

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Regulation**

**CS/CS/CS/HB 1319 — Certificates/Licenses/Health Care Practitioners**

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Health and Human Services Quality Subcommittee; and Rep. Harrell and others (CS/CS/SB 1228 by Military Affairs, Space, and Domestic Security Committee; Health Regulation Committee; and Senators Altman and Evers)

The bill authorizes the Department of Health (DOH) to issue a temporary license to a healthcare practitioner whose spouse is stationed in Florida on active duty with the Armed Forces if the applicant meets the eligibility requirements for a full license and is qualified to take the licensure examination. The healthcare practitioner is required to meet certain criteria to obtain the 12-month non-renewable, temporary license. The bill requires the applicable board, or the DOH if there is no board, to deny applications under certain circumstances. The bill requires the applicant for a temporary license to pay the cost for fingerprint processing for a criminal history check, and an application fee.

The bill names the temporary certificates for practice in areas of critical need under ss. 458.315 and 459.0076, F.S., the “Rear Admiral LeRoy Collins, Jr., Temporary Certificate for Practice in Areas of Critical Need.”

The bill generally expands the scope and area of practice of dental hygienists by authorizing dental hygienists to perform certain duties unsupervised in health access settings, which includes school-based prevention programs and accredited dental hygiene programs. The bill allows dental hygienists to apply fluorides, instruct on the oral hygiene of a patient, and supervise the oral hygiene of a patient, without the supervision of a dentist. The bill requires dental hygienists, who perform remediable tasks without supervision, to provide a dental referral in compliance with federal and state patient referral, anti-kickback, and patient brokering laws; encourages the establishment of a dental home; and requires the dental hygienists to maintain a certain amount of professional malpractice insurance coverage.

The bill clarifies that the authorization for dental hygienists to perform some duties does not prevent a program operated by one of the health access settings or a nonprofit organization from billing and obtaining reimbursement for the services provided by a dental hygienist.

The bill replaces the current dental exam, administered through the DOH, with a national exam, the American Dental Licensing Examination (ADLEX). The bill provides that if an individual who is relocating to Florida took the ADLEX exam more than a year ago, he or she must meet additional criteria for licensure, including engaging in the full-time practice of dentistry in the 5 years preceding the date of application to practice dentistry in Florida or since initial licensure, if he or she has practiced less than 5 years. However, this provision only applies to individuals who took the ADLEX exam after October 1, 2011. Additionally, the bill provides that an individual who is relocating to Florida to practice dentistry must engage in the full-time practice of dentistry within one year of receiving a dental license. The bill requires the Board of Dentistry to develop rules for the full-time dentistry requirements, and recoup costs for verification of full-

time practice. The bill provides for the expiration of licenses if the full-time practice requirements are not fulfilled and requires the Board of Dentistry to provide notice of the impending expiration of the license. The bill makes it a third degree felony to use or attempt to use a license that is expired or has been revoked.

The bill amends statutory requirements related to athletic trainers. It defines “Board of Certification” and requires members of the Board of Athletic Training to be certified by the Board of Certification. The bill includes colleges, universities, and education programs recognized by the Board of Certification in the qualifying colleges, universities, and programs for licensure as an athletic trainer. The bill also requires athletic trainers to be certified in the use of automated external defibrillators (AED’s), and meet additional continuing education requirements in the use of AED’s. The bill deletes the requirement that each licensee must complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.

The bill also includes a severability clause.

If approved by the Governor, these provisions take effect upon becoming law or as otherwise specifically provided for in the act.

*Vote: Senate 39-0; House 116-0*