

By the Committee on Health Policy; and Senator Yarborough

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1 A bill to be entitled
2 An act relating to dentistry; amending s. 466.006,
3 F.S.; deleting the role of the Board of Dentistry in
4 the administration of the licensure examination for
5 dentists; deleting the requirement for the board to
6 establish an examination fee; revising requirements
7 for licensure as a dentist; deleting a time-limitation
8 on the validity of certain licensure examination
9 results; conforming provisions to changes made by the
10 act; deleting a requirement that certain applicants
11 for licensure engage in the full-time practice of
12 dentistry inside the geographic boundaries of this
13 state for 1 year after licensure; deleting provisions
14 related to compliance with and enforcement of such
15 requirement; amending s. 466.009, F.S.; conforming a
16 provision to changes made by the act; deleting a
17 board-imposed reexamination fee; amending s. 466.0135,
18 F.S.; revising continuing education requirements for
19 dentists; repealing s. 466.0282, F.S., relating to
20 specialties; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (b) of subsection (1), subsection (2),
25 paragraph (b) of subsection (4), subsection (5), and subsection
26 (6) of section 466.006, Florida Statutes, are amended to read:

27 466.006 Examination of dentists.—

28 (1)

29 (b) Any person desiring to be licensed as a dentist shall

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30 apply to the department ~~to take the licensure examinations and~~
31 ~~shall verify the information required on the application by~~
32 ~~eath. The application shall include two recent photographs.~~
33 There is ~~shall be~~ an application fee set by the board which may
34 ~~not to~~ exceed \$100 and is ~~which shall be~~ nonrefundable. ~~There~~
35 ~~shall also be an examination fee set by the board, which shall~~
36 ~~not exceed \$425 plus the actual per applicant cost to the~~
37 ~~department for purchase of some or all of the examination from~~
38 ~~the American Board of Dental Examiners or its successor entity,~~
39 ~~if any, provided the board finds the successor entity's clinical~~
40 ~~examination complies with the provisions of this section. The~~
41 ~~examination fee may be refundable if the applicant is found~~
42 ~~ineligible to take the examinations.~~

43 (2) The department shall license an applicant whom the
44 board certifies meets all of the following criteria shall be
45 ~~entitled to take the examinations required in this section to~~
46 ~~practice dentistry in this state if the applicant:~~

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

48 (b)1. Is a graduate of a dental school accredited by the
49 American Dental Association Commission on Dental Accreditation
50 or its successor entity, if any, or any other dental accrediting
51 entity recognized by the United States Department of Education;
52 or

53 2. Is a dental student ~~in the final year of a program at~~
54 ~~such~~ an accredited dental school who has completed all the
55 coursework necessary to prepare the student to perform the
56 clinical and diagnostic procedures required to pass the
57 examinations. ~~With respect to a dental student in the final year~~
58 ~~of a program at a dental school, a passing score on the~~

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59 ~~examinations is valid for 365 days after the date the~~
60 ~~examinations were completed.~~ A dental school student who takes
61 the licensure examinations during the student's final year of an
62 approved dental school must graduate ~~have graduated~~ before being
63 certified for licensure pursuant to s. 466.011.

64 (c)~~1.~~ Has successfully completed the examination
65 administered by the Joint Commission on National Dental
66 Examinations or its successor organization National Board of
67 Dental Examiners dental examination; or

68 ~~2. Has an active health access dental license in this~~
69 ~~state; and~~

70 a. ~~The applicant has at least 5,000 hours within 4~~
71 ~~consecutive years of clinical practice experience providing~~
72 ~~direct patient care in a health access setting as defined in s.~~
73 ~~466.003; the applicant is a retired veteran dentist of any~~
74 ~~branch of the United States Armed Services who has practiced~~
75 ~~dentistry while on active duty and has at least 3,000 hours~~
76 ~~within 3 consecutive years of clinical practice experience~~
77 ~~providing direct patient care in a health access setting as~~
78 ~~defined in s. 466.003; or the applicant has provided a portion~~
79 ~~of his or her salaried time teaching health profession students~~
80 ~~in any public education setting, including, but not limited to,~~
81 ~~a community college, college, or university, and has at least~~
82 ~~3,000 hours within 3 consecutive years of clinical practice~~
83 ~~experience providing direct patient care in a health access~~
84 ~~setting as defined in s. 466.003;~~

85 b. ~~The applicant has not been disciplined by the board,~~
86 ~~except for citation offenses or minor violations;~~

87 c. ~~The applicant has not filed a report pursuant to s.~~

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88 ~~456.049; and~~

89 ~~d. The applicant has not been convicted of or pled nolo~~
90 ~~contendere to, regardless of adjudication, any felony or~~
91 ~~misdemeanor related to the practice of a health care profession.~~

92 (4) Notwithstanding any other provision of law in chapter
93 456 pertaining to the clinical dental licensure examination or
94 national examinations, to be licensed as a dentist in this
95 state, an applicant must successfully complete both of the
96 following:

97 (b) A practical or clinical examination, which must be the
98 American Dental Licensing Examination produced by the American
99 Board of Dental Examiners, Inc., or its successor entity, if
100 any, that is administered in this state, provided that the board
101 has attained, and continues to maintain thereafter,
102 representation on the board of directors of the American Board
103 of Dental Examiners, the examination development committee of
104 the American Board of Dental Examiners, and such other
105 committees of the American Board of Dental Examiners as the
106 board deems appropriate by rule to assure that the standards
107 established herein are maintained organizationally. ~~A passing~~
108 ~~score on the American Dental Licensing Examination administered~~
109 ~~in this state is valid for 365 days after the date the official~~
110 ~~examination results are published.~~

111 1. As an alternative to such practical or clinical
112 examination, an applicant may submit scores from an American
113 Dental Licensing Examination previously administered in a
114 jurisdiction other than this state after October 1, 2011, and
115 such examination results are ~~shall be~~ recognized as valid for
116 the purpose of licensure in this state. A passing score on the

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117 American Dental Licensing Examination administered out of state
118 is ~~shall be~~ the same as the passing score for the American
119 Dental Licensing Examination administered in this state. ~~The~~
120 ~~examination results are valid for 365 days after the date the~~
121 ~~official examination results are published.~~ The applicant must
122 have completed the examination after October 1, 2011. This
123 subparagraph may not be given retroactive application.

124 2. If the date of an applicant's passing American Dental
125 Licensing Examination scores from an examination previously
126 administered in a jurisdiction other than this state under
127 subparagraph 1. is older than 365 days, such scores are
128 nevertheless valid for the purpose of licensure in this state,
129 but only if the applicant demonstrates that all of the following
130 additional standards have been met:

131 a. The applicant completed the American Dental Licensing
132 Examination after October 1, 2011. This sub-subparagraph may not
133 be given retroactive application;

134 b. The applicant graduated from a dental school accredited
135 by the American Dental Association Commission on Dental
136 Accreditation or its successor entity, if any, or any other
137 dental accrediting organization recognized by the United States
138 Department of Education. Provided, however, if the applicant did
139 not graduate from such a dental school, the applicant may submit
140 proof of having successfully completed a full-time supplemental
141 general dentistry program accredited by the American Dental
142 Association Commission on Dental Accreditation of at least 2
143 consecutive academic years at such accredited sponsoring
144 institution. Such program must provide didactic and clinical
145 education at the level of a D.D.S. or D.M.D. program accredited

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146 by the American Dental Association Commission on Dental
147 Accreditation. For purposes of this sub-subparagraph, a
148 supplemental general dentistry program does not include an
149 advanced education program in a dental specialty;

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

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

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

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

174 (II) As used in this section, "full-time practice" is

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175 defined as a minimum of 1,200 hours per year for each ~~and every~~
176 year in the consecutive 5-year period or, when applicable, the
177 period since initial licensure, and must include any combination
178 of the following:

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

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

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

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

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

194 (B) Submitted in writing;

195 (C) ~~Submitted by the applicant under oath with penalties of~~
196 ~~perjury attached;~~

197 ~~(D) Further documented by an~~ applicant's annual income tax
198 return filed with the Internal Revenue Service for each year in
199 the preceding 5-year period or, if the applicant has been
200 practicing for less than 5 years, the period since initial
201 licensure affidavit of someone unrelated to the applicant who is
202 ~~familiar with the applicant's practice and testifies with~~
203 ~~particularity that the applicant has been engaged in full-time~~

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204 practice; and

205 (D)~~(E)~~ Specifically found by the board to be both credible
206 and admissible.

207 (IV) The board may excuse applicants from the 1,200-hour
208 requirement of this sub-subparagraph in the event of an unusual
209 circumstance, emergency, or special hardship ~~An affidavit of~~
210 ~~only the applicant is not acceptable proof of full-time practice~~
211 ~~unless it is further attested to by someone unrelated to the~~
212 ~~applicant who has personal knowledge of the applicant's~~
213 ~~practice. If the board deems it necessary to assess credibility~~
214 ~~or accuracy, the board may require the applicant or the~~
215 ~~applicant's witnesses to appear before the board and give oral~~
216 ~~testimony under oath;~~

217 f. The applicant submits documentation that he or she has
218 completed, or will complete before he or she is licensed in this
219 state, continuing education equivalent to this state's
220 requirements for the last full reporting biennium;

221 g. The applicant proves that he or she has never been
222 convicted of, or pled nolo contendere to, regardless of
223 adjudication, any felony or misdemeanor related to the practice
224 of a health care profession in any jurisdiction;

225 h. The applicant has successfully passed a written
226 examination on the laws and rules of this state regulating the
227 practice of dentistry and the computer-based diagnostic skills
228 examination; and

229 i. The applicant submits documentation that he or she has
230 successfully completed the applicable examination administered
231 by the Joint Commission on National Dental Examinations or its
232 successor organization.

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

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

244 2. Two restorations on a manikin that has typodont teeth
245 with simulated caries as approved by the Commission on Dental
246 Competency Assessments. The board by rule shall determine the
247 class of such restorations. †

248 3. A demonstration of periodontal skills on a manikin that
249 has typodont teeth with simulated calculus as approved by the
250 Commission on Dental Competency Assessments. †

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

257 5. A demonstration of restorative skills on a manikin which
258 requires the candidate to complete procedures performed in
259 preparation for a cast restoration. †

260 6. A demonstration of endodontic skills. † ~~and~~

261 7. A diagnostic skills examination demonstrating ability to

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

269 ~~(b) The department shall consult with the board in planning~~
270 ~~the times, places, physical facilities, training of personnel,~~
271 ~~and other arrangements concerning the administration of the~~
272 ~~examination. The board or a duly designated committee thereof~~
273 ~~shall approve the final plans for the administration of the~~
274 ~~examination;~~

275 ~~(c)~~ If the applicant fails to pass the clinical examination
276 in three attempts, the applicant is ~~shall~~ not ~~be~~ eligible for
277 reexamination unless she or he completes additional educational
278 requirements established by the board. ~~;~~ ~~and~~

279 ~~(c)~~ ~~(d)~~ The board may by rule provide for additional
280 procedures that ~~which~~ are to be tested, provided such procedures
281 are ~~shall be~~ common to the practice of general dentistry. The
282 board by rule shall determine the passing grade for each
283 procedure and the acceptable variation for examiners. ~~No~~ Such
284 rules may not ~~rule shall~~ apply retroactively.

285
286 ~~The department shall require a mandatory standardization~~
287 ~~exercise for all examiners prior to each practical or clinical~~
288 ~~examination and shall retain for employment only those dentists~~
289 ~~who have substantially adhered to the standard of grading~~
290 ~~established at such exercise.~~

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291 ~~(6)(a) It is the finding of the Legislature that absent a~~
292 ~~threat to the health, safety, and welfare of the public, the~~
293 ~~relocation of applicants to practice dentistry within the~~
294 ~~geographic boundaries of this state, who are lawfully and~~
295 ~~currently practicing dentistry in another state or territory of~~
296 ~~the United States, the District of Columbia, or the Commonwealth~~
297 ~~of Puerto Rico, based on their scores from the American Dental~~
298 ~~Licensing Examination administered in a state other than this~~
299 ~~state, is substantially related to achieving the important state~~
300 ~~interest of improving access to dental care for underserved~~
301 ~~citizens of this state and furthering the economic development~~
302 ~~goals of the state. Therefore, in order to maintain valid active~~
303 ~~licensure in this state, all applicants for licensure who are~~
304 ~~relocating to this state based on scores from the American~~
305 ~~Dental Licensing Examination administered in a state other than~~
306 ~~this state must actually engage in the full-time practice of~~
307 ~~dentistry inside the geographic boundaries of this state within~~
308 ~~1 year of receiving such licensure in this state. The~~
309 ~~Legislature finds that, if such applicants do not actually~~
310 ~~engage in the full-time practice of dentistry within the~~
311 ~~geographic boundaries of this state within 1 year of receiving~~
312 ~~such a license in this state, access to dental care for the~~
313 ~~public will not significantly increase, patients' continuity of~~
314 ~~care will not be attained, and the economic development goals of~~
315 ~~the state will not be significantly met.~~

316 ~~(b)1. As used in this section, "full-time practice of~~
317 ~~dentistry within the geographic boundaries of this state within~~
318 ~~1 year" is defined as a minimum of 1,200 hours in the initial~~
319 ~~year of licensure, which must include any combination of the~~

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320 following:

321 ~~a. Active clinical practice of dentistry providing direct~~
322 ~~patient care within the geographic boundaries of this state.~~

323 ~~b. Full-time practice as a faculty member employed by a~~
324 ~~dental or dental hygiene school approved by the board or~~
325 ~~accredited by the American Dental Association Commission on~~
326 ~~Dental Accreditation and located within the geographic~~
327 ~~boundaries of this state.~~

328 ~~e. Full-time practice as a student at a postgraduate dental~~
329 ~~education program approved by the board or accredited by the~~
330 ~~American Dental Association Commission on Dental Accreditation~~
331 ~~and located within the geographic boundaries of this state.~~

332 ~~2. The board shall develop rules to determine what type of~~
333 ~~proof of full-time practice of dentistry within the geographic~~
334 ~~boundaries of this state for 1 year is required in order to~~
335 ~~maintain active licensure and shall develop rules to recoup the~~
336 ~~cost to the board of verifying maintenance of such full-time~~
337 ~~practice under this section. Such proof must, at a minimum:~~

338 ~~a. Be admissible as evidence in an administrative~~
339 ~~proceeding;~~

340 ~~b. Be submitted in writing;~~

341 ~~c. Be submitted by the applicant under oath with penalties~~
342 ~~of perjury attached;~~

343 ~~d. Be further documented by an affidavit of someone~~
344 ~~unrelated to the applicant who is familiar with the applicant's~~
345 ~~practice and testifies with particularity that the applicant has~~
346 ~~been engaged in full-time practice of dentistry within the~~
347 ~~geographic boundaries of this state within the last 365 days;~~

348 and

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349 ~~e. Include such additional proof as specifically found by~~
350 ~~the board to be both credible and admissible.~~

351 ~~3. An affidavit of only the applicant is not acceptable~~
352 ~~proof of full-time practice of dentistry within the geographic~~
353 ~~boundaries of this state within 1 year, unless it is further~~
354 ~~attested to by someone unrelated to the applicant who has~~
355 ~~personal knowledge of the applicant's practice within the last~~
356 ~~365 days. If the board deems it necessary to assess credibility~~
357 ~~or accuracy, the board may require the applicant or the~~
358 ~~applicant's witnesses to appear before the board and give oral~~
359 ~~testimony under oath.~~

360 ~~(c) It is the further intent of the Legislature that a~~
361 ~~license issued pursuant to paragraph (a) shall expire in the~~
362 ~~event the board finds that it did not receive acceptable proof~~
363 ~~of full-time practice within the geographic boundaries of this~~
364 ~~state within 1 year after the initial issuance of the license.~~
365 ~~The board shall make reasonable attempts within 30 days prior to~~
366 ~~the expiration of such a license to notify the licensee in~~
367 ~~writing at his or her last known address of the need for proof~~
368 ~~of full-time practice in order to continue licensure. If the~~
369 ~~board has not received a satisfactory response from the licensee~~
370 ~~within the 30-day period, the licensee must be served with~~
371 ~~actual or constructive notice of the pending expiration of~~
372 ~~licensure and be given 20 days in which to submit proof required~~
373 ~~in order to continue licensure. If the 20-day period expires and~~
374 ~~the board finds it has not received acceptable proof of full-~~
375 ~~time practice within the geographic boundaries of this state~~
376 ~~within 1 year after the initial issuance of the license, then~~
377 ~~the board must issue an administrative order finding that the~~

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378 ~~license has expired. Such an order may be appealed by the former~~
379 ~~licensee in accordance with the provisions of chapter 120. In~~
380 ~~the event of expiration, the licensee shall immediately cease~~
381 ~~and desist from practicing dentistry and shall immediately~~
382 ~~surrender to the board the wallet size identification card and~~
383 ~~wall card. A person who uses or attempts to use a license issued~~
384 ~~pursuant to this section which has expired commits unlicensed~~
385 ~~practice of dentistry, a felony of the third degree pursuant to~~
386 ~~s. 466.026(1)(b), punishable as provided in s. 775.082, s.~~
387 ~~775.083, or s. 775.084.~~

388 Section 2. Subsection (1) of section 466.009, Florida
389 Statutes, is amended to read:

390 466.009 Reexamination.—

391 ~~(1) The department shall permit~~ Any person who fails an
392 examination which is required under s. 466.006 or s. 466.007 may
393 ~~to~~ retake the examination. ~~If the examination to be retaken is a~~
394 ~~practical or clinical examination, the applicant shall pay a~~
395 ~~reexamination fee set by rule of the board in an amount not to~~
396 ~~exceed the original examination fee.~~

397 Section 3. Paragraph (c) of subsection (1) of section
398 466.0135, Florida Statutes, is amended to read:

399 466.0135 Continuing education; dentists.—

400 (1) In addition to the other requirements for renewal set
401 out in this chapter, each licensed dentist shall be required to
402 complete biennially not less than 30 hours of continuing
403 professional education in dental subjects, with a minimum of 2
404 hours of continuing education on the safe and effective
405 prescribing of controlled substances. Programs of continuing
406 education shall be programs of learning that contribute directly

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407 to the dental education of the dentist and may include, but
408 shall not be limited to, attendance at lectures, study clubs,
409 college postgraduate courses, or scientific sessions of
410 conventions; and research, graduate study, teaching, or service
411 as a clinician. Programs of continuing education shall be
412 acceptable when adhering to the following general guidelines:

413 (c) The board may also authorize up to 3 hours of credit
414 biennially for a practice management course that includes
415 instruction on principles of ethical practice management,
416 ~~provides~~ substance abuse, effective communication with patients,
417 time management, or ~~and~~ burnout prevention ~~instruction~~.

418 Section 4. Section 466.0282, Florida Statutes, is repealed.

419 Section 5. This act shall take effect July 1, 2023.