

1 A bill to be entitled
2 An act relating to certificates and licenses for certain
3 health care practitioners; amending s. 456.024, F.S.;
4 providing for issuance of a temporary license to specified
5 health care practitioners who are spouses of active duty
6 members of the Armed Forces under certain circumstances;
7 providing for criminal history checks; providing fees;
8 providing for expiration of a temporary license; requiring
9 a person who is issued a temporary license to be subject
10 to certain general licensing requirements; providing that
11 certain persons are ineligible for such license; providing
12 for revocation of such license; requiring certain
13 temporary licensees to practice under the indirect
14 supervision of other licensees; amending ss. 458.315 and
15 459.0076, F.S.; naming the temporary certificates issued
16 to physicians who practice in areas of critical need after
17 Rear Admiral LeRoy Collins, Jr.; amending s. 466.006,
18 F.S.; providing legislative intent with respect to the use
19 of the American Dental Licensure Examination developed by
20 the American Board of Dental Examiners, Inc., in lieu of
21 an independent state-developed practical or clinical exam,
22 to measure an applicant's ability to practice the
23 profession of dentistry; providing for examination fees
24 and use thereof; providing that the American Dental
25 Licensure Examination is not a national examination
26 requiring certification by the Department of Health;
27 revising criteria for applicants for licensure with
28 respect to accreditation of dental school, location of

29 dental school, period of validity of examination scores,
30 time limitation on completion of examination after
31 application, and the filing of specified reports by an
32 applicant; eliminating provisions with respect to
33 applicants who are graduates of a dental college or school
34 not accredited or approved in accordance with the section;
35 adopting the American Dental Licensure Exam as the
36 clinical or practical licensure examination used for
37 licensure as a dentist in this state, providing specified
38 conditions are maintained; providing for period of
39 validity of examination scores; requiring the Board of
40 Dentistry to develop and adopt specified rules;
41 authorizing applicants to submit American Dental Licensure
42 Examination scores from a jurisdiction outside the state
43 after a specified date; specifying period of validity of
44 such examination scores; providing that authority to
45 submit such examination scores does not apply
46 retroactively; providing that such examination scores
47 outside the period of validity be recognized as valid upon
48 demonstration that the applicant has met specified
49 additional standards; designating the practical
50 examination and specifying minimum standards therefor;
51 requiring applicants for licensure with American Dental
52 Licensure Examination scores from a state other than this
53 state to engage in the full-time practice of dentistry
54 inside the geographic boundaries of this state within 1
55 year of receiving such Florida licensure; providing
56 legislative intent with respect thereto; providing a

57 definition; providing legislative intent with respect to
 58 expiration and revocation of such licenses upon a finding
 59 that acceptable proof of full-time practice within the
 60 geographic boundaries of this state within 1 year after
 61 the initial issuance of the license was not received by
 62 the board; providing procedures and requirements with
 63 respect to determination of compliance; providing
 64 procedures, requirements, and prohibitions in the event of
 65 expiration and revocation; providing a penalty for using
 66 or attempting to use a license that has expired or been
 67 revoked; providing that the act does not apply
 68 retroactively; reenacting ss. 466.0065(1), 466.0067(2),
 69 (5), (9), and (12), 466.00671(1)(d), 466.007(2)(b) and
 70 (3), 466.009(1), and 466.011, F.S., relating to regional
 71 licensure examinations, application for health access
 72 dental license, renewal of the health access dental
 73 license, examination of dental hygienists, reexamination,
 74 and licensure, respectively, to incorporate the amendments
 75 made to s. 466.006, F.S., in references thereto; providing
 76 severability; providing effective dates.

77
 78 Be It Enacted by the Legislature of the State of Florida:

79
 80 Section 1. Subsection (3) is added to section 456.024,
 81 Florida Statutes, to read:

82 456.024 Members of Armed Forces in good standing with
 83 administrative boards or the department; spouses.—

84 (3) (a) The board, or the department if there is no board,

85 may issue a temporary professional license to the spouse of an
 86 active duty member of the Armed Forces of the United States who
 87 submits to the department:

88 1. A completed application upon a form prepared and
 89 furnished by the department in accordance with the board's
 90 rules;

91 2. The required application fee;

92 3. Proof that the applicant is married to a member of the
 93 Armed Forces of the United States who is on active duty;

94 4. Proof that the applicant holds a valid license for the
 95 profession issued by another state, the District of Columbia, or
 96 a possession or territory of the United States, and is not the
 97 subject of any disciplinary proceeding in any jurisdiction in
 98 which the applicant holds a license to practice a profession
 99 regulated by this chapter;

100 5. Proof that the applicant's spouse is assigned to a duty
 101 station in this state pursuant to the member's official active
 102 duty military orders; and

103 6. Proof that the applicant would otherwise be entitled to
 104 full licensure under the appropriate practice act, and is
 105 eligible to take the respective licensure examination as
 106 required in Florida.

107 (b) The applicant must also submit to the Department of
 108 Law Enforcement a complete set of fingerprints. The Department
 109 of Law Enforcement shall conduct a statewide criminal history
 110 check and forward the fingerprints to the Federal Bureau of
 111 Investigation for a national criminal history check.

112 (c) Each board, or the department if there is no board,

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113 shall review the results of the state and federal criminal
114 history checks according to the level 2 screening standards in
115 s. 435.04 when granting an exemption and when granting or
116 denying the temporary license.

117 (d) The applicant shall pay the cost of fingerprint
118 processing. If the fingerprints are submitted through an
119 authorized agency or vendor, the agency or vendor shall collect
120 the required processing fees and remit the fees to the
121 Department of Law Enforcement.

122 (e) The department shall set an application fee, which may
123 not exceed the cost of issuing the license.

124 (f) A temporary license expires 12 months after the date
125 of issuance and is not renewable.

126 (g) An applicant for a temporary license under this
127 subsection is subject to the requirements under s. 456.013(3) (a)
128 and (c).

129 (h) An applicant shall be deemed ineligible for a
130 temporary license pursuant to this section if the applicant:

131 1. Has been convicted of or pled nolo contendere to,
132 regardless of adjudication, any felony or misdemeanor related to
133 the practice of a health care profession;

134 2. Has had a health care provider license revoked or
135 suspended from another of the United States, the District of
136 Colombia, or a United States Territory;

137 3. Has been reported to the National Practitioner Data
138 Bank, unless the applicant has successfully appealed to have his
139 or her name removed from the data bank; or

140 4. Has previously failed the Florida examination required

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141 to receive a license to practice the profession for which the
142 applicant is seeking a license.

143 (i) The board, or department if there is no board, may
144 revoke a temporary license upon finding that the individual
145 violated the profession's governing practice act.

146 (j) An applicant who is issued a temporary professional
147 license to practice as a dentist pursuant to this section must
148 practice under the indirect supervision, as defined in s.
149 466.003, of a dentist licensed pursuant to chapter 466.

150 Section 2. Present subsections (1) through (4) of section
151 458.315, Florida Statutes, are renumbered as subsections (2)
152 through (5), respectively, and a new subsection (1) is added to
153 that section, to read:

154 458.315 Temporary certificate for practice in areas of
155 critical need.—

156 (1) A certificate issued pursuant to this section may be
157 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
158 Certificate for Practice in Areas of Critical Need."

159 Section 3. Present subsections (1) through (4) of section
160 459.0076, Florida Statutes, are renumbered as subsections (2)
161 through (5), respectively, and a new subsection (1) is added to
162 that section, to read:

163 459.0076 Temporary certificate for practice in areas of
164 critical need.—

165 (1) A certificate issued pursuant to this section may be
166 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
167 Certificate for Practice in Areas of Critical Need."

168 Section 4. Effective January 1, 2012, section 466.006,

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169 Florida Statutes, is amended to read:

170 466.006 Examination of dentists.—

171 (1) (a) It is the intent of the Legislature to reduce the
172 costs associated with an independent state-developed practical
173 or clinical examination to measure an applicant's ability to
174 practice the profession of dentistry and to use the American
175 Dental Licensure Examination developed by the American Board of
176 Dental Examiners, Inc., in lieu of an independent state-
177 developed practical or clinical examination. The Legislature
178 finds that the American Dental Licensure Examination, in both
179 its structure and function, has been approved and validated by
180 both the board and the Legislature as consistently meeting
181 generally accepted testing standards and has been found, as it
182 is currently organized and operating, to adequately and reliably
183 measure an applicant's ability to practice the profession of
184 dentistry.

185 (b) Any person desiring to be licensed as a dentist shall
186 apply to the department to take the licensure examinations and
187 shall verify the information required on the application by
188 oath. The application shall include two recent photographs.
189 There shall be an application fee set by the board not to exceed
190 \$100 which shall be nonrefundable. There shall also be an
191 examination fee set by the board, which shall not exceed \$425
192 plus the actual per applicant cost to the department for
193 purchase of some or all ~~portions~~ of the examination from the
194 American Board of Dental Examiners or its successor entity, if
195 any, provided the board finds the successor entity's clinical
196 examination complies with the provisions of this section. The

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197 ~~examination fee Northeast Regional Board of Dental Examiners or~~
 198 ~~a similar national organization, which~~ may be refundable if the
 199 applicant is found ineligible to take the examinations. The
 200 American Dental Licensure Examination is not a national
 201 examination requiring certification by the department pursuant
 202 to s. 456.017(1) (a).

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

206 (a) Is 18 years of age or older.

207 (b)1. Is a graduate of a dental school accredited by the
 208 American Dental Association Commission on Dental Accreditation
 209 ~~Commission on Accreditation of the American Dental Association~~
 210 or its successor entity agency, if any, or any other dental
 211 ~~nationally recognized~~ accrediting entity recognized by the
 212 United States Department of Education agency; or

213 2. Is a dental student in the final year of a program at
 214 such an accredited dental school located in this state who has
 215 completed all the coursework necessary to prepare the student to
 216 perform the clinical and diagnostic procedures required to pass
 217 the examinations. With respect to a dental student in the final
 218 year of a program at a dental school, a passing score on the
 219 examinations is valid for 365 ~~180~~ days after the date the
 220 examinations were completed. A dental school student who takes
 221 the licensure examinations during the student's final year of an
 222 approved dental school must have graduated before being
 223 certified for licensure pursuant to s. 466.011.

224 (c)1. Has successfully completed the National Board of

225 Dental Examiners dental examination at any time prior to ~~within~~
 226 ~~10 years of~~ the date of application; or
 227 2. Has an active health access dental license in this
 228 state; and
 229 a. The applicant has at least 5,000 hours within 4
 230 consecutive years of clinical practice experience providing
 231 direct patient care in a health access setting as defined in s.
 232 466.003(14); the applicant is a retired veteran dentist of any
 233 branch of the United States Armed Services who has practiced
 234 dentistry while on active duty and has at least 3,000 hours
 235 within 3 consecutive years of clinical practice experience
 236 providing direct patient care in a health access setting as
 237 defined in s. 466.003(14); or the applicant has provided a
 238 portion of his or her salaried time teaching health profession
 239 students in any public education setting, including, but not
 240 limited to, a community college, college, or university, and has
 241 at least 3,000 hours within 3 consecutive years of clinical
 242 practice experience providing direct patient care in a health
 243 access setting as defined in s. 466.003(14);
 244 b. The applicant has not been disciplined by the board,
 245 except for citation offenses or minor violations;
 246 c. The applicant has not:
 247 (I) Filed a report pursuant to s. 456.049 or s. 627.912;
 248 (II) Informed a patient or an individual identified
 249 pursuant to s. 765.401(1) about an adverse incident as required
 250 pursuant to s. 456.0575; or
 251 (III) Reported information related to a bankruptcy
 252 proceeding pursuant to s. 456.051(2); and

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

256 ~~(3) If an applicant is a graduate of a dental college or~~
 257 ~~school not accredited in accordance with paragraph (2)(b) or of~~
 258 ~~a dental college or school not approved by the board, the~~
 259 ~~applicant shall not be entitled to take the examinations~~
 260 ~~required in this section to practice dentistry until she or he~~
 261 ~~satisfies one of the following:~~

262 ~~(a) Completes a program of study, as defined by the board~~
 263 ~~by rule, at an accredited American dental school and~~
 264 ~~demonstrates receipt of a D.D.S. or D.M.D. from said school; or~~

265 ~~(b) Completes a 2-year supplemental dental education~~
 266 ~~program at an accredited dental school and receives a dental~~
 267 ~~diploma, degree, or certificate as evidence of program~~
 268 ~~completion.~~

269 (3)(4) Effective January 1, 2012, and notwithstanding any
 270 other provision of law in chapter 456 pertaining to the clinical
 271 dental licensure examination or national examinations s-
 272 456.017(1)(e), to be licensed as a dentist in this state, an
 273 applicant must successfully complete the following:

274 (a) A written examination on the laws and rules of the
 275 state regulating the practice of dentistry;

276 (b)1. A practical or clinical examination, which,
 277 effective January 1, 2012, and thereafter, shall be the American
 278 Dental Licensing Examination produced by the American Board of
 279 Dental Examiners, Inc., or its successor entity, if any, that is
 280 administered in this state and graded by dentists licensed in

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281 this state and employed by the department for just such purpose,
282 provided that the board has attained, and continues to maintain
283 thereafter, representation on the board of directors of the
284 American Board of Dental Examiners, the examination development
285 committee of the American Board of Dental Examiners, and such
286 other committees of the American Board of Dental Examiners as
287 the board deems appropriate by rule to assure that the standards
288 established herein are maintained organizationally. A passing
289 score on the American Dental Licensure Examination administered
290 in this state and graded by Florida dentists is valid for 365
291 days after the date the examination was successfully completed.
292 The board shall develop and adopt rules that specify the general
293 areas of competency to be covered by the examination, the
294 relative weight to be assigned in rating each area tested, the
295 score necessary to achieve a passing grade, the criteria by
296 which examiners are to be selected, the grading criteria to be
297 used by the examiner, and rules regarding the security and
298 monitoring of the examination.

299 2. As an alternative to subparagraph 1., an applicant may
300 submit scores from an American Dental Licensure Examination
301 previously administered in a jurisdiction other than this state,
302 and such examination results shall be recognized as valid for
303 the purpose of licensure in this state. A passing score on the
304 American Dental Licensure Examination administered out-of-state
305 shall be the same as the passing score for the American Dental
306 Licensure Examination administered in this state and graded by
307 dentists who are licensed in this state. The examination results
308 are valid for 365 days after the date on which the examination

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309 was successfully completed. The applicant must complete the
310 examination after January 1, 2012. This subparagraph may not be
311 given retroactive application.

312 3. If the date of an applicant's passing American Dental
313 Licensure Examination scores from an examination previously
314 administered in a jurisdiction other than this state is older
315 than 365 days, then such scores shall nevertheless be recognized
316 as valid for the purpose of licensure in this state, but only if
317 the applicant demonstrates to the satisfaction of the board that
318 all of the following additional standards have been met:

319 a. The applicant completed the American Dental Licensure
320 Examination after January 1, 2012. This sub-subparagraph may not
321 be given retroactive application;

322 b. The applicant graduated from a dental school accredited
323 by the American Dental Association Commission on Dental
324 Accreditation or its successor entity, if any, or any other
325 dental accrediting organization recognized by the United States
326 Department of Education, provided, however, that if the
327 applicant did not graduate from such a dental school, then the
328 applicant may submit proof of having successfully completed a
329 full-time supplemental general dentistry program accredited by
330 the American Dental Association Commission on Dental
331 Accreditation of at least 2 consecutive academic years at such
332 accredited sponsoring institution. This program must provide
333 didactic and clinical education to the level of a D.D.S. or
334 D.M.D. program accredited by the American Dental Association
335 Commission on Dental Accreditation;

336 c. The applicant currently possesses a valid and active

337 dental license in good standing, with no restriction, which has
338 never been revoked, suspended, restricted, or otherwise
339 disciplined, from another state or territory of the United
340 States, the District of Columbia, or the Commonwealth of Puerto
341 Rico;

342 d. The applicant has never been reported to the National
343 Practitioner Data Bank, the Healthcare Integrity and Protection
344 Data Bank, or the American Association of Dental Boards
345 Clearinghouse. This sub-subparagraph does not apply if the
346 applicant successfully appealed to have his or her name removed
347 from the data banks of these agencies;

348 e.(I) In the 5 years immediately preceding the date of
349 application for licensure in this state, the applicant must
350 submit proof of being consecutively engaged in the full-time
351 practice of dentistry in another state or territory of the
352 United States, the District of Columbia, or the Commonwealth of
353 Puerto Rico; or, in the alternative, if the applicant has been
354 licensed in another state or territory of the United States, the
355 District of Columbia, or the Commonwealth of Puerto Rico for
356 less than 5 years, the applicant must submit proof of having
357 been engaged in the full-time practice of dentistry since the
358 date of his or her initial licensure.

359 (II) As used in this section, "full time practice" is
360 defined as a minimum of 1,200 hours per year for each and every
361 year in the consecutive 5-year period or, where applicable, the
362 period since initial licensure, and must include any combination
363 of the following:

364 (A) Active clinical practice of dentistry providing direct

365 patient care.

366 (B) Full-time practice as a faculty member employed by a
 367 dental or dental hygiene school approved by the board or
 368 accredited by the American Dental Association Commission on
 369 Dental Accreditation.

370 (C) Full-time practice as a student at a postgraduate
 371 dental education program approved by the board or accredited by
 372 the American Dental Association Commission on Dental
 373 Accreditation.

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

378 (A) Admissible as evidence in an administrative
 379 proceeding;

380 (B) Submitted in writing;

381 (C) Submitted by the applicant under oath with penalties
 382 of perjury attached;

383 (D) Further documented by an affidavit of someone
 384 unrelated to the applicant who is familiar with the applicant's
 385 practice and testifies with particularity that the applicant has
 386 been engaged in full-time practice; and

387 (E) Specifically found by the board to be both credible
 388 and admissible.

389 (IV) The board must make specific findings of fact and
 390 conclusions of law regarding the credibility and admissibility
 391 of proffered evidence and such findings and conclusions of law
 392 are final agency action under chapter 120. An affidavit of only

393 the applicant is not acceptable proof regarding full-time
 394 practice unless it is further attested to by someone unrelated
 395 to the applicant who has personal knowledge of the applicant's
 396 practice. If the board deems it necessary to assess credibility
 397 or accuracy, the board may require the applicant or the
 398 applicant's witnesses to appear before the board and give oral
 399 testimony under oath.

400 f. The applicant must submit documentation that he or she
 401 has completed, or will complete, prior to licensure in this
 402 state, continuing education equivalent to this state's
 403 requirements for the last full reporting biennium;

404 g. The applicant must prove that he or she has never been
 405 convicted of, or pled nolo contendere to, regardless of
 406 adjudication, any felony or misdemeanor related to the practice
 407 of a health care profession in any jurisdiction;

408 h. The applicant must successfully pass a written
 409 examination on the laws and rules of this state regulating the
 410 practice of dentistry and must successfully pass the computer-
 411 based diagnostic skills examination during the year preceding
 412 the date of the application; and

413 i. The applicant must submit documentation that he or she
 414 has successfully completed the National Board of Dental
 415 Examiners dental examination prior to the date of application.

416 (4) (a) The practical examination required under subsection
 417 (3) shall be the American Dental Licensure Examination developed
 418 by the American Board of Dental Examiners, Inc., or its
 419 successor entity, if any, provided the board finds that the
 420 successor entity's clinical examination complies with the

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421 provisions of this section, and shall include, at a minimum:

422 1. A comprehensive diagnostic skills examination covering
423 the full scope of dentistry and an examination on applied
424 clinical diagnosis and treatment planning in dentistry for
425 dental candidates.

426 ~~2.a. Two restorations on a live patient or patients, and~~
427 ~~the board by rule shall determine the class of such~~
428 ~~restorations. and whether they shall be performed on mannequins,~~
429 ~~live patients, or both. At least one restoration shall be on a~~
430 ~~live patient;~~

431 ~~3.b. A demonstration of periodontal skills on a live~~
432 ~~patient;~~

433 ~~4.e. A demonstration of prosthetics and restorative skills~~
434 ~~in complete and partial dentures and crowns and bridges and the~~
435 ~~utilization of practical methods of evaluation, specifically~~
436 ~~including the evaluation by the candidate of completed~~
437 ~~laboratory products such as, but not limited to, crowns and~~
438 ~~inlays filled to prepared model teeth;~~

439 ~~5.d. A demonstration of restorative skills on a mannequin~~
440 ~~which requires the candidate to complete procedures performed in~~
441 ~~preparation for a cast restoration; and~~

442 ~~6.e. A demonstration of endodontic skills; and~~

443 7. A diagnostic skills examination demonstrating ability
444 to diagnose conditions within the human oral cavity and its
445 adjacent tissues and structures from photographs, slides,
446 radiographs, or models pursuant to rules of the board. If an
447 applicant fails to pass the diagnostic skills examination in
448 three attempts, the applicant shall not be eligible for

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449 reexamination unless she or he completes additional educational
450 requirements established by the board.

451 (b)2. The department shall consult with the board in
452 planning the times, places, physical facilities, training of
453 personnel, and other arrangements concerning the administration
454 of the examination. The board or a duly designated committee
455 thereof shall approve the final plans for the administration of
456 the examination.

457 (c)3. If the applicant fails to pass the clinical
458 examination in three attempts, the applicant shall not be
459 eligible for reexamination unless she or he completes additional
460 educational requirements established by the board; and

461 ~~(c) A diagnostic skills examination demonstrating ability~~
462 ~~to diagnose conditions within the human oral cavity and its~~
463 ~~adjacent tissues and structures from photographs, slides,~~
464 ~~radiographs, or models pursuant to rules of the board. If an~~
465 ~~applicant fails to pass the diagnostic skills examination in~~
466 ~~three attempts, the applicant shall not be eligible for~~
467 ~~reexamination unless she or he completes additional educational~~
468 ~~requirements established by the board.~~

469 (d) The board may by rule provide for additional
470 procedures which are to be tested, provided such procedures
471 shall be common to the practice of general dentistry. The board
472 by rule shall determine the passing grade for each procedure and
473 the acceptable variation for examiners. No such rule shall apply
474 retroactively.

475

476 The department shall require a mandatory standardization

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477 exercise for all examiners prior to each practical or clinical
478 examination and shall retain for employment only those dentists
479 who have substantially adhered to the standard of grading
480 established at such exercise.

481 (5) (a) It is the finding of the Legislature that absent a
482 threat to the health, safety, and welfare of the public, the
483 relocation of applicants to practice dentistry within the
484 geographic boundaries of this state, who are lawfully and
485 currently practicing dentistry in another state or territory of
486 the United States, the District of Columbia, or the Commonwealth
487 of Puerto Rico, based on their scores from the American Dental
488 Licensure Examination administered in a state other than this
489 state, is substantially related to achieving the important state
490 interest of improving access to dental care for underserved
491 citizens of this state and furthering the economic development
492 goals of the state. Therefore, in order to maintain valid active
493 licensure in this state, all applicants for licensure who are
494 relocating to this state based on scores from the American
495 Dental Licensure Examination administered in a state other than
496 this state, must actually engage in the full-time practice of
497 dentistry inside the geographic boundaries of this state within
498 1 year of receiving such licensure in this state. The
499 Legislature finds that, if such applicants do not actually
500 engage in the full-time practice of dentistry within the
501 geographic boundaries of this state within 1 year of receiving
502 such a license in this state, access to dental care for the
503 public will not significantly increase, patients' continuity of
504 care will not be attained, and the economic development goals of

505 the state will not be significantly met.

506 (b)1. As used in this section, "full time practice of
507 dentistry within the geographic boundaries of this state within
508 1 year" is defined as a minimum of 1,200 hours in the initial
509 year of licensure, which must include any combination of the
510 following:

511 a. Active clinical practice of dentistry providing direct
512 patient care within the geographic boundaries of this state.

513 b. Full-time practice as a faculty member employed by a
514 dental or dental hygiene school approved by the board or
515 accredited by the American Dental Association Commission on
516 Dental Accreditation and located within the geographic
517 boundaries of this state.

518 c. Full-time practice as a student at a postgraduate
519 dental education program approved by the board or accredited by
520 the American Dental Association Commission on Dental
521 Accreditation and located within the geographic boundaries of
522 this state.

523 2. The board shall develop rules to determine what type of
524 proof of full-time practice of dentistry within the geographic
525 boundaries of this state for 1 year is required in order to
526 maintain active licensure and shall develop rules to recoup the
527 cost to the board of verifying maintenance of such full-time
528 practice under this section. Such proof must, at a minimum:

529 a. Be admissible as evidence in an administrative
530 proceeding;

531 b. Be submitted in writing;

532 c. Be submitted by the applicant under oath with penalties

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533 of perjury attached;

534 d. Be further documented by an affidavit of someone
535 unrelated to the applicant who is familiar with the applicant's
536 practice and testifies with particularity that the applicant has
537 been engaged in full-time practice of dentistry within the
538 geographic boundaries of this state within the last 365 days;
539 and

540 e. Include such additional proof as specifically found by
541 the board to be both credible and admissible.

542 3. The board must make specific findings of fact and
543 conclusions of law regarding the credibility and admissibility
544 of such additional proof as evidence, and such findings and
545 conclusions of law are final agency action under chapter 120. An
546 affidavit of only the applicant is not acceptable proof
547 regarding full-time practice of dentistry within the geographic
548 boundaries of this state within 1 year, unless it is further
549 attested to by someone unrelated to the applicant who has
550 personal knowledge of the applicant's practice within the last
551 365 days. If the board deems it necessary to assess credibility
552 or accuracy, the board may require the applicant or the
553 applicant's witnesses to appear before the board and give oral
554 testimony under oath.

555 (c) It is the further intent of the Legislature that a
556 license issued pursuant to paragraph (a) shall automatically
557 expire and become null, void, revoked, and of no effect in the
558 event the board finds that it did not receive acceptable proof
559 of full-time practice within the geographic boundaries of this
560 state within 1 year after the initial issuance of the license.

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561 The board shall make reasonable attempts within 30 days prior to
562 the expiration and revocation of such a license to notify the
563 licensee in writing at his or her last known address of the need
564 for proof of full-time practice in order to continue licensure.
565 If the board has not received a satisfactory response from the
566 licensee within the 30-day period, the licensee must be served
567 with actual or constructive notice of the pending expiration and
568 revocation of licensure and be given 10 days in which to submit
569 proof required in order to continue licensure. If the 10-day
570 period expires and the board finds it has not received
571 acceptable proof of full-time practice within the geographic
572 boundaries of this state within 1 year after the initial
573 issuance of the license, then the board must issue an
574 administrative order finding that the license has expired and
575 been revoked. It shall be a disciplinary violation, punishable
576 according to s. 466.028, for a licensee under this section to
577 fail to ensure that the board receives acceptable proof of full-
578 time practice within the geographic boundaries of this state
579 within 1 year after the initial issuance of such license. The
580 penalty for such violation shall be revocation of licensure.
581 Such an order may be appealed by the former licensee in
582 accordance with the provisions of chapter 120. In the event of
583 expiration and revocation, the licensee shall immediately cease
584 and desist from practicing dentistry and shall immediately
585 surrender to the board the wallet-size identification card and
586 wall card. A person who uses or attempts to use a license issued
587 pursuant to this section which has expired or been revoked
588 commits unlicensed practice of dentistry, a felony of the third

589 degree pursuant to s. 466.026(1)(b), punishable as provided in
 590 s. 775.082, s. 775.083, or s. 775.084.

591 Section 5. Effective January 1, 2012, for the purpose of
 592 incorporating the amendment made by this act to section 466.006,
 593 Florida Statutes, in a reference thereto, subsection (1) of
 594 section 466.0065, Florida Statutes, is reenacted to read:

595 466.0065 Regional licensure examinations.—

596 (1) It is the intent of the Legislature that schools of
 597 dentistry be allowed to offer regional licensure examinations to
 598 dental students who are in the final year of a program at an
 599 approved dental school for the sole purpose of facilitating the
 600 student's licensing in other jurisdictions. This section does
 601 not allow a person to be licensed as a dentist in this state
 602 without taking the examinations as set forth in s. 466.006, nor
 603 does this section mean that regional examinations administered
 604 under this section may be substituted for complying with testing
 605 requirements under s. 466.006.

606 Section 6. Effective January 1, 2012, for the purpose of
 607 incorporating the amendment made by this act to section 466.006,
 608 Florida Statutes, in a reference thereto, subsections (2), (5),
 609 (9), and (12) of section 466.0067, Florida Statutes, are
 610 reenacted to read:

611 466.0067 Application for health access dental license.—The
 612 Legislature finds that there is an important state interest in
 613 attracting dentists to practice in underserved health access
 614 settings in this state and further, that allowing out-of-state
 615 dentists who meet certain criteria to practice in health access
 616 settings without the supervision of a dentist licensed in this

617 state is substantially related to achieving this important state
 618 interest. Therefore, notwithstanding the requirements of s.
 619 466.006, the board shall grant a health access dental license to
 620 practice dentistry in this state in health access settings as
 621 defined in s. 466.003(14) to an applicant that:

622 (2) Pays an application license fee for a health access
 623 dental license, laws-and-rule exam fee, and an initial licensure
 624 fee. The fees specified in this subsection may not differ from
 625 an applicant seeking licensure pursuant to s. 466.006;

626 (5) Submits documentation that she or he has completed, or
 627 will obtain prior to licensure, continuing education equivalent
 628 to this state's requirement for dentists licensed under s.
 629 466.006 for the last full reporting biennium before applying for
 630 a health access dental license;

631 (9) Has never failed the examination specified in s.
 632 466.006, unless the applicant was reexamined pursuant to s.
 633 466.006 and received a license to practice dentistry in this
 634 state;

635 (12) Has passed an examination covering the laws and rules
 636 of the practice of dentistry in this state as described in s.
 637 466.006(4)(a).

638 Section 7. Effective January 1, 2012, for the purpose of
 639 incorporating the amendment made by this act to section 466.006,
 640 Florida Statutes, in a reference thereto, paragraph (d) of
 641 subsection (1) of section 466.00671, Florida Statutes, is
 642 reenacted to read:

643 466.00671 Renewal of the health access dental license.—

644 (1) A health access dental licensee shall apply for

645 renewal each biennium. At the time of renewal, the licensee
 646 shall sign a statement that she or he has complied with all
 647 continuing education requirements of an active dentist licensee.
 648 The board shall renew a health access dental license for an
 649 applicant that:

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

653 Section 8. Effective January 1, 2012, for the purpose of
 654 incorporating the amendment made by this act to section 466.006,
 655 Florida Statutes, in a reference thereto, paragraph (b) of
 656 subsection (2) and subsection (3) of section 466.007, Florida
 657 Statutes, are reenacted to read:

658 466.007 Examination of dental hygienists.—

659 (2) An applicant shall be entitled to take the
 660 examinations required in this section to practice dental hygiene
 661 in this state if the applicant:

662 (b)1. Is a graduate of a dental hygiene college or school
 663 approved by the board or accredited by the Commission on
 664 Accreditation of the American Dental Association or its
 665 successor agency; or

666 2. Is a graduate of a dental college or school accredited
 667 in accordance with s. 466.006(2)(b), or a graduate of an
 668 unaccredited dental college or school, and has met the
 669 requirements of subsection (3).

670 (3) A graduate of a dental college or school shall be
 671 entitled to take the examinations required in this section to
 672 practice dental hygiene in this state if, in addition to the

673 requirements specified in subsection (2), the graduate meets the
 674 following requirements:

675 (a) Submits the following credentials for review by the
 676 board:

677 1. Transcripts totaling 4 academic years of postsecondary
 678 dental education; and

679 2. A dental school diploma which is comparable to a D.D.S.
 680 or D.M.D.

681
 682 Such credentials shall be submitted in a manner provided by rule
 683 of the board. The board shall approve those credentials which
 684 comply with this paragraph and with rules of the board adopted
 685 pursuant to this paragraph. The provisions of this paragraph
 686 notwithstanding, an applicant of a foreign dental college or
 687 school not accredited in accordance with s. 466.006(2)(b) who
 688 cannot produce the credentials required by this paragraph, as a
 689 result of political or other conditions in the country in which
 690 the applicant received his or her education, may seek the
 691 board's approval of his or her educational background by
 692 submitting, in lieu of the credentials required in this
 693 paragraph, such other reasonable and reliable evidence as may be
 694 set forth by board rule. The board shall not accept such other
 695 evidence until it has made a reasonable attempt to obtain the
 696 credentials required by this paragraph from the educational
 697 institutions the applicant is alleged to have attended, unless
 698 the board is otherwise satisfied that such credentials cannot be
 699 obtained.

700 (b) Successfully completes one or more courses, of a scope

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701 and duration approved and defined by board rule, that meet the
702 requirements of law for instructing health care providers on the
703 human immunodeficiency virus and acquired immune deficiency
704 syndrome. In addition, the board may require an applicant who
705 graduated from a nonaccredited dental college or school to
706 successfully complete additional coursework, only after failing
707 the initial examination, as defined by board rule, at an
708 educational institution approved by the board or accredited as
709 provided in subparagraph (2)(b)1. A graduate of a foreign dental
710 college or school not accredited in accordance with s.
711 466.006(2)(b) may not take the coursework set forth in this
712 paragraph until the board has approved the credentials required
713 by paragraph (a).

714 Section 9. Effective January 1, 2012, for the purpose of
715 incorporating the amendment made by this act to section 466.006,
716 Florida Statutes, in a reference thereto, subsection (1) of
717 section 466.009, Florida Statutes, is reenacted to read:

718 466.009 Reexamination.—

719 (1) The department shall permit any person who fails an
720 examination which is required under s. 466.006 or s. 466.007 to
721 retake the examination. If the examination to be retaken is a
722 practical or clinical examination, the applicant shall pay a
723 reexamination fee set by rule of the board in an amount not to
724 exceed the original examination fee.

725 Section 10. Effective January 1, 2012, for the purpose of
726 incorporating the amendment made by this act to section 466.006,
727 Florida Statutes, in a reference thereto, section 466.011,
728 Florida Statutes, is reenacted to read:

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729 466.011 Licensure.—The board shall certify for licensure
730 by the department any applicant who satisfies the requirements
731 of s. 466.006, s. 466.0067, or s. 466.007. The board may refuse
732 to certify an applicant who has violated any of the provisions
733 of s. 466.026 or s. 466.028.

734 Section 11. If any provision of this act or its
735 application to any person or circumstance is held invalid by a
736 court of competent jurisdiction, the invalidity does not affect
737 other provisions or applications of the act which can be given
738 effect without the invalid provision or application, and to this
739 end the provisions of this act are severable.

740 Section 12. Except as otherwise specifically provided in
741 this act, this act shall take effect July 1, 2011, and shall not
742 apply retroactively.