

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1296

INTRODUCER: Health Policy Committee; and Senators Berman and Rodriguez

SUBJECT: Health Access Dental Licenses

DATE: March 2, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Fav/CS
2.	Howard	Kidd	AHS	Recommend: Favorable
3.	Howard	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1296 revives, reenacts, and amends sections 466.0067 and 466.00671, Florida Statutes, and revives and reenacts section 466.00672, Florida Statutes., relating to health access dental licenses, notwithstanding their repeal on January 1, 2020. This gives the Department of Health (department) and the Board of Dentistry the statutory authority to resume issuing and renewing such licenses.

The bill has an insignificant fiscal impact on the department that can be absorbed within existing resources.

The bill takes effect upon becoming a law.

II. Present Situation:

Dentistry

Section 466.004, F.S., establishes the Board of Dentistry (BOD) within the Department of Health (department) to regulate the practice of dentistry. The requirements for dental licensure by examination are found in s. 466.006, F.S. A person desiring to be licensed as a dentist must apply to the department to take the examinations. To take the examination, an applicant must be 18 years of age or older and be:

- A graduate from a dental school accredited by the American Dental Association (ADA) Commission on Dental Accreditation (CODA), or any other dental accrediting entity recognized by the U.S. Department of Education (DOE); or
- A dental student in the final year of a program at such an ADA CODA accredited dental school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations.

Dental school graduates from a school not accredited by the ADA CODA, a U.S. DOE-recognized dental accrediting entity, or approved by the BOD, desiring to take the Florida dental licensure examinations, are not entitled to take the examinations until the applicant:

- Demonstrates completion of a program of study defined by BOD rule, at an accredited American dental school and receipt of a D.D.S. or D.M.D. from the school; or
- Submits proof of successful completion of at least two consecutive years at a full-time supplemental general dentistry program accredited by the ADA CODA.¹

The Legislature has authorized the BOD to use the American Dental Licensing Examination (ADLEX), developed by the American Board of Dental Examiners, Inc., in lieu of an independent state-developed practical or clinical examination.

Health Access Dental Licenses

In 2008, the Legislature established the health access dental license² in order to attract out-of-state dentists to practice in Florida's underserved health access settings.³ On January 1, 2020, ss. 466.0067 through 466.00673, F.S., were repealed when the Legislature failed to reenact those statutes, as provided under s. 466.00673, F.S. However, health access dental licenses issued before January 1, 2020, are not affected by the repeal and remain valid under the provisions of the former ss. 466.0067-466.00673, F.S.⁴

With a health access dental license, a dentist actively licensed and in good standing in another state, the District of Columbia, or a U.S. territory, is authorized to practice dentistry in Florida in a health access setting if the dentist:

- Submits proof he or she graduated from a dental school accredited by the Commission on Dental Accreditation of the ADA or its successor agency;

¹ Florida Dept. of Health, *Senate Bill 188 Analysis* (2019) (on file with the Senate Committee on Health Policy), p. 3. According to the DOH, it is unclear whether the two years of a full time supplemental general dentistry program includes specialty or advanced education programs.

² See ss. 466.0067, 466.00671, 466.00672, and 466.00673, F.S.

³ A "health access setting" is defined in s. 466.003(14), F.S., as a program or institution of the Department of Children and Families, the Department of Health, or the Department of Juvenile Justice, a nonprofit community health center, a Head Start center, a federally qualified health center (FQHC) or FQHC look-alike as defined by federal law, a school-based prevention program, or a clinic operated by an accredited college of dentistry or an accredited dental hygiene program in this state if such community service programs and institutions immediately report to the Board of Dentistry 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.

⁴ Section 466.00673, F.S., prior to January 1, 2020, provided that "Effective January 1, 2020, ss. 466.0067-466.00673, F.S., are repealed unless reenacted by the Legislature. Any health access dental license issued before January 1, 2020, shall remain valid according to ss. 466.0067-466.00673, F.S., without effect from repeal."

- Submits proof he or she has successfully completed parts I and II of the National Board of Dental Examiners (NBDE) examination and a state or regional clinical dental licensing examination that the BOD has determined effectively measures the applicant's ability to practice safely;
- Submits ADLEX examination scores mailed to the BOD directly from the American Dental Association;
- Submits a final official transcript from a dental school sent to the BOD by the registrar's office;
- Submits a certification of licensure from each state in which he or she currently holds or has held a dental or dental hygiene license;
- Submits proof of training in cardiopulmonary resuscitation (CPR) at the basic support level;
- Files a BOD-approved application and pays the applicable fees;
- Has not been convicted of, nor pled *nolo contendere* to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;
- Currently holds a valid, active dental license in good standing which has not been revoked, suspended, restricted, or otherwise disciplined from another state, the District of Columbia, or a U.S. territory;
- Has never had a license revoked from another state, the District of Columbia, or a U.S. territory;
- Has never failed an exam under s. 466.006, F.S., unless the applicant was reexamined and received a license to practice in Florida;
- Has not been reported to the NBDE, unless the applicant successfully appealed to have his or her name removed from the data bank;
- Submits proof that he or she has been engaged in the active, clinical practice of dentistry and has provided direct patient care for five years immediately preceding the date of application, or proof of continuous clinical practice, and has provided direct patient care since graduation if the applicant graduated less than five years from his or her application date;
- Submits documentation that she or he has completed, or will complete prior to licensure, continuing education equivalent to this state's requirement for dentists licensed under s. 466.006, F.S., for the last full reporting biennium before applying for a health access dental license;⁵ and
- Successfully completes the examination covering the laws and rules of the practice of dentistry in this state.^{6,7}

A health access dental license is subject to biennial renewal. The BOD will renew a health access dental license if the applicant:

- Submits a renewal application and has paid a renewal fee;
- 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;
- Has not been convicted of, nor pled *nolo contendere* to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;

⁵ See ch. 64B5-12.013, Fla. Admin. Code R. (2019), for continuing education requirements.

⁶ Section 466.006(4)(a), F.S.

⁷ Department of Health, Board of Dentistry, *Health Access Dentist*, available at <https://floridasdentistry.gov/licensing/health-access-dentist/> (last visited Jan. 8, 2020).

- Has not failed the examination specified in s. 466.006, F.S., since initially receiving a health access dental license or since the last renewal; and
- 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.

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

The BOD may revoke a health access dental license if the licensee is terminated from employment in the health access setting or practices outside of the health access setting, fails the Florida dental licensure examination, or is found by the BOD to have committed a violation of ch. 466, F.S., (the Dental Practice Act), other than a violation that is a citation offense or a minor violation.

Currently, the department has issued 60 health access dental licenses. Of those, 39 are in-state active, one is in-state delinquent, 11 are out-of-state active, two are out-of-state delinquent, and seven are retired.⁸ As of January 1, 2020, the department is no longer authorized to issue initial health access dental licenses. Current health access dental licenses expire at midnight EST, February 28, 2020. The department is renewing current health access dental licenses and taking requests to reactivate such a license in inactive or retired status with the payment of additional fees and proof of compliance with specific continuing education requirements.⁹

III. Effect of Proposed Changes:

The bill revives, reenacts, and amends ss. 466.0067, 466.00671, and revives and reenacts 466.00672, F.S., notwithstanding the January 1, 2020, repeal of those sections. The bill's amendments to those sections are for the purpose of grammatical corrections only.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁸ Florida Dept. of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan FY 2018-2019*, p. 13, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/index.html> (last visited Jan. 8, 2020). "In-State Active" means the licensed practitioner has a Florida mailing address and is authorized to practice. "In-State Delinquent" means the licensed practitioner has a Florida mailing address and is not authorized to practice in the state because of failure to renew the license by the expiration date. "Out-of-State Active" means the licensed practitioner has an out-of-state mailing address and is authorized to practice. "Out-of-State Inactive" means the licensed practitioner has an out-of-state mailing address and is not authorized to practice. "Retired" means the licensed practitioner is not authorized to practice. The practitioner is not obligated to update licensure data. Section 456.036, F.S.

⁹ Florida Dept. of Health, Board of Dentistry, *Health Access Dentist*, available at <https://floridasdentistry.gov/renewals/health-access-dentist/> (last visited Jan. 8, 2020).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 1296 would require the department to incur non-recurring costs for rulemaking that can be absorbed within existing resources. The department will have a minimal reduction in workload, costs, and revenues associated with the interruption period in issuing health access dental licenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill revives, reenacts, and amends the following sections of the Florida Statutes: 466.0067 and 466.00671,

This bill revives and reenacts section 466.00672 of the Florida Statutes.

IX. Additional Information:

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

CS by the Health Policy Committee on January 14, 2020:

The CS changes the effective date of the bill from July 1, 2020, to upon becoming a law.

- B. **Amendments:**

None.

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