

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: SB 648  
INTRODUCER: Senator Mayfield  
SUBJECT: Continuing Education for Dentists  
DATE: March 18, 2019      REVISED: \_\_\_\_\_

|    | ANALYST             | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------------------|----------------|-----------|--------------------|
| 1. | Rossitto-Van Winkle | Brown          | HP        | <b>Favorable</b>   |
| 2. | Kraemer             | Imhof          | IT        | <b>Pre-meeting</b> |
| 3. |                     |                | RC        |                    |

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**I. Summary:**

SB 648 amends s. 466.0135, F.S., to require that dentists complete two hours of dental continuing education (CE) on the safe and effective prescribing of controlled substances during every biennial license renewal period, as part of the 30 hours in general dental subjects currently required by law.

The bill provides an effective date of July 1, 2019.

**II. Present Situation:**

**Health Care Practitioner Licensure**

The mission of the Florida Department of Health (DOH) is to protect, promote, and improve the health of all people in Florida through integrated state, county, and community efforts. Working in conjunction with 22 boards and four councils, the DOH, Division of Medical Quality Assurance (MQA) licenses and regulates seven types of health care facilities and more than 200 license types in over 40 professions. Any person desiring to be a licensed health care professional in Florida must apply to the MQA and, for most professions, can apply in writing on line. Most health care professions are regulated by a board or council in conjunction with the DOH, and all profession have different requirements for initial licensure and licensure renewal. Currently, nearly 97 percent of health care practitioners are renewing their licenses online.<sup>1</sup>

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<sup>1</sup> Florida Dep't of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan, Fiscal Year 2017-2018* (pub Jan. 11, 2019), available at: <http://mqawebteam.com/annualreports/1718/files/assets/common/downloads/publication.pdf> (last visited Mar. 12, 2019).

### ***Dentistry***

Chapter 466, F.S., governs the practice of dentistry in Florida. The profession is governed by the Board of Dentistry (BOD), which is composed of 11 members who are appointed by the Governor, subject to Senate confirmation, including seven licensed dentists actively practicing, two dental hygienists actively practicing, and two laypersons.<sup>2</sup>

Dentistry is concerned with the examination, diagnosis, treatment, and care of conditions within the human oral cavity and its adjacent tissues and structures. It encompasses dental examinations, dental operations, and oral or oral-maxillofacial surgery. It includes:

- The taking of impressions of human teeth or jaws, directly or indirectly by various methods;
- Supplying artificial substitutes for the natural teeth or furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, appliance, or any other structure designed to be worn in the human mouth on the written work order of a licensed dentist;
- The placing or delivering of an appliance or structure in the human mouth or the adjusting or attempting to adjust the same;
- Educating the public about the benefits of dental care and treatment, prosthetic dentures, bridge, appliances, or other structures designed to be worn in the human mouth;
- Diagnosing, prescribing, or treating, or professing to diagnose, prescribe, or treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws or oral-maxillofacial region;
- Extracting or attempting to extract human teeth;
- Correcting, or attempting to correct, malformations of human teeth or of human jaws; and
- Repairing or attempting to repair cavities in human teeth.<sup>3</sup>

### ***Dental Licensure in Florida***

The State of Florida does not have dental reciprocity with any other state; and does not issue licenses by endorsement or credentials. The requirements for a dental license by examination are found in s. 466.006, F.S.; and include:

- The applicant must be at least 18 years of age;
- The applicant must be:
  - A graduate of a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor, or any other dental accrediting entity recognized by the United States Department of Education;
  - A dental student in the final year of a program at such an accredited dental school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations;<sup>4</sup> or
  - A graduate of a dental college or school not accredited by the American Dental Association Commission on Dental Accreditation or the United States Department of

<sup>2</sup> Section 466.004, F.S.

<sup>3</sup> Section 466.003, F.S.

<sup>4</sup> With respect to a dental student in the final year of a program at a dental school, a passing score on the examinations is valid for 365 days after the date the examinations were completed. A dental school student who takes the licensure examinations during the student's final year of an approved dental school must have graduated before being certified for licensure pursuant to s. 466.011, F.S. See s. 466.006 (2)(b)2., F.S.

Education, or a dental college or school not approved by the BOD, but meets one of the following criteria:

- Has completed a program of study, as defined by BOD rule, at an accredited American dental school and demonstrates receipt of a D.D.S. or D.M.D. from said school; or
- Submits proof of having successfully completed at least two consecutive academic years at a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation which has a didactic and clinical education program at the level of a D.D.S. or D.M.D. accredited by the American Dental Association Commission on Dental Accreditation; and
- The successful completion of the following examinations:
  - Dental National Board Examination;
  - Florida Laws and Rules Examination; and
  - ADEX Dental Licensing Examination.<sup>5,6</sup>

### ***Renewal of Dental Licenses***

Licenses of the BOD are required to renew their licenses biennially in order to maintain the right to practice. In order to renew his or her dental license a dentist must:

- Submit a renewal application and fee;
- Submit verification of current status relating to prescribing controlled substances for treatment of “chronic nonmalignant pain”;<sup>7</sup>
- Submit a completed financial responsibility form;
- Have a current certification to perform cardiopulmonary resuscitation;<sup>8</sup>
- Have completed at least 30 hours of professional CE<sup>9</sup> in dental subjects every 2 years as follows:
  - 30 CE hours in general dental subjects;
  - 2 CE hours in medical errors;
  - 2 CE hours in domestic violence (due every third biennial renewal); and
  - 2 CE hours in HIV/AIDS (due for first renewal only).

### ***Controlled Substance Prescribers***

Effective July 1, 2018, s. 456.0301, F.S., requires that each person registered with the United States Drug Enforcement Administration (DEA), and authorized to prescribe controlled substances, complete a two-hour continuing education course from a statewide professional association of physicians in Florida that is accredited to provide educational activities designated for the American Medical Association Physician’s Recognition Award Category 1 Credit or the

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<sup>5</sup> See Florida Dep’t of Health, *Dentist*, available at <https://floridasdentistry.gov/licensing/dentist/> (last visited Mar. 12, 2019). Scores from ADEX Dental Licensing examinations administered in Florida are valid for 365 days after the date the official examination results are published. Scores from ADEX Dental Licensing Examinations administered in a jurisdiction other than Florida must be completed on or after October 2, 2011.

<sup>6</sup> See also s. 466.006(2)(c)2., F.S. An applicant who holds an active Florida health access dental license is not required to take the National Dental Board examination if certain other conditions are met.

<sup>7</sup> “Chronic nonmalignant pain” is defined as pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery. Section 456.44(1)(f), F.S.

<sup>8</sup> See Fla. Admin. Code R. 64B5-12.020, (2019).

<sup>9</sup> Section 466.0135, F.S.

American Osteopathic Category 1-A medical CE on the safe and effective prescribing of controlled substances by January 31, 2019, and each biennial license renewal thereafter. The course is required to include information on the current standards for prescribing controlled substances, particularly opiates; alternatives to these standards; non-pharmacological therapies; prescribing emergency opioid antagonists; and the risks of opioid addiction following all stages of treatment in the management of acute pain.<sup>10,11</sup>

Section 456.0301, F.S., provides that persons registered with the DEA and authorized to prescribe controlled substances need not meet the requirement to complete CE imposed by the section, if the licensee is required by his or her applicable practice act to complete a minimum of two hours of CE on the safe and effective prescribing of controlled substances.

The BOD amended Rule 64B5-12, of the Florida Administrative Code, *Continuing Professional Education*, adding subsection (5), which became effective August 6, 2018, requiring that, pursuant to s. 456.0301, F.S., all dental licensees who are registered with the DEA and authorized to prescribe controlled substances must complete a board-approved two-hour course on prescribing controlled substances by January 31, 2019, and at each subsequent biennium renewal or for reactivation of a license.

### **III. Effect of Proposed Changes:**

SB 648 amends s. 466.0135, F.S., to require that dentists complete two hours of dental CE on the safe and effective prescribing of controlled substances during every biennial license renewal period, as part of the 30 hours in general dental subjects currently required by law. The bill provides the BOD authority to adopt rules to implement the new requirement for CE on prescribing of controlled substances under s. 466.004(4), F.S., and to approve dental courses that meet all the criteria of s. 456.0301, F.S.

The bill provides an effective date of July 1, 2019.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>10</sup> Section 456.0301, F.S.

<sup>11</sup> See Fla. Admin. Code R. 64B8-13.005(1)(d) (2019), Fla. Admin. Code R. 64B15-13.001(1)(e) (2019), and Fla. Admin. Code R. 64B18-17.001(2)(d) (2019).

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 466.0135 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.