

By Senator Brandes

24-01111-18

20181498__

1 A bill to be entitled
2 An act relating to dental therapy; amending s.
3 409.906, F.S.; authorizing Medicaid to reimburse for
4 dental services provided in a mobile dental unit that
5 is owned by, operated by, or contracted with a health
6 access setting or another similar program; amending s.
7 466.001, F.S.; revising legislative purpose and
8 intent; amending s. 466.002, F.S.; providing
9 construction; amending s. 466.003, F.S.; defining the
10 terms "dental therapy" and "dental therapist";
11 revising the definition of the term "health access
12 setting" to include certain dental therapy programs;
13 amending s. 466.004, F.S.; requiring the chair of the
14 Board of Dentistry to appoint a Council on Dental
15 Therapy; providing for membership, meetings, and the
16 purpose of the council; amending s. 466.006, F.S.;
17 revising the definition of the terms "full-time
18 practice" and "full-time practice of dentistry within
19 the geographic boundaries of this state within 1 year"
20 to include full-time faculty members of certain dental
21 therapy schools; amending s. 466.0075, F.S.;
22 authorizing the board to require any person applying
23 to take the examination to practice dental therapy to
24 maintain medical malpractice insurance of certain
25 amounts; amending s. 466.009, F.S.; requiring the
26 Department of Health to allow any person who fails the
27 dental therapy examination to retake it; providing
28 that a person who fails a practical or clinical
29 examination to practice dental therapy and who has

24-01111-18

20181498__

30 only failed one portion or procedure of the
31 examination may only be required to retake that
32 portion or procedure to pass the examination; amending
33 s. 466.011, F.S.; requiring the board to certify
34 applicants who satisfy specified requirements for
35 licensure by the department; providing an exception;
36 creating s. 466.0136, F.S.; requiring the board to
37 require each licensed dental therapist to complete a
38 specified continuing professional education
39 requirement; requiring the board to adopt rules and
40 guidelines; authorizing the board to excuse licensees
41 from continuing education requirements in certain
42 circumstances; amending s. 466.016, F.S.; requiring a
43 practitioner of dental therapy to post and display her
44 or his license in each office where she or he
45 practices; amending s. 466.017, F.S.; requiring the
46 board to adopt certain rules relating to dental
47 therapists; authorizing a dental therapist under the
48 general supervision of a dentist to administer local
49 anesthesia if specified requirements are met;
50 authorizing a dental therapist under general
51 supervision of a dentist to utilize an X-ray machine,
52 expose dental X-ray films, and interpret such films,
53 if specified requirements are met; amending s.
54 466.018, F.S.; providing that a dentist remains
55 primarily responsible for the dental treatment of a
56 patient regardless of whether the treatment is
57 provided by a dental therapist; requiring the initials
58 of a dental therapist who renders treatment to a

24-01111-18

20181498__

59 patient to be placed in the record of a patient;
60 creating s. 466.0225, F.S.; providing application
61 requirements, including the payment of a fee, for a
62 person seeking to become licensed as a dental
63 therapist; providing qualifications for a person to
64 take dental therapy examinations; creating s.
65 466.0226, F.S.; authorizing certain dental school
66 graduates who meet certain requirements to be licensed
67 to practice dental therapy; creating s. 466.0227,
68 F.S.; authorizing a dental therapist to perform
69 specified services under the general supervision of a
70 dentist with authorization and within the terms of a
71 written collaborative management agreement if certain
72 criteria are met; listing dental therapy services;
73 requiring that a collaborative management agreement be
74 signed by a supervising dentist and a dental therapist
75 and include certain information; authorizing a
76 supervising dentist to restrict or limit the dental
77 therapist's practice in a collaborative management
78 agreement; providing that a supervising dentist may
79 authorize a dental therapist to provide dental therapy
80 services to a patient before the dentist examines or
81 diagnoses the patient; requiring that a supervising
82 dentist be licensed and practicing in this state;
83 specifying that the supervising dentist is responsible
84 for certain services; amending s. 466.026, F.S.;

85 providing criminal penalties for a person practicing
86 dental therapy without an active license, for a person
87 who sells or offers to sell a diploma conferring a

24-01111-18

20181498__

88 degree from a dental therapy school or college, and
89 for a person who falsely holds himself or herself out
90 as an actively licensed dental therapist; amending s.
91 466.028, F.S.; revising grounds for denial of a
92 license or disciplinary action to include provisions
93 relating to dental therapy; amending s. 466.0285,
94 F.S.; prohibiting persons other than dentists from
95 employing a dental therapist in the operation of a
96 dental office and from controlling the use of any
97 dental equipment in the provision of dental services
98 in certain circumstances; amending s. 466.051, F.S.;
99 revising a public records exemption to include
100 personal identifying information that is contained in
101 a record provided by a dental therapist in response to
102 a dental workforce survey and that is held by the
103 department; requiring the department, in consultation
104 with the board and the Agency for Health Care
105 Administration, to provide two progress reports to the
106 Legislature by specified dates; requiring that certain
107 information and recommendations be included in the
108 reports; providing an effective date.

109
110 Be It Enacted by the Legislature of the State of Florida:

111
112 Section 1. Paragraph (c) of subsection (1) of section
113 409.906, Florida Statutes, is amended to read:

114 409.906 Optional Medicaid services.—Subject to specific
115 appropriations, the agency may make payments for services which
116 are optional to the state under Title XIX of the Social Security

24-01111-18

20181498__

117 Act and are furnished by Medicaid providers to recipients who
118 are determined to be eligible on the dates on which the services
119 were provided. Any optional service that is provided shall be
120 provided only when medically necessary and in accordance with
121 state and federal law. Optional services rendered by providers
122 in mobile units to Medicaid recipients may be restricted or
123 prohibited by the agency. Nothing in this section shall be
124 construed to prevent or limit the agency from adjusting fees,
125 reimbursement rates, lengths of stay, number of visits, or
126 number of services, or making any other adjustments necessary to
127 comply with the availability of moneys and any limitations or
128 directions provided for in the General Appropriations Act or
129 chapter 216. If necessary to safeguard the state's systems of
130 providing services to elderly and disabled persons and subject
131 to the notice and review provisions of s. 216.177, the Governor
132 may direct the Agency for Health Care Administration to amend
133 the Medicaid state plan to delete the optional Medicaid service
134 known as "Intermediate Care Facilities for the Developmentally
135 Disabled." Optional services may include:

136 (1) ADULT DENTAL SERVICES.—

137 (c) However, Medicaid will not provide reimbursement for
138 dental services provided in a mobile dental unit, except for a
139 mobile dental unit:

140 1. Owned by, operated by, or having a contractual agreement
141 with the Department of Health and complying with Medicaid's
142 county health department clinic services program specifications
143 as a county health department clinic services provider.

144 2. Owned by, operated by, or having a contractual
145 arrangement with a federally qualified health center and

24-01111-18

20181498__

146 complying with Medicaid's federally qualified health center
147 specifications as a federally qualified health center provider.

148 3. Rendering dental services to Medicaid recipients, 21
149 years of age and older, at nursing facilities.

150 4. Owned by, operated by, or having a contractual agreement
151 with a state-approved dental educational institution.

152 5. Owned by, operated by, or having a contract with a
153 health access setting, as defined in s. 466.003, or another
154 similar setting or program serving underserved or vulnerable
155 populations facing serious barriers to access dental services,
156 including, but not limited to: Early Head Start programs,
157 homeless shelters, schools, and the Special Supplemental
158 Nutrition Program for Women, Infants, and Children.

159 Section 2. Section 466.001, Florida Statutes, is amended to
160 read:

161 466.001 Legislative purpose and intent.—The legislative
162 purpose for enacting this chapter is to ensure that every
163 dentist, dental therapist, or dental hygienist practicing in
164 this state meets minimum requirements for safe practice without
165 undue clinical interference by persons not licensed under this
166 chapter. It is the legislative intent that dental services be
167 provided only in accordance with the provisions of this chapter
168 and not be delegated to unauthorized individuals. It is the
169 further legislative intent that dentists, dental therapists, and
170 dental hygienists who fall below minimum competency or who
171 otherwise present a danger to the public shall be prohibited
172 from practicing in this state. All provisions of this chapter
173 relating to the practice of dentistry, dental therapy, and
174 dental hygiene shall be liberally construed to carry out such

24-01111-18

20181498__

175 purpose and intent.

176 Section 3. Subsections (5) and (6) of section 466.002,
177 Florida Statutes, are amended to read:

178 466.002 Persons exempt from operation of chapter.—Nothing
179 in this chapter shall apply to the following practices, acts,
180 and operations:

181 (5) Students in Florida schools of dentistry, dental
182 therapy, and dental hygiene or dental assistant educational
183 programs, while performing regularly assigned work under the
184 curriculum of such schools.

185 (6) Instructors in Florida schools of dentistry,
186 instructors in dental programs that prepare persons holding
187 D.D.S. or D.M.D. degrees for certification by a specialty board
188 and that are accredited in the United States by January 1, 2005,
189 in the same manner as the board recognizes accreditation for
190 Florida schools of dentistry that are not otherwise affiliated
191 with a Florida school of dentistry, or instructors in Florida
192 schools of dental hygiene, dental therapy, or dental assistant
193 educational programs, while performing regularly assigned
194 instructional duties under the curriculum of such schools. A
195 full-time dental instructor at a dental school or dental program
196 approved by the board may be allowed to practice dentistry at
197 the teaching facilities of such school or program, upon
198 receiving a teaching permit issued by the board, in strict
199 compliance with such rules as are adopted by the board
200 pertaining to the teaching permit and with the established rules
201 and procedures of the dental school or program as recognized in
202 this section.

203 Section 4. Subsections (4) through (15) of section

24-01111-18

20181498__

204 466.003, Florida Statutes are redesignated as subsections (6)
205 through (17), respectively, present subsection (14) of that
206 section is amended, and new subsections (4) and (5) are added to
207 that section, to read:

208 466.003 Definitions.—As used in this chapter:

209 (4) "Dental therapist" means a person licensed to practice
210 dental therapy pursuant to s. 466.0225.

211 (5) "Dental therapy" means the rendering of services
212 pursuant to s. 466.0227 and any related extraoral service or
213 procedure required in the performance of such services.

214 (16)~~(14)~~ "Health access setting" means a program or an
215 institution of the Department of Children and Families, the
216 Department of Health, the Department of Juvenile Justice, a
217 nonprofit community health center, a Head Start center, a
218 federally qualified health center or look-alike as defined by
219 federal law, a school-based prevention program, a clinic
220 operated by an accredited college of dentistry, or an accredited
221 dental hygiene or dental therapy program in this state if such
222 community service program or institution immediately reports to
223 the Board of Dentistry all violations of s. 466.027, s. 466.028,
224 or other practice act or standard of care violations related to
225 the actions or inactions of a dentist, dental hygienist, dental
226 therapist, or dental assistant engaged in the delivery of dental
227 care in such setting.

228 Section 5. Subsection (2) of section 466.004, Florida
229 Statutes, is amended to read:

230 466.004 Board of Dentistry.—

231 (2) To advise the board, it is the intent of the
232 Legislature that councils be appointed as specified in

24-01111-18

20181498__

233 paragraphs (a)-(d) ~~(a), (b), and (c)~~. The department shall
234 provide administrative support to the councils and shall provide
235 public notice of meetings and agenda of the councils. Councils
236 shall include at least one board member who shall chair the
237 council and shall include nonboard members. All council members
238 shall be appointed by the board chair. Council members shall be
239 appointed for 4-year terms, and all members shall be eligible
240 for reimbursement of expenses in the manner of board members.

241 (a) A Council on Dental Hygiene shall be appointed by the
242 board chair and shall include one dental hygienist member of the
243 board, who shall chair the council, one dental member of the
244 board, and three dental hygienists who are actively engaged in
245 the practice of dental hygiene in this state. In making the
246 appointments, the chair shall consider recommendations from the
247 Florida Dental Hygiene Association. The council shall meet at
248 the request of the board chair, a majority of the members of the
249 board, or the council chair; however, the council must meet at
250 least three times a year. The council is charged with the
251 responsibility of and shall meet for the purpose of developing
252 rules and policies for recommendation to the board, which the
253 board shall consider, on matters pertaining to that part of
254 dentistry consisting of educational, preventive, or therapeutic
255 dental hygiene services; dental hygiene licensure, discipline,
256 or regulation; and dental hygiene education. Rule and policy
257 recommendations of the council shall be considered by the board
258 at its next regularly scheduled meeting in the same manner in
259 which it considers rule and policy recommendations from
260 designated subcommittees of the board. Any rule or policy
261 proposed by the board pertaining to the specified part of

24-01111-18

20181498__

262 dentistry defined by this subsection shall be referred to the
263 council for a recommendation before final action by the board.
264 The board may take final action on rules pertaining to the
265 specified part of dentistry defined by this subsection without a
266 council recommendation if the council fails to submit a
267 recommendation in a timely fashion as prescribed by the board.

268 (b) A Council on Dental Assisting shall be appointed by the
269 board chair and shall include one board member who shall chair
270 the council and three dental assistants who are actively engaged
271 in dental assisting. The council shall meet at the request of
272 the board chair or a majority of the members of the board. The
273 council shall meet for the purpose of developing recommendations
274 to the board on matters pertaining to that part of dentistry
275 related to dental assisting.

276 (c) A Council on Dental Therapy shall be appointed by the
277 board chair and shall include one board member who shall chair
278 the council and three dental therapists who are actively engaged
279 in dental therapy. The council shall meet at the request of the
280 board chair or a majority of the members of the board. The
281 council shall meet for the purpose of developing recommendations
282 to the board on matters pertaining to that part of dentistry
283 related to dental therapy.

284 (d) ~~(e)~~ With the concurrence of the State Surgeon General,
285 the board chair may create and abolish other advisory councils
286 relating to dental subjects, including, but not limited to:
287 examinations, access to dental care, indigent care, nursing home
288 and institutional care, public health, disciplinary guidelines,
289 and other subjects as appropriate. Such councils shall be
290 appointed by the board chair and shall include at least one

24-01111-18

20181498__

291 board member who shall serve as chair.

292 Section 6. Subsection (4) and paragraph (b) of subsection
293 (6) of section 466.006, Florida Statutes, are amended to read:

294 466.006 Examination of dentists.—

295 (4) Notwithstanding any other provision of law in chapter
296 456 pertaining to the clinical dental licensure examination or
297 national examinations, to be licensed as a dentist in this
298 state, an applicant must successfully complete the following:

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

301 (b)1. A practical or clinical examination, which shall be
302 the American Dental Licensing Examination produced by the
303 American Board of Dental Examiners, Inc., or its successor
304 entity, if any, that is administered in this state and graded by
305 dentists licensed in this state and employed by the department
306 for just such purpose, provided that the board has attained, and
307 continues to maintain thereafter, representation on the board of
308 directors of the American Board of Dental Examiners, the
309 examination development committee of the American Board of
310 Dental Examiners, and such other committees of the American
311 Board of Dental Examiners as the board deems appropriate by rule
312 to assure that the standards established herein are maintained
313 organizationally. A passing score on the American Dental
314 Licensing Examination administered in this state and graded by
315 dentists who are licensed in this state is valid for 365 days
316 after the date the official examination results are published.

317 2.a. As an alternative to the requirements of subparagraph
318 1., an applicant may submit scores from an American Dental
319 Licensing Examination previously administered in a jurisdiction

24-01111-18

20181498__

320 other than this state after October 1, 2011, and such
321 examination results shall be recognized as valid for the purpose
322 of licensure in this state. A passing score on the American
323 Dental Licensing Examination administered out-of-state shall be
324 the same as the passing score for the American Dental Licensing
325 Examination administered in this state and graded by dentists
326 who are licensed in this state. The examination results are
327 valid for 365 days after the date the official examination
328 results are published. The applicant must have completed the
329 examination after October 1, 2011.

330 b. This subparagraph may not be given retroactive
331 application.

332 3. If the date of an applicant's passing American Dental
333 Licensing Examination scores from an examination previously
334 administered in a jurisdiction other than this state under
335 subparagraph 2. is older than 365 days, then such scores shall
336 nevertheless be recognized as valid for the purpose of licensure
337 in this state, but only if the applicant demonstrates that all
338 of the following additional standards have been met:

339 a.(I) The applicant completed the American Dental Licensing
340 Examination after October 1, 2011.

341 (II) This sub-subparagraph may not be given retroactive
342 application;

343 b. The applicant graduated from a dental school accredited
344 by the American Dental Association Commission on Dental
345 Accreditation or its successor entity, if any, or any other
346 dental accrediting organization recognized by the United States
347 Department of Education. Provided, however, if the applicant did
348 not graduate from such a dental school, the applicant may submit

24-01111-18

20181498__

349 proof of having successfully completed a full-time supplemental
350 general dentistry program accredited by the American Dental
351 Association Commission on Dental Accreditation of at least 2
352 consecutive academic years at such accredited sponsoring
353 institution. Such program must provide didactic and clinical
354 education at the level of a D.D.S. or D.M.D. program accredited
355 by the American Dental Association Commission on Dental
356 Accreditation;

357 c. The applicant currently possesses a valid and active
358 dental license in good standing, with no restriction, which has
359 never been revoked, suspended, restricted, or otherwise
360 disciplined, from another state or territory of the United
361 States, the District of Columbia, or the Commonwealth of Puerto
362 Rico;

363 d. The applicant submits proof that he or she has never
364 been reported to the National Practitioner Data Bank, the
365 Healthcare Integrity and Protection Data Bank, or the American
366 Association of Dental Boards Clearinghouse. This sub-
367 subparagraph does not apply if the applicant successfully
368 appealed to have his or her name removed from the data banks of
369 these agencies;

370 e.(I) In the 5 years immediately preceding the date of
371 application for licensure in this state, the applicant must
372 submit proof of having been consecutively engaged in the full-
373 time practice of dentistry in another state or territory of the
374 United States, the District of Columbia, or the Commonwealth of
375 Puerto Rico, or, if the applicant has been licensed in another
376 state or territory of the United States, the District of
377 Columbia, or the Commonwealth of Puerto Rico for less than 5

24-01111-18

20181498__

378 years, the applicant must submit proof of having been engaged in
379 the full-time practice of dentistry since the date of his or her
380 initial licensure.

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

386 (A) Active clinical practice of dentistry providing direct
387 patient care.

388 (B) Full-time practice as a faculty member employed by a
389 dental, dental therapy, or dental hygiene school approved by the
390 board or accredited by the American Dental Association
391 Commission on Dental Accreditation.

392 (C) Full-time practice as a student at a postgraduate
393 dental education program approved by the board or accredited by
394 the American Dental Association Commission on Dental
395 Accreditation.

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

400 (A) Admissible as evidence in an administrative proceeding;

401 (B) Submitted in writing;

402 (C) Submitted by the applicant under oath with penalties of
403 perjury attached;

404 (D) Further documented by an affidavit of someone unrelated
405 to the applicant who is familiar with the applicant's practice
406 and testifies with particularity that the applicant has been

24-01111-18

20181498__

407 engaged in full-time practice; and

408 (E) Specifically found by the board to be both credible and
409 admissible.

410 (IV) An affidavit of only the applicant is not acceptable
411 proof of full-time practice unless it is further attested to by
412 someone unrelated to the applicant who has personal knowledge of
413 the applicant's practice. If the board deems it necessary to
414 assess credibility or accuracy, the board may require the
415 applicant or the applicant's witnesses to appear before the
416 board and give oral testimony under oath;

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

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

425 h. The applicant must successfully pass a written
426 examination on the laws and rules of this state regulating the
427 practice of dentistry and must successfully pass the computer-
428 based diagnostic skills examination; and

429 i. The applicant must submit documentation that he or she
430 has successfully completed the National Board of Dental
431 Examiners dental examination.

432 (6)

433 (b)1. As used in this section, "full-time practice of
434 dentistry within the geographic boundaries of this state within
435 1 year" is defined as a minimum of 1,200 hours in the initial

24-01111-18

20181498__

436 year of licensure, which must include any combination of the
437 following:

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

440 b. Full-time practice as a faculty member employed by a
441 dental, dental therapy, or dental hygiene school approved by the
442 board or accredited by the American Dental Association
443 Commission on Dental Accreditation and located within the
444 geographic boundaries of this state.

445 c. Full-time practice as a student at a postgraduate dental
446 education program approved by the board or accredited by the
447 American Dental Association Commission on Dental Accreditation
448 and located within the geographic boundaries of this state.

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

455 a. Be admissible as evidence in an administrative
456 proceeding;

457 b. Be submitted in writing;

458 c. Be submitted by the applicant under oath with penalties
459 of perjury attached;

460 d. Be further documented by an affidavit of someone
461 unrelated to the applicant who is familiar with the applicant's
462 practice and testifies with particularity that the applicant has
463 been engaged in full-time practice of dentistry within the
464 geographic boundaries of this state within the last 365 days;

24-01111-18

20181498__

465 and

466 e. Include such additional proof as specifically found by
467 the board to be both credible and admissible.468 3. An affidavit of only the applicant is not acceptable
469 proof of full-time practice of dentistry within the geographic
470 boundaries of this state within 1 year, unless it is further
471 attested to by someone unrelated to the applicant who has
472 personal knowledge of the applicant's practice within the last
473 365 days. If the board deems it necessary to assess credibility
474 or accuracy, the board may require the applicant or the
475 applicant's witnesses to appear before the board and give oral
476 testimony under oath.477 Section 7. Section 466.0075, Florida Statutes, is amended
478 to read:479 466.0075 Applicants for examination; medical malpractice
480 insurance.—The board may require any person applying to take the
481 examination to practice dentistry in this state, the examination
482 to practice dental therapy in this state, or the examination to
483 practice dental hygiene in this state to maintain medical
484 malpractice insurance in amounts sufficient to cover any
485 incident of harm to a patient during the clinical examination.486 Section 8. Subsection (1) of section 466.009, Florida
487 Statutes, is amended, and subsection (4) is added to that
488 section, to read:

489 466.009 Reexamination.—

490 (1) The department shall allow ~~permit~~ any person who fails
491 an examination that ~~which~~ is required under s. 466.006, ~~or~~ s.
492 466.007, or s. 466.0225 to retake the examination. If the
493 examination to be retaken is a practical or clinical

24-01111-18

20181498__

494 examination, the applicant shall pay a reexamination fee set by
495 rule of the board in an amount not to exceed the original
496 examination fee.

497 (4) If an applicant for a license to practice dental
498 therapy fails the practical or clinical examination and has
499 failed only one part or procedure of the examination, she or he
500 may only be required to retake that part or procedure to pass
501 the examination. However, if any such applicant fails more than
502 one part or procedure of any such examination, she or he shall
503 be required to retake the entire examination.

504 Section 9. Section 466.011, Florida Statutes, is amended to
505 read:

506 466.011 Licensure.—The board shall certify for licensure by
507 the department any applicant who satisfies the requirements of
508 s. 466.006, s. 466.0067, ~~or~~ s. 466.007, or s. 466.0225. The
509 board may refuse to certify an applicant who has violated any of
510 the provisions of s. 466.026 or s. 466.028.

511 Section 10. Section 466.0136, Florida Statutes, is created
512 to read:

513 466.0136 Continuing education; dental therapists.—In
514 addition to the other requirements for relicensure for dental
515 therapists set out in this chapter, the board shall require each
516 licensed dental therapist to complete at least 24 hours but not
517 more than 36 hours of continuing professional education in
518 dental subjects, biennially, in programs prescribed or approved
519 by the board or in equivalent programs of continuing education.
520 Programs of continuing education approved by the board shall be
521 programs of learning which, in the opinion of the board,
522 contribute directly to the dental education of the dental

24-01111-18

20181498__

523 therapist. The board shall adopt rules and guidelines to
524 administer and enforce this section. The dental therapist shall
525 retain in her or his records any receipts, vouchers, or
526 certificates necessary to document completion of such continuing
527 education. Compliance with the continuing education requirements
528 is mandatory for issuance of the renewal certificate. The board
529 may excuse licensees, as a group or as individuals, from all or
530 part of the continuing education requirements if an unusual
531 circumstance, emergency, or hardship has prevented compliance
532 with this section.

533 Section 11. Section 466.016, Florida Statutes, is amended
534 to read:

535 466.016 License to be displayed.—Every practitioner of
536 dentistry, dental therapy, or dental hygiene within the meaning
537 of this chapter shall post and keep conspicuously displayed her
538 or his license in the office wherein she or he practices, in
539 plain sight of the practitioner's patients. Any dentist, dental
540 therapist, or dental hygienist who practices at more than one
541 location shall be required to display a copy of her or his
542 license in each office where she or he practices.

543 Section 12. Present subsections (7) and (8) of section
544 466.017, Florida Statutes, are redesignated as subsections (8)
545 and (9), respectively, a new subsection (7) is added to that
546 section, and paragraphs (d) and (e) of subsection (3),
547 subsection (4), and present subsections (7) and (8) of that
548 section, are amended, to read:

549 466.017 Prescription of drugs; anesthesia.—

550 (3) The board shall adopt rules which:

551 (d) Establish further requirements relating to the use of

24-01111-18

20181498

552 general anesthesia or sedation, including, but not limited to,
553 office equipment and the training of dental assistants, dental
554 therapists, or dental hygienists who work with dentists using
555 general anesthesia or sedation.

556 (e) Establish an administrative mechanism enabling the
557 board to verify compliance with training, education, experience,
558 equipment, or certification requirements of dentists, dental
559 therapists, dental hygienists, and dental assistants adopted
560 pursuant to this subsection. The board may charge a fee to
561 defray the cost of verifying compliance with requirements
562 adopted pursuant to this paragraph.

563 (4) A dentist, dental therapist, or dental hygienist who
564 administers or employs the use of any form of anesthesia must
565 possess a certification in either basic cardiopulmonary
566 resuscitation for health professionals or advanced cardiac life
567 support approved by the American Heart Association or the
568 American Red Cross or an equivalent agency-sponsored course with
569 recertification every 2 years. Each dental office which uses any
570 form of anesthesia must have immediately available and in good
571 working order such resuscitative equipment, oxygen, and other
572 resuscitative drugs as are specified by rule of the board in
573 order to manage possible adverse reactions.

574 (7) A dental therapist under general supervision of a
575 dentist may administer local anesthesia, including intraoral
576 block anesthesia or soft tissue infiltration anesthesia, or
577 both, if she or he has completed the course described in
578 paragraph (5) (a) and presents evidence of current certification
579 in basic or advanced cardiac life support.

580 (8) ~~(7)~~ A licensed dentist, or a dental therapist who is

24-01111-18

20181498__

581 authorized by her or his supervising dentist, may utilize an X-
 582 ray machine, expose dental X-ray films, and interpret or read
 583 such films. The provisions of part IV of chapter 468 to the
 584 contrary notwithstanding, a licensed dentist, or a dental
 585 therapist who is authorized by his or her supervising dentist,
 586 may authorize or direct a dental assistant to operate such
 587 equipment and expose such films under her or his direction and
 588 supervision, pursuant to rules adopted by the board in
 589 accordance with s. 466.024 which ensure that said assistant is
 590 competent by reason of training and experience to operate said
 591 equipment in a safe and efficient manner. The board may charge a
 592 fee not to exceed \$35 to defray the cost of verifying compliance
 593 with requirements adopted pursuant to this section.

594 (9)~~(8)~~ The provisions of s. 465.0276 notwithstanding, a
 595 dentist need not register with the board or comply with the
 596 continuing education requirements of that section if the dentist
 597 confines her or his dispensing activity to the dispensing of
 598 fluorides and chlorhexidine ~~chlorhexidine~~ rinse solutions;
 599 provided that the dentist complies with and is subject to all
 600 laws and rules applicable to pharmacists and pharmacies,
 601 including, but not limited to, chapters 465, 499, and 893, and
 602 all applicable federal laws and regulations, when dispensing
 603 such products.

604 Section 13. Subsection (1) of section 466.018, Florida
 605 Statutes, is amended to read:

606 466.018 Dentist of record; patient records.—

607 (1) Each patient shall have a dentist of record. The
 608 dentist of record shall remain primarily responsible for all
 609 dental treatment on such patient regardless of whether the

24-01111-18

20181498__

610 treatment is rendered by the dentist or by another dentist,
611 dental therapist, dental hygienist, or dental assistant
612 rendering such treatment in conjunction with, at the direction
613 or request of, or under the supervision of such dentist of
614 record. The dentist of record shall be identified in the record
615 of the patient. If treatment is rendered by a dentist other than
616 the dentist of record or by a dental hygienist, dental
617 therapist, or dental assistant, the name or initials of such
618 person shall be placed in the record of the patient. In any
619 disciplinary proceeding brought pursuant to this chapter or
620 chapter 456, it shall be presumed as a matter of law that
621 treatment was rendered by the dentist of record unless otherwise
622 noted on the patient record pursuant to this section. The
623 dentist of record and any other treating dentist are subject to
624 discipline pursuant to this chapter or chapter 456 for treatment
625 rendered the patient and performed in violation of such chapter.
626 One of the purposes of this section is to ensure that the
627 responsibility for each patient is assigned to one dentist in a
628 multidentist practice of any nature and to assign primary
629 responsibility to the dentist for treatment rendered by a dental
630 hygienist or assistant under her or his supervision. This
631 section shall not be construed to assign any responsibility to a
632 dentist of record for treatment rendered pursuant to a proper
633 referral to another dentist not in practice with the dentist of
634 record or to prohibit a patient from voluntarily selecting a new
635 dentist without permission of the dentist of record.

636 Section 14. Section 466.0225, Florida Statutes, is created
637 to read:

638 466.0225 Examination of dental therapists; licensing.-

24-01111-18

20181498__

639 (1) Any person desiring to be licensed as a dental
640 therapist must apply to the department to take the licensure
641 examinations and shall verify the information required on the
642 application by oath. The application shall include two recent
643 photographs of the applicant. There shall be a nonrefundable
644 application fee set by the board not to exceed \$100 and an
645 examination fee set by the board which shall not be more than
646 \$225. The examination fee may be refunded if the applicant is
647 found ineligible to take the examinations.

648 (2) An applicant is entitled to take the examinations
649 required in this section and practice dental therapy in this
650 state if the applicant:

651 (a) Is 18 years of age or older;

652 (b) Is a graduate of a dental therapy college or school
653 accredited by the American Dental Association Commission on
654 Dental Accreditation or its successor entity, if any, or any
655 other dental therapy accrediting entity recognized by the United
656 States Department of Education. For applicants applying for a
657 dental therapy license before January 1, 2023, the board shall
658 approve the applicant's dental therapy education program if the
659 program was administered by a college or school that operates an
660 accredited dental or dental hygiene program and the college or
661 school certifies to the board that the applicant's education
662 substantially conformed to the education standards established
663 by the American Dental Association Commission on Dental
664 Accreditation;

665 (c) Has successfully completed a dental therapy practical
666 or clinical examination produced by the American Board of Dental
667 Examiners, Inc., (ADEX) or its successor entity, if any, if the

24-01111-18

20181498__

668 board finds that the successor entity's examination meets or
669 exceeds the provisions of this section. If an applicant fails to
670 pass the ADEX Dental Therapy Examination in three attempts, the
671 applicant is not eligible to retake the examination unless the
672 applicant completes additional education requirements as
673 specified by the board. If a dental therapy examination has not
674 been established by the ADEX, the board shall administer or
675 approve an alternative examination;

676 (d) Has not been disciplined by a board, except for
677 citation offenses or minor violations;

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

681 (f) Has successfully completed a written examination on the
682 laws and rules of this state regulating the practice of dental
683 therapy.

684 (3) An applicant who meets the requirements of this
685 section, who has successfully completed the examinations
686 identified in paragraph (2) (c) in a jurisdiction other than this
687 state, or who has successfully completed comparable examinations
688 administered or approved by the licensing authority in that
689 jurisdiction shall be licensed to practice dental therapy in
690 this state if the board determines that the other jurisdiction's
691 examinations and scope of practice are substantially similar to
692 those identified in paragraph (2) (c).

693 Section 15. Section 466.0226, Florida Statutes, is created
694 to read:

695 466.0226 Dental therapy; licensing for dental school
696 graduates.—An applicant who satisfied the examination

24-01111-18

20181498__

697 requirements in s. 466.0225 may take the examinations required
698 in this section and shall be licensed to practice dental therapy
699 in this state if the applicant is a graduate of a dental college
700 or school accredited in accordance with s. 466.006(2)(b), or if
701 the applicant is a graduate of an unaccredited dental college or
702 school and has:

703 (1) Successfully completed the National Board Dental
704 Examination for dentistry or dental therapy or an alternative
705 examination approved by the board under this section;

706 (2) Submitted for review by the board transcripts totaling
707 4 academic years of postsecondary dental education and a dental
708 school diploma that is comparable to a D.D.S. or D.M.D.

709 (a) Such credentials shall be submitted in a manner
710 provided by rule of the board. The board shall approve those
711 credentials that comply with this subsection and with rules of
712 the board adopted pursuant to this subsection.

713 (b) An applicant who graduated from a foreign dental
714 college or a school not accredited in accordance with s.
715 466.006(2)(b) and who cannot produce the credentials required by
716 this subsection, as a result of political or other conditions in
717 the country in which the applicant received his or her
718 education, may seek the board's approval of his or her
719 educational background by submitting, in lieu of the credentials
720 required in this subsection, such other reasonable and reliable
721 evidence as may be set forth by board rule. The board shall not
722 accept such other evidence until it has made a reasonable
723 attempt to obtain the credentials required by this subsection
724 from the educational institutions the applicant is alleged to
725 have attended, unless the board is otherwise satisfied that such

24-01111-18

20181498__

726 credentials cannot be obtained.

727 (3) Successfully completed one or more courses, of a scope
728 and duration approved and defined by board rule, which meet the
729 requirements of law for instructing health care providers on the
730 human immunodeficiency virus and acquired immune deficiency
731 syndrome. In addition, the board may require an applicant who
732 graduated from a nonaccredited dental college or school to
733 successfully complete additional coursework, only after failing
734 the initial examination, as defined by board rule, at an
735 educational institution approved by the board or accredited as
736 provided in s. 466.006(2)(b). A graduate of a foreign dental
737 college or school that is not accredited in accordance with s.
738 466.006(2)(b) may not take the examinations required in this
739 section until the board has approved the credentials required by
740 subsection (2).

741 Section 16. Section 466.0227, Florida Statutes, is created
742 to read:

743 466.0227 Dental therapists; scope and area of practice.—

744 (1) Except as otherwise provided in this chapter, a dental
745 therapist may perform the dental therapy services specified in
746 subsection (2) under the general supervision of a dentist to the
747 extent authorized by the supervising dentist and provided within
748 the terms of a written collaborative management agreement signed
749 by the dental therapist and the supervising dentist which meets
750 the requirements of subsection (3).

751 (2) Dental therapy services include all of the following:

752 (a) All services, treatments, and competencies identified
753 by the American Dental Association Commission on Dental
754 Accreditation in its dental therapy education accreditation

24-01111-18

20181498__

755 standards; and

756 (b) The following state-specific services, if the dental
757 therapist's education included curriculum content satisfying the
758 American Dental Association Commission on Dental Accreditation
759 criteria for state-specific dental therapy services:

760 1. Evaluating radiographs.

761 2. Placement of space maintainers.

762 3. Pulpotomies on primary teeth.

763 4. Nonsurgical extractions of periodontally diseased
764 permanent teeth with tooth mobility of +3 to +4 under general
765 supervision if authorized in advance by the collaborating
766 dentist. A dental therapist may not extract a tooth that is
767 unerupted, impacted, or fractured or needs to be sectioned for
768 removal.

769 5. Dispensing and administering analgesics including
770 nitrous oxide, antiinflammatories, and antibiotics as authorized
771 by the supervising dentist and within the parameters of the
772 collaborative management agreement.

773 6. Oral evaluation and assessment of dental disease and
774 formulation of an individualized treatment plan if authorized by
775 a supervising dentist and subject to any conditions,
776 limitations, and protocols specified by the supervising dentist
777 in the collaborative management agreement.

778 (3) Before performing any of the services authorized under
779 this chapter, a dental therapist must enter into a written
780 collaborative management agreement with a supervising dentist.
781 The agreement must be signed by the dental therapist and the
782 supervising dentist and include:

783 (a) Practice settings where services may be provided and

24-01111-18

20181498__

- 784 the populations to be served;
- 785 (b) Any limitations on the services that may be provided by
786 the dental therapist, including the level of supervision
787 required by the collaborating dentist;
- 788 (c) Age and procedure-specific practice protocols,
789 including case selection criteria, assessment guidelines, and
790 imaging frequency;
- 791 (d) A procedure for creating and maintaining dental records
792 for the patients that are treated by the dental therapist;
- 793 (e) A plan to manage medical emergencies in each practice
794 setting where the dental therapist provides care;
- 795 (f) A quality assurance plan for monitoring care provided
796 by the dental therapist, including patient care review, referral
797 followup, and a quality assurance chart review;
- 798 (g) Protocols for administering and dispensing medications,
799 including the specific conditions and circumstance under which
800 these medications are to be dispensed and administered;
- 801 (h) Criteria relating to the provision of care to patients
802 with specific medical conditions or complex medication
803 histories, including requirements for consultation before the
804 initiation of care;
- 805 (i) Supervision criteria of dental assistants; and
- 806 (j) A plan for the provision of clinical resources and
807 referrals in situations that are beyond the capabilities of the
808 dental therapist.
- 809 (4) The supervising dentist may restrict or limit the
810 dental therapist's practice in a collaborative management
811 agreement to be less than the full scope of practice for dental
812 therapists which is authorized in subsection (2).

24-01111-18

20181498__

813 (5) A supervising dentist may authorize a dental therapist
814 to provide dental therapy services to a patient before the
815 dentist examines or diagnoses the patient, if the authority,
816 conditions, and protocols are established in a written
817 collaborative management agreement and if the patient is
818 subsequently referred to a dentist for any needed additional
819 services that exceed the dental therapist's scope of practice or
820 authorization under the collaborative management agreement.

821 (6) A supervising dentist must be licensed and practicing
822 in this state. The supervising dentist is responsible for all
823 services authorized and performed by the dental therapist
824 pursuant to the collaborative management agreement and for
825 providing or arranging followup services to be provided by a
826 dentist for those services that are beyond the dental
827 therapist's scope of practice and authorization under the
828 collaborative management agreement.

829 Section 17. Section 466.026, Florida Statutes, is amended
830 to read:

831 466.026 Prohibitions; penalties.—

832 (1) Each of the following acts constitutes a felony of the
833 third degree, punishable as provided in s. 775.082, s. 775.083,
834 or s. 775.084:

835 (a) Practicing dentistry, dental therapy, or dental hygiene
836 unless the person has an appropriate, active license issued by
837 the department pursuant to this chapter.

838 (b) Using or attempting to use a license issued pursuant to
839 this chapter which license has been suspended or revoked.

840 (c) Knowingly employing any person to perform duties
841 outside the scope allowed such person under this chapter or the

24-01111-18

20181498__

842 rules of the board.

843 (d) Giving false or forged evidence to the department or
844 board for the purpose of obtaining a license.

845 (e) Selling or offering to sell a diploma conferring a
846 degree from a dental college or dental hygiene or dental therapy
847 school or college, or a license issued pursuant to this chapter,
848 or procuring such diploma or license with intent that it shall
849 be used as evidence of that which the document stands for, by a
850 person other than the one upon whom it was conferred or to whom
851 it was granted.

852 (2) Each of the following acts constitutes a misdemeanor of
853 the first degree, punishable as provided in s. 775.082 or s.
854 775.083:

855 (a) Using the name or title "dentist," the letters "D.D.S."
856 or "D.M.D.," or any other words, letters, title, or descriptive
857 matter which in any way represents a person as being able to
858 diagnose, treat, prescribe, or operate for any disease, pain,
859 deformity, deficiency, injury, or physical condition of the
860 teeth or jaws or oral-maxillofacial region unless the person has
861 an active dentist's license issued by the department pursuant to
862 this chapter.

863 (b) Using the name "dental hygienist" or the initials
864 "R.D.H." or otherwise holding herself or himself out as an
865 actively licensed dental hygienist or implying to any patient or
866 consumer that she or he is an actively licensed dental hygienist
867 unless that person has an active dental hygienist's license
868 issued by the department pursuant to this chapter.

869 (c) Using the name "dental therapist" or the initials
870 "D.T." or otherwise holding herself or himself out as an

24-01111-18

20181498__

871 actively licensed dental therapist or implying to any patient or
872 consumer that she or he is an actively licensed dental therapist
873 unless that person has an active dental therapist's license
874 issued by the department pursuant to this chapter.

875 (d)~~(e)~~ Presenting as her or his own the license of another.

876 (e)~~(d)~~ Knowingly concealing information relative to
877 violations of this chapter.

878 (f)~~(e)~~ Performing any services as a dental assistant as
879 defined herein, except in the office of a licensed dentist,
880 unless authorized by this chapter or by rule of the board.

881 Section 18. Paragraphs (b), (c), (g), (s), and (t) of
882 subsection (1) of section 466.028, Florida Statutes, are amended
883 to read:

884 466.028 Grounds for disciplinary action; action by the
885 board.—

886 (1) The following acts constitute grounds for denial of a
887 license or disciplinary action, as specified in s. 456.072(2):

888 (b) Having a license to practice dentistry, dental therapy,
889 or dental hygiene revoked, suspended, or otherwise acted
890 against, including the denial of licensure, by the licensing
891 authority of another state, territory, or country.

892 (c) Being convicted or found guilty of or entering a plea
893 of nolo contendere to, regardless of adjudication, a crime in
894 any jurisdiction which relates to the practice of dentistry,
895 dental therapy, or dental hygiene. A plea of nolo contendere
896 shall create a rebuttable presumption of guilt to the underlying
897 criminal charges.

898 (g) Aiding, assisting, procuring, or advising any
899 unlicensed person to practice dentistry, dental therapy, or

24-01111-18

20181498__

900 dental hygiene contrary to this chapter or to a rule of the
901 department or the board.

902 (s) Being unable to practice her or his profession with
903 reasonable skill and safety to patients by reason of illness or
904 use of alcohol, drugs, narcotics, chemicals, or any other type
905 of material or as a result of any mental or physical condition.
906 In enforcing this paragraph, the department shall have, upon a
907 finding of the State Surgeon General or her or his designee that
908 probable cause exists to believe that the licensee is unable to
909 practice dentistry, dental therapy, or dental hygiene because of
910 the reasons stated in this paragraph, the authority to issue an
911 order to compel a licensee to submit to a mental or physical
912 examination by physicians designated by the department. If the
913 licensee refuses to comply with such order, the department's
914 order directing such examination may be enforced by filing a
915 petition for enforcement in the circuit court where the licensee
916 resides or does business. The licensee against whom the petition
917 is filed shall not be named or identified by initials in any
918 public court records or documents, and the proceedings shall be
919 closed to the public. The department shall be entitled to the
920 summary procedure provided in s. 51.011. A licensee affected
921 under this paragraph shall at reasonable intervals be afforded
922 an opportunity to demonstrate that she or he can resume the
923 competent practice of her or his profession with reasonable
924 skill and safety to patients.

925 (t) Fraud, deceit, or misconduct in the practice of
926 dentistry, dental therapy, or dental hygiene.

927 Section 19. Paragraphs (a) and (b) of subsection (1) of
928 section 466.0285, Florida Statutes, are amended to read:

24-01111-18

20181498__

929 466.0285 Proprietorship by nondentists.—

930 (1) No person other than a dentist licensed pursuant to
931 this chapter, nor any entity other than a professional
932 corporation or limited liability company composed of dentists,
933 may:

934 (a) Employ a dentist, dental therapist, or dental hygienist
935 in the operation of a dental office.

936 (b) Control the use of any dental equipment or material
937 while such equipment or material is being used for the provision
938 of dental services, whether those services are provided by a
939 dentist, a dental therapist, a dental hygienist, or a dental
940 assistant.

941
942 Any lease agreement, rental agreement, or other arrangement
943 between a nondentist and a dentist whereby the nondentist
944 provides the dentist with dental equipment or dental materials
945 shall contain a provision whereby the dentist expressly
946 maintains complete care, custody, and control of the equipment
947 or practice.

948 Section 20. Subsection (1) of section 466.051, Florida
949 Statutes, is amended to read:

950 466.051 Confidentiality of certain information contained in
951 dental workforce surveys.—

952 (1) Personal identifying information that is contained in a
953 record provided by a dentist, dental therapist, or dental
954 hygienist licensed under this chapter in response to a dental
955 workforce survey and held by the Department of Health is
956 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
957 of the State Constitution. Personal identifying information in

24-01111-18

20181498__

958 such a record:

959 (a) Shall be disclosed with the express written consent of
960 the individual to whom the information pertains or the
961 individual's legally authorized representative.

962 (b) Shall be disclosed by court order upon a showing of
963 good cause.

964 (c) May be disclosed to a research entity, if the entity
965 seeks the records or data pursuant to a research protocol
966 approved by the Department of Health, maintains the records or
967 data in accordance with the approved protocol, and enters into a
968 purchase and data-use agreement with the department, the fee
969 provisions of which are consistent with s. 119.07(4). The
970 department may deny a request for records or data if the
971 protocol provides for intrusive follow-back contacts, does not
972 plan for the destruction of the confidential records after the
973 research is concluded, is administratively burdensome, or does
974 not have scientific merit. The agreement must prohibit the
975 release of information by the research entity which would
976 identify individuals, limit the use of records or data to the
977 approved research protocol, and prohibit any other use of the
978 records or data. Copies of records or data issued pursuant to
979 this paragraph remain the property of the department.

980 Section 21. The Department of Health, in consultation with
981 the Board of Dentistry and the Agency for Health Care
982 Administration, shall submit a progress report to the President
983 of the Senate and Speaker of the House of Representatives by
984 July 1, 2021, and a final report 3 years after the first dental
985 therapy license is issued. The report must include all of the
986 following components:

24-01111-18

20181498__

987 (1) The progress that has been made in this state to
988 implement dental therapy training programs, licensing, and
989 Medicaid reimbursement;

990 (2) Data demonstrating the effects of dental therapy in
991 this state on:

992 (a) Access to dental services;

993 (b) The use of primary and preventive dental services in
994 underserved regions and populations, including the Medicaid
995 population;

996 (c) Costs to dental providers, patients, dental insurance
997 carriers, and the state; and

998 (d) The quality and safety of dental services;

999 (3) Specific recommendations for any necessary legislative,
1000 administrative, or regulatory reform relating to the practice of
1001 dental therapy; and

1002 (4) Any other information deemed appropriate by the
1003 department.

1004 Section 22. This act shall take effect July 1, 2018.