licensure examination.

(2) Failure of an individual licensed pursuant to s. 466.0067 to limit the practice of dentistry to health access settings as defined in s. 466.003 constitutes the unlicensed practice of dentistry.

Section 6. Section 466.00673, Florida Statutes, is created to read:

466.00673 Repeal of a health access dental license.—Effective January 1, 2015, ss. 466.0067-466.00673 are repealed unless reenacted by the Legis-

lature. Any health access dental license issued before January 1, 2015, shall remain valid according to ss. 466.0067-466.00673, without effect from repeal.

Section 7. Section 466.00775, Florida Statutes, is created to read:

466.00775 Rulemaking.—The board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer ss. 466.003(14), 466.0067, 466.00671, 466.00672, 466.00673, 466.021, and 466.032.

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

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

Section 9. Section 466.021, Florida Statutes, is amended to read:

466.021 Retention Employment of dental laboratories unlicensed persons by dentist; penalty.—Each Every duly licensed dentist who uses the services of any dental laboratory unlicensed person for the purpose of constructing, altering, repairing, or duplicating any denture, implant, veneer, partial denture, bridge splint, or orthodontic or other prosthetic appliance, or other suitable form of artificial oral restorative device shall be required to furnish the dental laboratory such unlicensed person with a written prescription work order in a such form as prescribed by rule of the board. This prescription form shall be dated and signed by the such dentist and shall include the license number of the dentist, the patient's name or number with sufficient descriptive information to clearly identify the case for each separate and individual piece of work to be performed by the dental laboratory, and a specification of materials to be contained in each work product. A copy of the prescription such work order shall be retained in a file in the prescribing dentist's office for a period of 4 years following the date the prescription was issued, and the original prescription work order shall be retained in a file by the dental laboratory for a period of 4 years by such unlicensed person in her or his place of business. A registered dental laboratory shall disclose in writing at the time of delivery of the final restoration to the prescribing dentist the materials and all certificates of authenticity that constitute each product manufactured and the point of origin of manufacture of each restoration, including the address and contact information of the dental laboratory. The Such file of prescriptions work orders to be kept by the such dentist and the dental laboratory or by such unlicensed person shall be open to inspection at any reasonable time by the department or its duly constituted agent. Failure of the dentist to keep records of each prescription such work orders shall subject the dentist to suspension or revocation of her or his license to practice dentistry in this state. Failure of a dental laboratory that has accepted a prescription to have the original or electronic copy of each prescription and to ensure the accuracy of each product's material disclosure at the time it is delivered to the prescribing dentist such unlicensed person to have in her or his possession a work order as required by this section is shall be admissible evidence of a violation of this chapter

~~and constitutes shall constitute~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. This section does not preclude a registered dental laboratory from working for another registered dental laboratory ~~if, provided that such work is performed pursuant to written authorization, in a form to be prescribed by rule of the board, which evidences that the originating laboratory has obtained a valid prescription work order and which sets forth the work to be performed~~ and the resulting material certifications to be provided. A dental laboratory ~~accepting pre-prescriptions from dentists is liable for damages caused by inaccuracies in the material disclosure, certificates of authenticity, or point of origin provided by the dental laboratory to the prescribing dentist.~~ This section does not preclude a registered laboratory from providing its services to dentists licensed and practicing in another state ~~if, provided that such work is requested or otherwise authorized in written form that which clearly identifies the name and address of the requesting dentist and which sets forth the work to be performed~~ and otherwise complies with all applicable laws and treaties.

Section 10. Subsection (5) is added to section 466.032, Florida Statutes, to read:

466.032 Registration.—

(5) The dental laboratory owner or at least one employee of any dental laboratory renewing registration on or after July 1, 2010, shall complete 18 hours of continuing education biennially. Programs of continuing education shall be programs of learning that contribute directly to the education of the dental technician and may include, but are not limited to, attendance at lectures, study clubs, college courses, or scientific sessions of conventions and research.

(a) The aim of continuing education for dental technicians is to improve dental health care delivery to the public as such is impacted through the design, manufacture, and use of artificial human oral prosthetics and related restorative appliances.

(b) Continuing education courses shall address one or more of the following areas of professional development, including, but not limited to:

1. Laboratory and technological subjects, including, but not limited to, laboratory techniques and procedures, materials, and equipment; and

2. Subjects pertinent to oral health, infection control, and safety.

(c) Programs meeting the general requirements of continuing education may be developed and offered to dental technicians by the Florida Dental Laboratory Association and the Florida Dental Association. Other organizations, schools, or agencies may also be approved to develop and offer continuing education in accordance with specific criteria established by the department.

(d) Any dental laboratory renewing a registration on or after July 1, 2010, shall submit a sworn affidavit, on a form approved by the department,

attesting that either the dental laboratory owner or one dental technician employed by the registered dental laboratory has completed the continuing education required in this subsection in accordance with the guidelines and provisions of this subsection and listing the date, location, sponsor, subject matter, and hours of completed continuing education courses. The dental laboratory shall retain in its records such receipts, vouchers, or certificates as may be necessary to document completion of the continuing education courses listed in accordance with this subsection. With cause, the department may request that the documentation be provided by the applicant. The department may also request the documentation from applicants selected at random without cause.

(e)1. This subsection does not apply to a dental laboratory that is physically located within a dental practice operated by a dentist licensed under this chapter.

2. A dental laboratory in another state or country which provides service to a dentist licensed under this chapter is not required to register with the state and may continue to provide services to such dentist with a proper prescription. A dental laboratory in another state or country, however, may voluntarily comply with this subsection.

Section 11. Paragraph (b) of subsection (3) of section 466.007, Florida Statutes, is amended to read:

466.007 Examination of dental hygienists.—

(3) A graduate of a dental college or school shall be entitled to take the examinations required in this section to practice dental hygiene in this state if, in addition to the requirements specified in subsection (2), the graduate meets the following requirements:

(b) Successfully completes one or more courses, of a scope and duration approved and defined by board rule, that meet the requirements of law for instructing health care providers on the human immunodeficiency virus and acquired immune deficiency syndrome. In addition, the board may require an applicant who graduated from a nonaccredited dental college or school to successfully complete additional coursework, only after failing the initial examination, as defined by board rule, at an educational institution approved by the board or accredited as provided in subparagraph (2)(b)1. A graduate of a foreign dental college or school not accredited in accordance with s. 466.006(2)(b) may not take the coursework set forth in this paragraph until the board has approved the credentials required by paragraph (a).

Section 12. This act shall take effect January 1, 2009.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.