Committee/Subcommittee hearing bill: Health Quality Subcommittee
Representative Rodriguez, A. M. offered the following:

Amendment (with title amendment)
Remove lines 664-973 and insert:
Section 13. Subsections (1), (3), (4), paragraph (a) of subsection (5), and paragraph (a) of subsection (6) of section 466.006, Florida Statutes, are amended to read:
466.006 Examination of dentists.—
(1)(a) It is the intent of the Legislature to reduce the costs associated with an independent, state-developed practical or clinical examination to measure an applicant's ability to practice the profession of dentistry and to use the American Dental Licensing Examination developed by the American Board of Dental Examiners, Inc., and the dental examination developed by
the Western Regional Examining Board in lieu of an independent, state-developed practical or clinical examination. The Legislature finds that the American Dental Licensing Examination and the dental examination developed by the Western Regional Examining Board, in both their structure and function, consistently meet generally accepted testing standards and have been found, as they are currently organized and operated, to adequately and reliably measure an applicant's ability to practice the profession of dentistry.

(b) Any person desiring to be licensed as a dentist shall apply to the department to take one of the licensure examinations identified in paragraph (a) and shall verify the information required on the application by oath. The application must include two recent photographs. The board shall set an application fee, which may not exceed $100 nonrefundable application fee, which may not exceed $425 plus the actual per applicant cost to the department for the purchase of some or all of the examinations from the American Board of Dental Examiners and the Western Regional Examining Board, or their respective successor entities or its successor entity, if any, provided the board finds the successor entities' clinical examinations comply with the provisions of this section. The examination
fee may be refunded if the applicant is found ineligible to take an examination.

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

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

(b) Submits proof of having successfully completed at least 2 consecutive academic years at a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation. This program must provide didactic and clinical education at the level of a D.D.S. or D.M.D. program accredited by the American Dental Association Commission on Dental Accreditation. For purposes of this paragraph, a supplemental general dentistry program does not include an advanced education program in a dental specialty.

(4) Notwithstanding any other provision of law in chapter 456 pertaining to the clinical dental licensure examination or national examinations, to be licensed as a dentist in this state, an applicant must successfully complete both of the following:
(a) A written examination on the laws and rules of the state regulating the practice of dentistry.

(b) A practical or clinical examination, which must be the American Dental Licensing Examination produced by the American Board of Dental Examiners, Inc., or its successor entity, if any, or the dental examination produced by the Western Regional Examining Board, or its successor entity, if any, which is administered in this state and graded by dentists licensed in this state and employed by the department for just such purpose, provided that the board has attained, and continues to maintain thereafter, representation, as applicable, on the board of directors of the American Board of Dental Examiners, the board of directors of the Western Regional Examining Board, the examination development committee of the American Board of Dental Examiners, the examination development committee of the Western Regional Examining Board, and such other committees of the American Board of Dental Examiners and the Western Regional Examining Board, as the board deems appropriate by rule to assure that the standards established herein are maintained organizationally. A passing score on the American Dental Licensing Examination or the dental examination developed by the Western Regional Examining Board administered in this state and graded by dentists who are licensed in this state is valid for 365 days after the date the official examination results are published.
1.2.a. As an alternative to such practical or clinical examination the requirements of subparagraph 1., an applicant may submit scores from an American Dental Licensing Examination or the dental examination developed by the Western Regional Examining Board that was previously administered in a jurisdiction other than this state and that was completed by the applicant after October 1, 2011, and such examination results shall be recognized as valid for the purpose of licensure in this state. A passing score on the American Dental Licensing Examination or the dental examination developed by the Western Regional Examining Board that was administered out of state out-of-state shall be the same as the passing score for the American Dental Licensing Examination or the dental examination developed by the Western Regional Examining Board that was administered in this state and graded by dentists who are licensed in this state. Except as provided subparagraph 2., the examination results are valid for 365 days after the date the official examination results are published. The applicant must have completed the examination after October 1, 2011.

b. This subparagraph may not be given retroactive application.

2.3. If more than 365 days have passed since the date of an applicant's passing scores on the American Dental Licensing Examination or the dental examination produced by the Western Regional Examining Board scores from an examination previously...
administered in a jurisdiction other than this state under subparagraph 1. subparagraph 2. is older than 365 days, then such scores shall nevertheless be recognized as valid for the purpose of licensure in this state, but only if the applicant demonstrates that all of the following additional standards have been met:

a. (I) The applicant completed the American Dental Licensing Examination or the dental examination produced by the Western Regional Examining Board after October 1, 2011.

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

b. The applicant graduated from a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor entity, if any, or any other dental accrediting organization recognized by the United States Department of Education. Provided, however, if the applicant did not graduate from such a dental school, the applicant may submit proof of having successfully completed a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation of at least 2 consecutive academic years at such accredited sponsoring institution. Such program must provide didactic and clinical education at the level of a D.D.S. or D.M.D. program accredited by the American Dental Association Commission on Dental Accreditation. For purposes of this sub-subparagraph, a
supplemental general dentistry program does not include an advanced education program in a dental specialty;

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

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

e.(I) (A) In the 5 years immediately preceding the date of application for licensure in this state, The applicant submits proof of having been consecutively engaged in the full-time practice of dentistry in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico in the 5 years immediately preceding the date of application for licensure in this state; or

(B) If the applicant has been licensed in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico for less than 5 years, the applicant
submit proof of having been engaged in the full-time practice of dentistry since the date of his or her initial licensure.

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

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

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

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

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

(A) Admissible as evidence in an administrative proceeding;

(B) Submitted in writing;
(C) Submitted by the applicant under oath with penalties of perjury attached;

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

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

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

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

g. The applicant must prove that he or she has never been convicted of, or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession in any jurisdiction;
h. The applicant has must successfully passed pass a written examination on the laws and rules of this state regulating the practice of dentistry and must successfully pass the computer-based diagnostic skills examination; and

i. The applicant submits must submit documentation that he or she has successfully completed the applicable examination administered by the Joint Commission on National Dental Examinations or its successor organization National Board of Dental Examiners dental examination.

(5)(a) The practical examination required under subsection (4) must shall be the American Dental Licensing Examination developed by the American Board of Dental Examiners, Inc., or its successor entity, if any, provided the board finds that the successor entity's clinical examination complies with the provisions of this section, and shall include, at a minimum:

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

2. Two restorations on a live patient or patients. The board by rule shall determine the class of such restorations;

3. A demonstration of periodontal skills on a live patient;

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

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

6. A demonstration of endodontic skills; and

7. A diagnostic skills examination demonstrating ability
to diagnose conditions within the human oral cavity and its
adjacent tissues and structures from photographs, slides,
radiographs, or models pursuant to rules of the board. If an
applicant fails to pass the diagnostic skills examination in
three attempts, the applicant is not eligible for
reexamination unless she or he completes additional educational
requirements established by the board.

The department shall require a mandatory standardization
exercise for all examiners prior to each practical or clinical
examination and shall retain for employment only those dentists
who have substantially adhered to the standard of grading
established at such exercise.

(6)(a) It is the finding of the Legislature that it
is an important state interest to improve access to dental care
for underserved citizens of this state and to further the
economic development goals of the state, and that, absent a threat to the health, safety, and welfare of the public, the relocation of individuals who are lawfully and currently practicing dentistry in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, as applicants to practice dentistry within the geographic boundaries of this state, who are lawfully and currently practicing dentistry in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, based on their scores from the American Dental Licensing Examination or the dental examination developed by the Western Regional Examining Board administered in a state other than this state, is substantially related to achieving those important state interests interest of improving access to dental care for underserved citizens of this state and furthering the economic development goals of the state. Therefore, in order to maintain valid active licensure in this state, all applicants for licensure who are relocating to this state based on scores from the American Dental Licensing Examination or the dental examination produced by the Western Regional Examining Board administered in a state other than this state shall must actually engage in the full-time practice of dentistry, as defined in sub-subparagraph (4)(b)2.e., inside the geographic boundaries of this state within 1 year after of receiving such licensure in this state. The Legislature further finds that, if
such applicants do not actually engage in the full-time practice of dentistry within the geographic boundaries of this state within 1 year after receiving such a license in this state, access to dental care for the public will not significantly increase, patients' continuity of care will not be attained, and the economic development goals of the state will not be significantly met.

Section 14. Notwithstanding the January 1, 2020, repeal of section 466.0067, Florida Statutes, that section is revived, reenacted, and amended, to read:

466.0067 Application for health access dental license.—The Legislature finds that there is an important state interest in attracting dentists to practice in underserved health access settings in this state and further, that allowing out-of-state dentists who meet certain criteria to practice in health access settings without the supervision of a dentist licensed in this state is substantially related to achieving this important state interest. Therefore, notwithstanding the requirements of s. 466.006, the board shall grant a health access dental license to practice dentistry in this state in health access settings as defined in s. 466.003 to an applicant who:

1. Files an appropriate application approved by the board;

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

(3) 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;

(4) Submits proof of graduation from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency;

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

(6) Submits proof of her or his successful completion of parts I and II of the dental examination by the National Board of Dental Examiners and a state or regional clinical dental licensing examination that the board has determined effectively measures the applicant's ability to practice safely;

(7) Currently holds a valid, active dental license in good standing which has not been revoked, suspended, restricted, or otherwise disciplined from another of the United States, the District of Columbia, or a United States territory;

(8) Has never had a license revoked from another of the United States, the District of Columbia, or a United States territory;
(9) Has never failed the examination specified in s. 466.006, unless the applicant was reexamined pursuant to s. 466.006 and received a license to practice dentistry in this state;

(10) Has not been reported to the National Practitioner Data Bank, unless the applicant successfully appealed to have his or her name removed from the data bank;

(11) Submits proof that he or she has been engaged in the active, clinical practice of dentistry providing direct patient care for 5 years immediately preceding the date of application, or in instances when the applicant has graduated from an accredited dental school within the preceding 5 years, submits proof of continuous clinical practice providing direct patient care since graduation; and

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

Section 15. Notwithstanding the January 1, 2020, repeal of section 466.00671, Florida Statutes, that section is revived, reenacted, and amended to read:

466.00671 Renewal of the health access dental license.—

(1) A health access dental licensee shall apply for renewal each biennium. At the time of renewal, the licensee shall sign a statement that she or he has complied with all continuing education requirements of an active dentist licensee.
The board shall renew a health access dental license for an applicant who that:

(a) Submits documentation, as approved by the board, from the employer in the health access setting that the licensee has at all times pertinent remained an employee;

(b) 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;

(c) Has paid a renewal fee set by the board. The fee specified herein may not differ from the renewal fee adopted by the board pursuant to s. 466.013. The department may provide payment for these fees through the dentist's salary, benefits, or other department funds;

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

(e) Has not been reported to the National Practitioner Data Bank, unless the applicant successfully appealed to have his or her name removed from the data bank.

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

Section 16. Notwithstanding the January 1, 2020, repeal of section 466.00672, Florida Statutes, that section is revived and reenacted to read:
466.00672 Revocation of health access dental license.—
(1) The board shall revoke a health access dental license
upon:
    (a) The licensee's termination from employment from a
    qualifying health access setting;
    (b) Final agency action determining that the licensee has
    violated any provision of s. 466.027 or s. 466.028, other than
    infractions constituting citation offenses or minor violations;
    or
    (c) Failure of the Florida dental licensure examination.

(2) Failure of an individual licensed pursuant to s.
466.0067 to limit the practice of dentistry to health access
settings as defined in s. 466.003 constitutes the unlicensed
practice of dentistry.

Section 17. Paragraph (b) of subsection (4), and
subsections (5) and (6) of section 466.007, Florida Statutes,
are amended to read:
466.007 Examination of dental hygienists.—
(4) Effective July 1, 2012, to be licensed as a dental
hygienist in this state, an applicant must successfully complete
the following:
    (b) A practical or clinical examination which must
approved by the board. The examination shall be the Dental
Hygiene Examination produced by the American Board of Dental
Examiners, Inc. (ADEX) or its successor entity, if any, or the

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The dental hygiene examination produced by the Western Regional Examining Board, or its successor entity, if any, if the board finds that the successor entity's clinical examination meets or exceeds the provisions of this section. The board shall approve the ADEX Dental Hygiene Examination and the dental hygiene examination produced by the Western Regional Examining Board if the board has attained and continues to maintain representation, as applicable, on the ADEX House of Representatives, the board of directors of the Western Regional Examining Board, the ADEX Dental Hygiene Examination Development Committee, the examination review committee of the Western Regional Examining Board, and such other ADEX or Western Regional Examining Board Dental Hygiene committees as the board identifies by rule as being appropriate through rulemaking to ensure that the standards established in this section are maintained organizationally. The ADEX Dental Hygiene Examination and the dental hygiene examination produced by the Western Regional Examining Board or the examination produced by their respective successor entities, if any, its successor entity is a comprehensive examination in which an applicant must demonstrate skills within the dental hygiene scope of practice on a live patient and any other components that the board deems necessary for the applicant to successfully demonstrate competency for the purpose of licensure. The ADEX Dental Hygiene Examination or the examination by the successor...
entity administered in this state shall be graded by dentists and dental hygienists licensed in this state who are employed by the department for this purpose.

(5) Effective July 1, 2012, an applicant who has completed the ADEX Dental Hygiene Examination or dental hygiene examination produced by the Western Regional Examining Board in a jurisdiction other than this state and who has obtained a passing score may practice dental hygiene in this state if the applicant:

(a) Has successfully completed the National Board Dental Hygiene Examination at any time before the date of application;
(b) Has been certified by the American Dental Association Joint Commission on National Dental Examinations at any time before the date of application, as specified by state law;
(c) Has successfully completed a written examination on the laws and rules of this state regulating the practice of dental hygiene;
(d) Has not been disciplined by a board, except for citation offenses or minor violations; and
(e) 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.

(6)(a) A passing score on the ADEX Dental Hygiene Examination or the dental hygiene examination produced by the Western Regional Examining Board administered out of state must
shall be considered the same as a passing score for the ADEX Dental Hygiene Examination or the dental hygiene examination produced by the Western Regional Examining Board administered in this state and graded by licensed dentists and dental hygienists.

(b) If an applicant fails to pass the ADEX Dental Hygiene Examination or the dental hygiene examination produced by the Western Regional Examining Board in three attempts, the applicant is not eligible to retake the examination unless the applicant completes additional education requirements as specified by the board.

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T I T L E  A M E N D M E N T

Remove lines 45-54 and insert:

sanctions; amending s. 466.006, F.S.; revising certain examination requirements for applicants seeking dental licensure; authorizing the passage of a dental examination produced by a specified entity to satisfy licensure requirements; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 466.0067, F.S., relating to the application for a health access dental license; reviving, reenacting, and amending s. 466.00671, F.S., relating to the renewal of such a license; reviving and reenacting s. 466.00672,
F.S., relating to the revocation of such a license; amending s. 466.007, F.S.; revising requirements for examinations of dental hygienists; authorizing the passage of a dental hygiene examination produced by a specified entity to satisfy licensure requirements; conforming provisions to changes made by the act;