

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1461 Health Access Dental Licenses

**SPONSOR(S):** Health Quality Subcommittee, Brown

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 1296

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	15 Y, 0 N, As CS	Siples	Calamas
2) Health & Human Services Committee	17 Y, 0 N	Siples	Calamas

### SUMMARY ANALYSIS

The health access dental license was established in 2008 to attract out-of-state dentists to practice in underserved health access settings in this state. Under this statutory authority, the Board of Dentistry, within the Department of Health, could issue a health access dental license to a licensed out-of-state dentist to provide dental care in certain underserved areas and programs. The Board of Dentistry was also authorized to set application, examination, licensure, and licensure renewal fees for health access dental licenses.

The health access dental license statute contained a sunset provision, by which the act would be automatically repealed on January 1, 2020, unless reenacted by the Legislature. The Legislature did not reenact the law prior to the sunset date, so the statutory authority for health access dental licenses was automatically repealed on January 1, 2020.

CS/HB 1461 revives and reenacts the authority for health access dental licenses, and repeals the scheduled sunset date of January 1, 2020. The bill also revives and reenacts the Board of Dentistry's authority to establish fees retroactively to January 1, 2020.

The bill will have an insignificant, negative fiscal impact on the Department of Health. The bill has no impact on local governments.

The bill provides an effective date of upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Dentistry

The Board of Dentistry (Board), within the Department of Health regulates the practice of dentistry.<sup>1</sup> Any person wishing to practice dentistry in this state must apply to DOH and meet specified requirements. Section 466.006, F.S., requires dentistry licensure applicants to sit for and pass the following licensure examinations:

- The National Board of Dental Examiners dental examination (NBDE);
- A written examination on Florida laws and rules regulating the practice of dentistry; and
- A practical examination, which is the American Dental Licensing Examination developed by the American Board of Dental Examiners, Inc., and graded by a Florida-licensed dentist employed by DOH for such purpose.<sup>2</sup>

To qualify to take the Florida dental licensure examination, an applicant must be 18 years of age or older, be a graduate of a dental school accredited by the American Dental Association Commission on Dental Accreditation (CODA) or be a student in the final year of a program at an accredited institution, and have successfully completed the NBDE dental examination.<sup>3</sup> If the applicant is not a graduate of a CODA-accredited program, the applicant must demonstrate that he or she holds a degree from an accredited American dental school or has completed two years at a full-time supplemental general dentistry program accredited by CODA.<sup>4</sup>

##### Health Access Dental Licenses

The health access dental license was established in 2008 to attract out-of-state dentists to practice in underserved health access settings<sup>5</sup> in this state, without supervision.<sup>6</sup> A health access setting is a program or institution operated by the Department of Children and Families, Department of Health, Department of Juvenile Justice, a nonprofit health care center, a Head Start center, a federally-qualified health center or a lookalike, a school-based prevention program, a clinic operated by an accredited college of dentistry, or certain accredited dental hygiene program. In Fiscal Year 2018-2019, the Board of Dentistry issued 50 health access dental licenses.<sup>7</sup>

With a health access dental license, a dentist who holds a valid, active license in good standing issued by another state, the District of Columbia, or a U.S. territory may practice in a health access setting in Florida if the dentist:<sup>8</sup>

- Submits proof of graduation from an accredited dental school;
- Submits documentation that the dentist has completed, or will obtain prior to licensure, continuing education equivalent to Florida's requirement for dentists for the last full reporting biennium;

---

<sup>1</sup> Section 466.004, F.S.

<sup>2</sup> A passing score is valid for 365 days after the date the official examination results are published. A passing score on an examination obtained in another jurisdiction must be completed on or after October 1, 2011.

<sup>3</sup> Section 466.006(2), F.S.

<sup>4</sup> Section 466.006(3), F.S.

<sup>5</sup> Section 466.003(14), F.S.

<sup>6</sup> Chapter 2008-64, L.O.F., codified at s. 466.0067, F.S.

<sup>7</sup> Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2018-2019*, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited January 21, 2020).

<sup>8</sup> Section 466.0067, F.S.

- Submits proof of successful passage of parts I and II of the National Board of Dental Examiners and a state or regional clinical dental examination approved by the Board;
- Has never had a license revoked in another state, the District of Columbia, or a U.S. territory;
- Has never failed the Florida dental licensing examination, unless the dentist was reexamined and received a license to practice in Florida;
- Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;
- Has not been reported to the National Practitioner Data Bank, unless the applicant successfully appealed to have his or her name removed from the databank; and
- Submits proof that he or she has been actively engaged in the clinical practice of dentistry providing direct patient care for the five years immediately preceding application, or proof of continuous clinical practice providing direct patient care since graduation if the applicant graduated less than 5 years from his or her application.

Health access dental licenses must be renewed biennially<sup>9</sup>. A licensee must meet the same continuing education requirements as a Florida-licensed dentist.<sup>10</sup> Additionally, a licensee must continue to meet all the requirements for initial licensure.<sup>11</sup> DOH is authorized to establish application, examination, initial licensure, and licensure renewal fees for health access dental licenses.<sup>12</sup>

The Board may revoke a health access dental license if the licensee is terminated from employment at the health access setting, practices outside of the health access setting, fails the Florida dental examination, or is found to have violated the Dental Practice Act, other than a minor violation or a citation offense.<sup>13</sup>

Sections 466.067 through 466.00673, F.S., established the authority for Board to issue health access dental licenses. Section 466.00673, F.S., repeals the statutory authority for the health access dental license on January 1, 2020, if not reenacted by the Legislature. The authority the Board to issue such licenses was automatically repealed as the Legislature failed to reenact that authority by January 1, 2020.<sup>14</sup> Section 466.00673, F.S., also provides that any health access dental license that was issued before January 1, 2020, remains valid;<sup>15</sup> however, this provision authorizing the continued validity of the license was also repealed on that date.

The Board no longer has legal authority to issue or renew initial health access dental licenses. However, the Board is processing license renewals through February 28, 2020, without legal authority.<sup>16</sup>

### **Effect of Proposed Changes**

HB 1461 revives and reenacts the statutory authority for health access dental licenses and repeals the obsolete language setting the January 1, 2020, sunset of health access dental licenses. This gives DOH and the Board of Dentistry the statutory authority to resume issuing and renewing such licenses. The bill also revives and reenacts the Board of Dentistry's authority to establish application, examination, initial license, and license renewal fees retroactively to January 1, 2020, allowing the program to continue as if it had not expired on January 1, 2020.

The bill makes other technical, non-substantive changes.

The bill provides an effective date of upon becoming law.

<sup>9</sup> Section 466.00671, F.S.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Sections 466.0067(2) and 466.0067(1)(c), F.S.

<sup>13</sup> Section 466.00672, F.S.

<sup>14</sup> Section 466.00673, F.S.

<sup>15</sup> Id.

<sup>16</sup> Department of Health, Florida Board of Dentistry, *Health Access Dentist*, available at <https://floridasdentistry.gov/renewals/health-access-dentist/> (last visited January 21, 2020).

**B. SECTION DIRECTORY:**

- Section 1:** Amends s. 466.0067, F.S., relating to application for health access dental license.
- Section 2:** Amends s. 466.00671, F.S., relating to renewal of the health access dental license.
- Section 3:** Amends s. 466.00672, F.S., relating to revocation of health access dental licenses.
- Section 4:** Provides an effective date of upon becoming law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

- 1. Revenues:  
None.
- 2. Expenditures:  
None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

- 1. Revenues:  
None.
- 2. Expenditures:  
None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Individuals who have limited access to dental services may be able to receive dental care from those holding a health access dental license.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

- 1. Applicability of Municipality/County Mandates Provision:  
Not applicable. The bill does not appear to affect county or municipal governments.
- 2. Other:  
None.

**B. RULE-MAKING AUTHORITY:**

The Board of Dentistry has sufficient rulemaking authority to implement the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 28, 2020, the Health Quality Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment made the reenactment of the health access dental licenses retroactive to January 1, 2020, and changed the effective date of the bill to upon becoming law.

This analysis is drafted to the committee substitute as passed by the Health Quality Subcommittee.