

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 setting or program;
7 amending s. 466.001, F.S.; revising legislative
8 purpose and intent; amending s. 466.002, F.S.;
9 providing applicability; amending s. 466.003, F.S.;
10 defining the terms "dental therapist" and "dental
11 therapy"; amending s. 466.004, F.S.; requiring the
12 chair of the Board of Dentistry to appoint a Council
13 on Dental Therapy, effective after a specified
14 timeframe; providing for membership, meetings, and the
15 purpose of the council; amending s. 466.006, F.S.;
16 revising the definitions of the terms "full-time
17 practice" and "full-time practice of dentistry within
18 the geographic boundaries of this state within 1 year"
19 to include full-time faculty members of certain dental
20 therapy schools; amending s. 466.009, F.S.; requiring
21 the Department of Health to allow any person who fails
22 the dental therapy examination to retake the
23 examination; providing that a person who fails a
24 practical or clinical examination to practice dental
25 therapy and who has failed one part or procedure of

26 | the examination may be required to retake only that
27 | part or procedure to pass the examination; amending s.
28 | 466.011, F.S.; requiring the board to certify an
29 | applicant for licensure as a dental therapist;
30 | creating s. 466.0136, F.S.; requiring the board to
31 | require each licensed dental therapist to complete a
32 | specified number of hours of continuing education;
33 | requiring the board to adopt rules and guidelines;
34 | authorizing the board to excuse licensees from
35 | continuing education requirements in certain
36 | circumstances; amending s. 466.016, F.S.; requiring a
37 | practitioner of dental therapy to post and display her
38 | or his license in each office where she or he
39 | practices; amending s. 466.017, F.S.; requiring the
40 | board to adopt certain rules relating to dental
41 | therapists; authorizing a dental therapist to
42 | administer local anesthesia under certain
43 | circumstances; authorizing a dental therapist under
44 | the direct supervision of a dentist to perform certain
45 | duties if specified requirements are met; authorizing
46 | a dental therapist providing services in a mobile
47 | dental unit under the general supervision of a dentist
48 | to perform certain duties if specified requirements
49 | are met; requiring a dental therapist to notify the
50 | board in writing within a specified timeframe after

51 specified adverse incidents; requiring a complete
52 written report to be filed with the board within a
53 specified timeframe; providing for disciplinary action
54 of a dental therapist; amending s. 466.018, F.S.;
55 providing that a dentist of record remains primarily
56 responsible for the dental treatment of a patient
57 regardless of whether the treatment is provided by a
58 dental therapist; requiring that the initials of a
59 dental therapist who renders treatment to a patient be
60 placed in the record of the patient; creating s.
61 466.0225, F.S.; providing application requirements and
62 examination and licensure qualifications for dental
63 therapists; creating s. 466.0227, F.S.; authorizing a
64 dental therapist to perform specified services under
65 the general supervision of a dentist under certain
66 conditions; requiring that a collaborative management
67 agreement be signed by a supervising dentist and a
68 dental therapist and to include certain information;
69 requiring the supervising dentist to determine the
70 number of hours of practice that a dental therapist
71 must complete before performing certain authorized
72 services; authorizing a supervising dentist to
73 restrict or limit the dental therapist's practice in a
74 collaborative management agreement; providing that a
75 supervising dentist may authorize a dental therapist

76 to provide dental therapy services to a patient before
77 the dentist examines or diagnoses the patient under
78 certain conditions; requiring a supervising dentist to
79 be licensed and practicing in this state; specifying
80 that the supervising dentist is responsible for
81 certain services; amending s. 466.026, F.S.; providing
82 criminal penalties; amending s. 466.028, F.S.;
83 revising grounds for denial of a license or
84 disciplinary action to include the practice of dental
85 therapy; amending s. 466.0285, F.S.; prohibiting
86 persons other than licensed dentists from employing a
87 dental therapist in the operation of a dental office
88 and from controlling the use of any dental equipment
89 or material in certain circumstances; amending s.
90 921.0022, F.S.; conforming a provision to changes made
91 by the act; requiring the department, in consultation
92 with the board and the Agency for Health Care
93 Administration, to provide reports to the Legislature
94 by specified dates; requiring that certain information
95 and recommendations be included in the reports;
96 providing an effective date.

97
98 Be It Enacted by the Legislature of the State of Florida:

99
100 **Section 1. Paragraph (c) of subsection (1) of section**

101 **409.906, Florida Statutes, is amended, and paragraph (e) is**
102 **added to subsection (6) of that section, to read:**

103 409.906 Optional Medicaid services.—Subject to specific
104 appropriations, the agency may make payments for services which
105 are optional to the state under Title XIX of the Social Security
106 Act and are furnished by Medicaid providers to recipients who
107 are determined to be eligible on the dates on which the services
108 were provided. Any optional service that is provided shall be
109 provided only when medically necessary and in accordance with
110 state and federal law. Optional services rendered by providers
111 in mobile units to Medicaid recipients may be restricted or
112 prohibited by the agency. Nothing in this section shall be
113 construed to prevent or limit the agency from adjusting fees,
114 reimbursement rates, lengths of stay, number of visits, or
115 number of services, or making any other adjustments necessary to
116 comply with the availability of moneys and any limitations or
117 directions provided for in the General Appropriations Act or
118 chapter 216. If necessary to safeguard the state's systems of
119 providing services to elderly and disabled persons and subject
120 to the notice and review provisions of s. 216.177, the Governor
121 may direct the Agency for Health Care Administration to amend
122 the Medicaid state plan to delete the optional Medicaid service
123 known as "Intermediate Care Facilities for the Developmentally
124 Disabled." Optional services may include:

125 (1) ADULT DENTAL SERVICES.—

126 (c) However, Medicaid will not provide reimbursement for
127 dental services provided in a mobile dental unit, except for a
128 mobile dental unit:

129 1. Owned by, operated by, or having a contractual
130 agreement with the Department of Health and complying with
131 Medicaid's county health department clinic services program
132 specifications as a county health department clinic services
133 provider.

134 2. Owned by, operated by, or having a contractual
135 arrangement with a federally qualified health center and
136 complying with Medicaid's federally qualified health center
137 specifications as a federally qualified health center provider.

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

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

142 5. Owned by, operated by, or having a contractual
143 agreement with a health access setting as defined in s. 466.003
144 or a similar setting or program.

145 (6) CHILDREN'S DENTAL SERVICES.—The agency may pay for
146 diagnostic, preventive, or corrective procedures, including
147 orthodontia in severe cases, provided to a recipient under age
148 21, by or under the supervision of a licensed dentist. The
149 agency may also reimburse a health access setting as defined in
150 s. 466.003 for the remediable tasks that a licensed dental

151 hygienist is authorized to perform under s. 466.024(2). Services
152 provided under this program include treatment of the teeth and
153 associated structures of the oral cavity, as well as treatment
154 of disease, injury, or impairment that may affect the oral or
155 general health of the individual. However, Medicaid will not
156 provide reimbursement for dental services provided in a mobile
157 dental unit, except for a mobile dental unit:

158 (e) Owned by, operated by, or having a contractual
159 agreement with a health access setting as defined in s. 466.003
160 or a similar setting or program.

161 **Section 2. Section 466.001, Florida Statutes, is amended**
162 **to read:**

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

176 dental hygiene shall be liberally construed to carry out such
177 purpose and intent.

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

180 466.002 Persons exempt from operation of chapter.—~~Nothing~~
181 ~~in~~ This chapter does not ~~shall~~ apply to the following practices,
182 acts, and operations:

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

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

201 compliance with such rules as are adopted by the board
202 pertaining to the teaching permit and with the established rules
203 and procedures of the dental school or program as recognized in
204 this section.

205 **Section 4. Section 466.003, Florida Statutes, is reordered**
206 **and amended to read:**

207 466.003 Definitions.—As used in this chapter, the term:

208 (1) "Board" means the Board of Dentistry.

209 (2)~~(6)~~ "Dental assistant" means a person, other than a
210 dental hygienist, who, under the supervision and authorization
211 of a dentist, provides dental care services directly to a
212 patient. This term does ~~shall~~ not include a certified registered
213 nurse anesthetist licensed under part I of chapter 464.

214 (3)~~(4)~~ "Dental hygiene" means the rendering of
215 educational, preventive, and therapeutic dental services
216 pursuant to ss. 466.023 and 466.024 and any related extra-oral
217 procedure required in the performance of such services.

218 (4)~~(5)~~ "Dental hygienist" means a person licensed to
219 practice dental hygiene pursuant to this chapter.

220 (5) "Dental therapist" means a person licensed to practice
221 dental therapy pursuant to s. 466.0225.

222 (6) "Dental therapy" means the rendering of services
223 pursuant to s. 466.0227 and any related extraoral services or
224 procedures required in the performance of such services.

225 (7)~~(2)~~ "Dentist" means a person licensed to practice

226 dentistry pursuant to this chapter.

227 (8)~~(3)~~ "Dentistry" means the healing art which is
 228 concerned with the examination, diagnosis, treatment planning,
 229 and care of conditions within the human oral cavity and its
 230 adjacent tissues and structures. It includes the performance or
 231 attempted performance of any dental operation, or oral or oral-
 232 maxillofacial surgery and any procedures adjunct thereto,
 233 including physical evaluation directly related to such operation
 234 or surgery pursuant to hospital rules and regulations. It also
 235 includes dental service of any kind gratuitously or for any
 236 remuneration paid, or to be paid, directly or indirectly, to any
 237 person or agency. The term "dentistry" ~~shall~~ also includes
 238 ~~include~~ the following:

239 (a) ~~The~~ Taking of an impression of the human tooth, teeth,
 240 or jaws directly or indirectly and by any means or method.

241 (b) Supplying artificial substitutes for the natural teeth
 242 or furnishing, supplying, constructing, reproducing, or
 243 repairing any prosthetic denture, bridge, appliance, or any
 244 other structure designed to be worn in the human mouth except on
 245 the written work order of a duly licensed dentist.

246 (c) ~~The~~ Placing of an appliance or structure in the human
 247 mouth or the adjusting or attempting to adjust the same.

248 (d) Delivering the same to any person other than the
 249 dentist upon whose work order the work was performed.

250 (e) Professing to the public by any method to furnish,

251 supply, construct, reproduce, or repair any prosthetic denture,
252 bridge, appliance, or other structure designed to be worn in the
253 human mouth.

254 (f) Diagnosing, prescribing, or treating or professing to
255 diagnose, prescribe, or treat disease, pain, deformity,
256 deficiency, injury, or physical condition of the human teeth or
257 jaws or oral-maxillofacial region.

258 (g) Extracting or attempting to extract human teeth.

259 (h) Correcting or attempting to correct malformations of
260 teeth or of jaws.

261 (i) Repairing or attempting to repair cavities in the
262 human teeth.

263 (9)~~(7)~~ "Department" means the Department of Health.

264 (10)~~(8)~~ "Digital scanning" means the use of digital
265 technology that creates a computer-generated replica of the hard
266 and soft tissue of the oral cavity using enhanced digital
267 photography, lasers, or other optical scanning devices.

268 (11)~~(9)~~ "Direct supervision" means supervision whereby a
269 dentist diagnoses the condition to be treated, a dentist
270 authorizes the procedure to be performed, a dentist remains on
271 the premises while the procedures are performed, and a dentist
272 approves the work performed before dismissal of the patient.

273 (12)~~(11)~~ "General supervision" means supervision whereby a
274 dentist authorizes the procedures which are being carried out
275 but need not be present when the authorized procedures are being

276 performed. The authorized procedures may also be performed at a
277 place other than the dentist's usual place of practice. The
278 issuance of a written work authorization to a commercial dental
279 laboratory by a dentist does not constitute general supervision.

280 (13)~~(15)~~ "Health access setting" means a program or an
281 institution of the Department of Children and Families, the
282 Department of Health, the Department of Juvenile Justice, a
283 nonprofit community health center, a Head Start center, a
284 federally qualified health center or look-alike as defined by
285 federal law, a school-based prevention program, a clinic
286 operated by an accredited college of dentistry, or an accredited
287 dental hygiene program in this state if such community service
288 program or institution immediately reports to the Board of
289 Dentistry all violations of s. 466.027, s. 466.028, or other
290 practice act or standard of care violations related to the
291 actions or inactions of a dentist, dental hygienist, or dental
292 assistant engaged in the delivery of dental care in such
293 setting.

294 (14)~~(10)~~ "Indirect supervision" means supervision whereby
295 a dentist authorizes the procedure and a dentist is on the
296 premises while the procedures are performed.

297 (15)~~(12)~~ "Irremediable tasks" are those intraoral
298 treatment tasks which, when performed, are irreversible and
299 create unalterable changes within the oral cavity or the
300 contiguous structures or which cause an increased risk to the

301 patient. The administration of anesthetics other than topical
302 anesthesia is considered to be an "irremediable task" for
303 purposes of this chapter.

304 (16)~~(14)~~ "Oral and maxillofacial surgery" means the
305 specialty of dentistry involving diagnosis, surgery, and
306 adjunctive treatment of diseases, injuries, and defects
307 involving the functional and esthetic aspects of the hard and
308 soft tissues of the oral and maxillofacial regions. This term
309 may not be construed to apply to any individual exempt under s.
310 466.002(1).

311 (17)~~(13)~~ "Remediable tasks" are those intraoral treatment
312 tasks which are reversible and do not create unalterable changes
313 within the oral cavity or the contiguous structures and which do
314 not cause an increased risk to the patient.

315 (18)~~(16)~~ "School-based prevention program" means
316 preventive oral health services offered at a school by one of
317 the entities described ~~defined~~ in subsection (13) ~~(15)~~ or by a
318 nonprofit organization that is exempt from federal income
319 taxation under s. 501(a) of the Internal Revenue Code, and
320 described in s. 501(c)(3) of the Internal Revenue Code.

321 **Section 5. Subsection (2) of section 466.004, Florida**
322 **Statutes, is amended to read:**

323 466.004 Board of Dentistry.—

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

326 paragraphs (a)-(d) ~~(a), (b), and (c)~~. The department shall
327 provide administrative support to the councils and shall provide
328 public notice of meetings and agendas ~~agenda~~ of the councils.
329 Councils must ~~shall~~ include at least one board member, who shall
330 serve as chair, ~~the council~~ and must ~~shall~~ include nonboard
331 members. All council members shall be appointed by the board
332 chair. Council members shall be appointed for 4-year terms, and
333 all members are ~~shall be~~ eligible for reimbursement of expenses
334 in the manner of board members.

335 (a) A Council on Dental Hygiene shall be appointed by the
336 board chair and shall include one dental hygienist member of the
337 board, who shall chair the council, one dental member of the
338 board, and three dental hygienists who are actively engaged in
339 the practice of dental hygiene in this state. In making the
340 appointments, the chair shall consider recommendations from the
341 Florida Dental Hygiene Association. The council shall meet at
342 the request of the board chair, a majority of the members of the
343 board, or the council chair; however, the council must meet at
344 least three times a year. The council is charged with the
345 responsibility of and shall meet for the purpose of developing
346 rules and policies for recommendation to the board, which the
347 board shall consider, on matters pertaining to that part of
348 dentistry consisting of educational, preventive, or therapeutic
349 dental hygiene services; dental hygiene licensure, discipline,
350 or regulation; and dental hygiene education. Rule and policy

351 recommendations of the council must ~~shall~~ be considered by the
352 board at its next regularly scheduled meeting in the same manner
353 in which it considers rule and policy recommendations from
354 designated subcommittees of the board. Any rule or policy
355 proposed by the board pertaining to the specified part of
356 dentistry identified ~~defined~~ by this subsection must ~~shall~~ be
357 referred to the council for a recommendation before final action
358 by the board. The board may take final action on rules
359 pertaining to the specified part of dentistry identified ~~defined~~
360 by this subsection without a council recommendation if the
361 council fails to submit a recommendation in a timely fashion as
362 prescribed by the board.

363 (b) A Council on Dental Assisting shall be appointed by
364 the board chair and shall include one board member who shall
365 chair the council and three dental assistants who are actively
366 engaged in dental assisting in this state. The council shall
367 meet at the request of the board chair or a majority of the
368 members of the board. The council shall meet for the purpose of
369 developing recommendations to the board on matters pertaining to
370 that part of dentistry related to dental assisting.

371 (c) Effective 28 months after the first dental therapy
372 license is granted by the board, the board chair shall appoint a
373 Council on Dental Therapy, which must include one board member
374 who shall chair the council and three dental therapists who are
375 actively engaged in the practice of dental therapy in this

376 state. The council shall meet at the request of the board chair,
377 a majority of the members of the board, or the council chair;
378 however, the council shall meet at least three times per year.
379 The council is charged with the responsibility of, and shall
380 meet for the purpose of, developing rules and policies for
381 recommendation to the board on matters pertaining to that part
382 of dentistry consisting of educational, preventive, or
383 therapeutic dental therapy services; dental therapy licensure,
384 discipline, or regulation; and dental therapy education. Rule
385 and policy recommendations of the council must be considered by
386 the board at its next regularly scheduled meeting in the same
387 manner in which it considers rule and policy recommendations
388 from designated subcommittees of the board. Any rule or policy
389 proposed by the board pertaining to the specified part of
390 dentistry identified by this subsection must be referred to the
391 council for a recommendation before final action by the board.
392 The board may take final action on rules pertaining to the
393 specified part of dentistry identified by this subsection
394 without a council recommendation if the council fails to submit
395 a recommendation in a timely fashion as prescribed by the board.

396 (d)-(e) With the concurrence of the State Surgeon General,
397 the board chair may create and abolish other advisory councils
398 relating to dental subjects, including, but not limited to:
399 examinations, access to dental care, indigent care, nursing home
400 and institutional care, public health, disciplinary guidelines,

401 and other subjects as appropriate. Such councils shall be
 402 appointed by the board chair and shall include at least one
 403 board member who shall serve as chair.

404 **Section 6. Paragraph (b) of subsection (4) of section**
 405 **466.006, Florida Statutes, is amended to read:**

406 466.006 Examination of dentists.—

407 (4) Notwithstanding any other provision of law in chapter
 408 456 pertaining to the clinical dental licensure examination or
 409 national examinations, to be licensed as a dentist in this
 410 state, an applicant must successfully complete both of the
 411 following:

412 (b) A practical or clinical examination, which must be the
 413 American Dental Licensing Examination produced by the American
 414 Board of Dental Examiners, Inc., or its successor entity, if
 415 any, which is administered in this state, provided that the
 416 board has attained, and continues to maintain thereafter,
 417 representation on the board of directors of the American Board
 418 of Dental Examiners, the examination development committee of
 419 the American Board of Dental Examiners, and such other
 420 committees of the American Board of Dental Examiners as the
 421 board deems appropriate by rule to assure that the standards
 422 established herein are maintained organizationally.

423 1. As an alternative to such practical or clinical
 424 examination, an applicant may submit scores from an American
 425 Dental Licensing Examination previously administered in a

426 jurisdiction other than this state after October 1, 2011, and
427 such examination results are recognized as valid for the purpose
428 of licensure in this state. A passing score on the American
429 Dental Licensing Examination administered out of state is the
430 same as the passing score for the American Dental Licensing
431 Examination administered in this state. The applicant must have
432 completed the examination after October 1, 2011. This
433 subparagraph may not be given retroactive application.

434 2. If the date of an applicant's passing American Dental
435 Licensing Examination scores from an examination previously
436 administered in a jurisdiction other than this state under
437 subparagraph 1. is older than 365 days, such scores are
438 nevertheless valid for the purpose of licensure in this state,
439 but only if the applicant demonstrates that all of the following
440 additional standards have been met:

441 a. The applicant completed the American Dental Licensing
442 Examination after October 1, 2011. This sub-subparagraph may not
443 be given retroactive application.

444 b. The applicant graduated from a dental school accredited
445 by the American Dental Association Commission on Dental
446 Accreditation or its successor entity, if any, or any other
447 dental accrediting organization recognized by the United States
448 Department of Education. Provided, however, if the applicant did
449 not graduate from such a dental school, the applicant may submit
450 proof of having successfully completed a full-time supplemental

451 general dentistry program accredited by the American Dental
452 Association Commission on Dental Accreditation of at least 2
453 consecutive academic years at such accredited sponsoring
454 institution. Such program must provide didactic and clinical
455 education at the level of a D.D.S. or D.M.D. program accredited
456 by the American Dental Association Commission on Dental
457 Accreditation. For purposes of this sub-subparagraph, a
458 supplemental general dentistry program does not include an
459 advanced education program in a dental specialty.

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

466 d. The applicant must disclose to the board during the
467 application process if he or she has been reported to the
468 National Practitioner Data Bank, the Healthcare Integrity and
469 Protection Data Bank, or the American Association of Dental
470 Boards Clearinghouse. This sub-subparagraph does not apply if
471 the applicant successfully appealed to have his or her name
472 removed from the data banks of these agencies.

473 e.(I)(A) The applicant submits proof of having been
474 consecutively engaged in the full-time practice of dentistry in
475 another state or territory of the United States, the District of

476 Columbia, or the Commonwealth of Puerto Rico in the 5 years
477 immediately preceding the date of application for licensure in
478 this state; or

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

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

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

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

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

499 (III) The board shall develop rules to determine what type
500 of proof of full-time practice is required and to recoup the

501 cost to the board of verifying full-time practice under this
 502 section. Such proof must, at a minimum, be:

503 (A) Admissible as evidence in an administrative
 504 proceeding;

505 (B) Submitted in writing;

506 (C) Further documented by an applicant's annual income tax
 507 return filed with the Internal Revenue Service for each year in
 508 the preceding 5-year period or, if the applicant has been
 509 practicing for less than 5 years, the period since initial
 510 licensure; and

511 (D) Specifically found by the board to be both credible
 512 and admissible.

513 (IV) The board may excuse applicants from the 1,200-hour
 514 requirement in the event of hardship, as defined by the board.

515 f. The applicant submits documentation that he or she has
 516 completed, or will complete before he or she is licensed in this
 517 state, continuing education equivalent to this state's
 518 requirements for the last full reporting biennium.

519 g. The applicant proves that he or she has never been
 520 convicted of, or pled nolo contendere to, regardless of
 521 adjudication, any felony or misdemeanor related to the practice
 522 of a health care profession in any jurisdiction.

523 h. The applicant has successfully passed a written
 524 examination on the laws and rules of this state regulating the
 525 practice of dentistry and the computer-based diagnostic skills

526 examination.

527 i. The applicant submits documentation that he or she has
528 successfully completed the applicable examination administered
529 by the Joint Commission on National Dental Examinations or its
530 successor organization.

531 **Section 7. Subsection (1) of section 466.009, Florida**
532 **Statutes, is amended, and subsection (4) is added to that**
533 **section, to read:**

534 466.009 Reexamination.—

535 (1) Any person who fails an examination that is required
536 under s. 466.006, ~~or~~ s. 466.007, or s. 466.0225 may retake the
537 examination.

538 (4) If an applicant for a license to practice dental
539 therapy fails the practical or clinical examination and she or
540 he has failed only one part or procedure of such examination,
541 she or he may be required to retake only that part or procedure
542 to pass such examination. However, if any such applicant fails
543 more than one part or procedure of any such examination, she or
544 he must be required to retake the entire examination.

545 **Section 8. Section 466.011, Florida Statutes, is amended**
546 **to read:**

547 466.011 Licensure.—The board shall certify for licensure
548 by the department any applicant who satisfies the requirements
549 of s. 466.006, s. 466.0067, ~~or~~ s. 466.007, or s. 466.0225. The
550 board may refuse to certify an applicant who has violated ~~any of~~

551 ~~the provisions of s. 466.026 or s. 466.028.~~

552 **Section 9. Section 466.0136, Florida Statutes, is created**
553 **to read:**

554 466.0136 Continuing education; dental therapists.—In
555 addition to any other requirements for relicensure for dental
556 therapists specified in this chapter, the board shall require
557 each licensed dental therapist to complete at least 24 hours,
558 but not more than 36 hours, biennially of continuing education
559 in dental subjects in programs approved by the board or in
560 equivalent programs of continuing education. Programs of
561 continuing education approved by the board must be programs of
562 learning which, in the opinion of the board, contribute directly
563 to the dental education of the dental therapist. An individual
564 who is licensed as both a dental therapist and a dental
565 hygienist may use 2 hours of continuing education that is
566 approved for both dental therapy and dental hygiene education to
567 satisfy both dental therapy and dental hygiene continuing
568 education requirements. The board shall adopt rules and
569 guidelines to administer and enforce this section. The dental
570 therapist shall retain in her or his records any receipts,
571 vouchers, or certificates necessary to document completion of
572 the continuing education. Compliance with the continuing
573 education requirements is mandatory for issuance of the renewal
574 certificate. The board may excuse licensees, as a group or as
575 individuals, from all or part of the continuing education

576 requirements if an unusual circumstance, emergency, or hardship
577 prevents compliance with this section.

578 **Section 10. Subsection (1) of section 466.016, Florida**
579 **Statutes, is amended to read:**

580 466.016 License to be displayed.—

581 (1) Every practitioner of dentistry, dental therapy, or
582 dental hygiene within the meaning of this chapter shall post and
583 keep conspicuously displayed her or his license in the office
584 where ~~wherein~~ she or he practices, in plain sight of the
585 practitioner's patients. Any dentist, dental therapist, or
586 dental hygienist who practices at more than one location must
587 display a copy of her or his license in each office where she or
588 he practices.

589 **Section 11. Section 466.017, Florida Statutes, is amended,**
590 **to read:**

591 466.017 Prescription of drugs; anesthesia.—

592 (1) A dentist shall have the right to prescribe drugs or
593 medicine, subject to limitations imposed by law; perform
594 surgical operations within the scope of her or his practice and
595 training; administer general or local anesthesia or sedation,
596 subject to limitations imposed by law; and use such appliances
597 as may be necessary to the proper practice of dentistry.

598 (2) Pharmacists licensed pursuant to chapter 465 may fill
599 prescriptions of legally licensed dentists in this state for any
600 drugs necessary for the practice of dentistry.

601 (3) The board shall adopt rules which:

602 (d) Establish further requirements relating to the use of
 603 general anesthesia or sedation, including, but not limited to,
 604 office equipment and the training of dental assistants, dental
 605 therapists, or dental hygienists who work with dentists using
 606 general anesthesia or sedation.

607 (e) Establish an administrative mechanism enabling the
 608 board to verify compliance with training, education, experience,
 609 equipment, or certification requirements of dentists, dental
 610 therapists, dental hygienists, and dental assistants adopted
 611 pursuant to this subsection. The board may charge a fee to
 612 defray the cost of verifying compliance with requirements
 613 adopted pursuant to this paragraph.

614 (4) A dentist, dental therapist, or dental hygienist who
 615 administers or employs the use of any form of anesthesia must
 616 possess a certification in either basic cardiopulmonary
 617 resuscitation for health professionals or advanced cardiac life
 618 support approved by the American Heart Association or the
 619 American Red Cross or an equivalent agency-sponsored course with
 620 recertification every 2 years. Each dental office that ~~which~~
 621 uses any form of anesthesia must have immediately available and
 622 in good working order such resuscitative equipment, oxygen, and
 623 other resuscitative drugs as are specified by rule of the board
 624 in order to manage possible adverse reactions.

625 (5) A dental hygienist under the direct supervision of a

626 dentist may administer local anesthesia, including intraoral
627 block anesthesia, soft tissue infiltration anesthesia, or both,
628 to a nonsedated patient who is 18 years of age or older, if the
629 following criteria are met:

630 (a) The dental hygienist has successfully completed a
631 course in the administration of local anesthesia which is
632 offered by a dental or dental hygiene program accredited by the
633 Commission on Dental Accreditation of the American Dental
634 Association or approved by the board. The course must include a
635 minimum of 30 hours of didactic instruction and 30 hours of
636 clinical experience, and instruction in:

- 637 1. Theory of pain control.
- 638 2. Selection-of-pain-control modalities.
- 639 3. Anatomy.
- 640 4. Neurophysiology.
- 641 5. Pharmacology of local anesthetics.
- 642 6. Pharmacology of vasoconstrictors.
- 643 7. Psychological aspects of pain control.
- 644 8. Systematic complications.
- 645 9. Techniques of maxillary anesthesia.
- 646 10. Techniques of mandibular anesthesia.
- 647 11. Infection control.
- 648 12. Medical emergencies involving local anesthesia.

649 (b) The dental hygienist presents evidence of current
650 certification in basic or advanced cardiac life support.

651 (c) The dental hygienist possesses a valid certificate
652 issued under subsection (8) ~~(6)~~.

653 (6) A dental therapist, under the direct supervision of a
654 dentist may administer local anesthesia, including intraoral
655 block anesthesia, soft tissue infiltration anesthesia, or both,
656 if the following criteria are met:

657 (a) The dental therapist has successfully completed a
658 course in the administration of local anesthesia that meets the
659 requirements described in paragraph (5) (a).

660 (b) The dental therapist presents evidence of current
661 certification in basic or advanced cardiac life support.

662 (c) The dental therapist possesses a valid certificate
663 issued under subsection (8).

664 (7) A dental therapist providing services in a mobile
665 dental unit may administer local anesthesia, including intraoral
666 block anesthesia, soft tissue infiltration anesthesia, or both,
667 under the general supervision of a dentist, if she or he meets
668 the criteria described in subsection (6).

669 (8)~~(6)~~ Any dental therapist or dental hygienist seeking a
670 certificate to administer local anesthesia must apply to the
671 department, remit an application fee, and submit proof of
672 successful completion of a course in the administration of local
673 anesthesia pursuant to subsection (5). The board shall certify,
674 and the department shall issue a certificate to, any dental
675 therapist or dental hygienist who fulfills the qualifications of

676 subsection (5). The board shall establish a one-time application
677 fee not to exceed \$35. The certificate is not subject to renewal
678 but is part of the dental therapist's or dental hygienist's
679 permanent record and must be prominently displayed at the
680 location where the dental therapist or dental hygienist is
681 authorized to administer local anesthesia. The board shall adopt
682 rules necessary to administer subsections ~~subsection~~ (5), (6),
683 and (7) and this subsection.

684 (9)-(7) A licensed dentist, or a dental therapist who is
685 authorized by her or his supervising dentist, may operate
686 ~~utilize~~ an X-ray machine, expose dental X-ray films, and
687 interpret or read such films. ~~Notwithstanding The provisions of~~
688 ~~part IV of chapter 468 to the contrary notwithstanding,~~ a
689 licensed dentist, or a dental therapist who is authorized by her
690 or his supervising dentist, may authorize or direct a dental
691 assistant to operate such equipment and expose such films under
692 her or his direction and supervision, pursuant to rules adopted
693 by the board in accordance with s. 466.024 which ensure that the
694 ~~said~~ assistant is competent by reason of training and experience
695 to operate the X-ray ~~said~~ equipment in a safe and efficient
696 manner. The board may charge a fee not to exceed \$35 to defray
697 the cost of verifying compliance with requirements adopted
698 pursuant to this section.

699 (10)-(8) ~~Notwithstanding The provisions of~~ s. 465.0276
700 ~~notwithstanding,~~ a dentist need not register with the board or

701 comply with the continuing education requirements of that
702 section if the dentist confines her or his dispensing activity
703 to the dispensing of fluorides and chlorhexidine ~~chlorhexidine~~
704 rinse solutions; provided that the dentist complies with and is
705 subject to all laws and rules applicable to pharmacists and
706 pharmacies, including, but not limited to, chapters 465, 499,
707 and 893, and all applicable federal laws and regulations, when
708 dispensing such products.

709 (11)~~(9)~~ Any adverse incident that occurs in an office
710 maintained by a dentist must be reported to the department. The
711 required notification to the department must be submitted in
712 writing by certified mail and postmarked within 48 hours after
713 the incident occurs.

714 (12)~~(10)~~ A dentist practicing in this state must notify
715 the board in writing by certified mail within 48 hours after any
716 adverse incident that occurs in the dentist's outpatient
717 facility. A complete written report must be filed with the board
718 within 30 days after the incident occurs.

719 (13)~~(11)~~ Any certified registered dental hygienist
720 administering local anesthesia must notify the board in writing
721 by registered mail within 48 hours after any adverse incident
722 that was related to or the result of the administration of local
723 anesthesia. A complete written report must be filed with the
724 board within 30 days after the mortality or other adverse
725 incident.

726 (14) A dental therapist must notify the board in writing
727 by registered mail within 48 hours after any adverse incident
728 related to or resulting from the administration of local
729 anesthesia. A complete written report must be filed with the
730 board within 30 days after the mortality or other adverse
731 incident.

732 (15)~~(12)~~ A failure by the dentist, dental therapist, or
733 dental hygienist to timely and completely comply with all the
734 reporting requirements in this section is the basis for
735 disciplinary action by the board pursuant to s. 466.028(1).

736 (16)~~(13)~~ The department shall review each adverse incident
737 and determine whether it involved conduct by a health care
738 professional subject to disciplinary action, in which case s.
739 456.073 applies. Disciplinary action, if any, shall be taken by
740 the board under which the health care professional is licensed.

741 (17)~~(14)~~ As used in subsections (11)-(16) ~~(9)-(13)~~, the
742 term "adverse incident" means any mortality that occurs during
743 or as the result of a dental procedure, or an incident that
744 results in a temporary or permanent physical or mental injury
745 that requires hospitalization or emergency room treatment of a
746 dental patient which occurs during or as a direct result of the
747 use of general anesthesia, deep sedation, moderate sedation,
748 pediatric moderate sedation, oral sedation, minimal sedation
749 (anxiolysis), nitrous oxide, or local anesthesia.

750 (18)~~(15)~~ The board may adopt rules to administer this

751 section.

752 **Section 12. Subsection (1) of section 466.018, Florida**
753 **Statutes, is amended to read:**

754 466.018 Dentist of record; patient records.—

755 (1) Each patient must ~~shall~~ have a dentist of record. The
756 dentist of record shall remain primarily responsible for all
757 dental treatment on such patient regardless of whether the
758 treatment is rendered by that ~~the~~ dentist or by another dentist,
759 a dental therapist, a dental hygienist, or a dental assistant
760 rendering such treatment in conjunction with, at the direction
761 or request of, or under the supervision of such dentist of
762 record. The dentist of record must ~~shall~~ be identified in the
763 record of the patient. If treatment is rendered by a dentist
764 other than the dentist of record or by a dental hygienist,
765 dental therapist, or dental assistant, the name or initials of
766 such person must ~~shall~~ be placed in the record of the patient.
767 In any disciplinary proceeding brought pursuant to this chapter
768 or chapter 456, it must ~~shall~~ be presumed as a matter of law
769 that treatment was rendered by the dentist of record unless
770 otherwise noted on the patient record pursuant to this section.
771 The dentist of record and any other treating dentist are subject
772 to discipline pursuant to this chapter or chapter 456 for
773 treatment rendered to the patient and performed in violation of
774 such chapter. One of the purposes of this section is to ensure
775 that the responsibility for each patient is assigned to one

776 dentist in a multidentist practice of any nature and to assign
777 primary responsibility to the dentist for treatment rendered by
778 a dental hygienist, dental therapist, or dental assistant under
779 her or his supervision. This section may ~~shall~~ not be construed
780 to assign any responsibility to a dentist of record for
781 treatment rendered pursuant to a proper referral to another
782 dentist who does not ~~in~~ practice with the dentist of record or
783 to prohibit a patient from voluntarily selecting a new dentist
784 without permission of the dentist of record.

785 **Section 13. Section 466.0225, Florida Statutes, is created**
786 **to read:**

787 466.0225 Examination of dental therapists; licensing.—

788 (1) (a) Any person desiring to be licensed as a dental
789 therapist must apply to the department.

790 (b) Applicants for licensure must also submit to
791 background screening in accordance with s. 456.0135.

792 (2) The department shall issue a license to an applicant
793 who the board certifies meets all of the following criteria:

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

795 (b) Is a graduate of a dental therapy college or school
796 accredited by the American Dental Association Commission on
797 Dental Accreditation or its successor entity, if any, or any
798 other dental therapy accrediting entity recognized by the United
799 States Department of Education. For applicants applying for a
800 dental therapy license before January 1, 2030, the board must

801 approve the applicant's dental therapy education program if the
802 program was administered by a college or school that operates an
803 accredited dental or dental hygiene program and the college or
804 school certifies to the board that the applicant's education
805 substantially conformed to the education standards established
806 by the American Dental Association Commission on Dental
807 Accreditation or its successor entity.

808 (c) Has successfully completed a dental therapy practical
809 or clinical examination produced by the American Board of Dental
810 Examiners, Inc., or its successor entity, if any, if the board
811 finds that the successor entity's examination meets or exceeds
812 the requirements of this section. If an applicant fails to pass
813 such an examination in three attempts, the applicant is not
814 eligible to retake the examination unless the applicant
815 completes additional education requirements as specified by the
816 board.

817 (d) Has successfully completed a written examination on
818 the laws and rules of this state regulating the practice of
819 dental therapy.

820 (e) Has not been disciplined by a board, except for
821 citation offenses or minor violations.

822 (f) Has not been convicted of or pled nolo contendere to,
823 regardless of adjudication, any felony or misdemeanor related to
824 the practice of a health care profession.

825 (3) An applicant who meets the requirements of this

826 section and who has successfully completed an examination
827 identified in paragraph (2) (c) in a jurisdiction other than this
828 state, or who has successfully completed a comparable
829 examination administered or approved by the licensing authority
830 in a jurisdiction other than this state, shall be licensed to
831 practice dental therapy in this state if the board determines
832 that the other jurisdiction's examination is substantially
833 similar to those identified in paragraph (2) (c).

834 **Section 14. Section 466.0227, Florida Statutes, is created**
835 **to read:**

836 466.0227 Dental therapists; scope and area of practice.-

837 (1) Except as otherwise provided in this chapter, a dental
838 therapist may perform the dental therapy services specified in
839 subsection (2) under the general supervision of a dentist if
840 providing services in a mobile dental unit and under direct
841 supervision of a dentist in all other service scenarios to the
842 extent authorized by the supervising dentist and provided within
843 the terms of a written collaborative management agreement signed
844 by the dental therapist and the supervising dentist which meets
845 the requirements of subsection (3).

846 (2) The scope of practice of a dental therapist, subject
847 to the terms of a written collaborative management agreement,
848 includes all of the following:

849 (a) Oral evaluation and assessment of dental disease and
850 formulation of an individualized treatment plan.

- 851 (b) Identification of oral and systemic conditions
852 requiring evaluation or treatment by dentists, physicians, or
853 other health care providers and managing referrals.
- 854 (c) Comprehensive charting of the oral cavity.
- 855 (d) Oral health instruction and disease prevention
856 education, including, but not limited to, nutritional counseling
857 and dietary analysis.
- 858 (e) Exposure and evaluation of radiographic images.
- 859 (f) Dental prophylaxis, including, but not limited to,
860 subgingival scaling and polishing procedures.
- 861 (g) Dispensing and administration via the oral or topical
862 route of nonnarcotic analgesic, anti-inflammatory, and
863 antibiotic medications as prescribed by a licensed health care
864 provider.
- 865 (h) Application of topical preventive or prophylactic
866 agents, including, but not limited to, fluoride varnish,
867 antimicrobial agents, caries arresting medicaments, and pit and
868 fissure sealants.
- 869 (i) Pulp vitality testing.
- 870 (j) Application of desensitizing medications or resins.
- 871 (k) Fabrication of athletic mouth guards and soft occlusal
872 guards.
- 873 (l) Changing of periodontal dressings.
- 874 (m) Administration of local anesthetic and nitrous oxide.
- 875 (n) Simple extraction of erupted primary teeth.

876 (o) Nonsurgical extraction of periodontally diseased
877 permanent teeth with tooth mobility of +3 to +4 to the extent
878 authorized in the dental therapist's collaborative management
879 agreement, except for the extraction of a tooth that is
880 unerupted, impacted, or fractured or that needs to be sectioned
881 for removal.

882 (p) Emergency palliative treatment of dental pain limited
883 to the procedures in this subsection.

884 (q) Preparation and placement of direct restoration in
885 primary and permanent teeth.

886 (r) Fabrication and placement of single-tooth temporary
887 crowns.

888 (s) Preparation and placement of preformed crowns on
889 primary teeth.

890 (t) Indirect and direct pulp capping on permanent teeth.

891 (u) Indirect pulp capping on primary teeth.

892 (v) Intraoral suture placement and removal.

893 (w) Minor adjustment and repair of removable prostheses.

894 (x) Placement and removal of space maintainers.

895 (y) Pulpotomy on primary teeth.

896 (z) Tooth reimplantation and stabilization.

897 (aa) Recementing of a permanent crown.

898 (bb) Additional services, treatments, or procedures as the
899 board deems appropriate by rule.

900 (3) Before performing any of the services authorized in

901 subsection (2), a dental therapist must enter into a written
902 collaborative management agreement with a supervising dentist.
903 The agreement must be signed by the dental therapist and the
904 supervising dentist and must include all of the following
905 information:

906 (a) Practice settings where services may be provided by
907 the dental therapist and the populations to be served by the
908 dental therapist.

909 (b) Any limitations on the services that may be provided
910 by the dental therapist, including the level of supervision
911 required by the supervising dentist. This may include
912 telehealth.

913 (c) Age-specific and procedure-specific practice protocols
914 for the dental therapist, including case selection criteria,
915 assessment guidelines, and imaging frequency.

916 (d) A procedure for creating and maintaining dental
917 records for the patients who are treated by the dental
918 therapist.

919 (e) A plan to manage medical emergencies in each practice
920 setting where the dental therapist provides care.

921 (f) A quality assurance plan for monitoring care provided
922 by the dental therapist, including patient care review, referral
923 follow-up, and a quality assurance chart review.

924 (g) Protocols for the dental therapist to administer and
925 dispense medications, including the specific conditions and

926 circumstances under which the medications are to be dispensed
927 and administered.

928 (h) Criteria relating to the provision of care by the
929 dental therapist to patients with specific medical conditions or
930 complex medication histories, including requirements for
931 consultation before the initiation of care.

932 (i) Supervision criteria of dental therapists.

933 (j) A plan for the provision of clinical resources and
934 referrals in situations that are beyond the capabilities of the
935 dental therapist.

936 (4) A supervising dentist shall determine the number of
937 hours of practice that a dental therapist must complete under
938 direct or indirect supervision of the supervising dentist before
939 the dental therapist may perform any of the services authorized
940 in subsection (2) under general or direct supervision.

941 (5) A supervising dentist may restrict or limit the dental
942 therapist's practice in the written collaborative management
943 agreement to be less than the full scope of practice for dental
944 therapists which is authorized in subsection (2).

945 (6) A supervising dentist may authorize a dental therapist
946 to provide dental therapy services to a patient before the
947 supervising dentist examines or diagnoses the patient if the
948 authority, conditions, and protocols are established in a
949 written collaborative management agreement and if the patient is
950 subsequently referred to a dentist for any needed additional

951 services that exceed the dental therapist's scope of practice or
952 authorization under the collaborative management agreement.

953 (7) A supervising dentist must be licensed and practicing
954 in this state. The supervising dentist is responsible for all
955 services authorized and performed by the dental therapist
956 pursuant to the collaborative management agreement and for
957 providing or arranging followup services to be provided by a
958 dentist for any additional services that exceed the dental
959 therapist's scope of practice or authorization under the
960 collaborative management agreement.

961 **Section 15. Section 466.026, Florida Statutes, is amended**
962 **to read:**

963 466.026 Prohibitions; penalties.—

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

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

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

972 (c) Knowingly employing any person to perform duties
973 outside the scope allowed such person under this chapter or the
974 rules of the board.

975 (d) Giving false or forged evidence to the department or

976 board for the purpose of obtaining a license.

977 (e) Selling or offering to sell a diploma conferring a
 978 degree from a dental college, ~~or~~ dental hygiene school or
 979 college, or dental therapy school or college, or a license
 980 issued pursuant to this chapter, or procuring such diploma or
 981 license with intent that it will ~~shall~~ be used as evidence of
 982 that which the document stands for, by a person other than the
 983 one upon whom it was conferred or to whom it was granted.

984 (2) Each of the following acts constitutes a misdemeanor
 985 of the first degree, punishable as provided in s. 775.082 or s.
 986 775.083:

987 (a) Using the name or title "dentist," the letters
 988 "D.D.S." or "D.M.D.", or any other words, letters, title, or
 989 descriptive matter which in any way represents a person as being
 990 able to diagnose, treat, prescribe, or operate for any disease,
 991 pain, deformity, deficiency, injury, or physical condition of
 992 the teeth or jaws or oral-maxillofacial region unless the person
 993 has an active dentist's license issued by the department
 994 pursuant to this chapter.

995 (b) Using the name "dental hygienist" or the initials
 996 "R.D.H." or otherwise holding herself or himself out as an
 997 actively licensed dental hygienist or implying to any patient or
 998 consumer that she or he is an actively licensed dental hygienist
 999 unless that person has an active dental hygienist's license
 1000 issued by the department pursuant to this chapter.

1001 (c) Using the name "dental therapist" or the initials
 1002 "D.T." or otherwise holding herself or himself out as an
 1003 actively licensed dental therapist or implying to any patient or
 1004 consumer that she or he is an actively licensed dental therapist
 1005 unless that person has an active dental therapist's license
 1006 issued by the department pursuant to this chapter.

1007 ~~(d)(e)~~ Presenting as her or his own the license of
 1008 another.

1009 ~~(e)(d)~~ Knowingly concealing information relative to
 1010 violations of this chapter.

1011 ~~(f)(e)~~ Performing any services as a dental assistant as
 1012 defined herein, except in the office of a licensed dentist,
 1013 unless authorized by this chapter or by rule of the board.

1014 **Section 16. Paragraphs (b), (c), (g), (s), and (t) of**
 1015 **subsection (1) of section 466.028, Florida Statutes, are amended**
 1016 **to read:**

1017 466.028 Grounds for disciplinary action; action by the
 1018 board.—

1019 (1) The following acts constitute grounds for denial of a
 1020 license or disciplinary action, as specified in s. 456.072(2):

1021 (b) Having a license to practice dentistry, dental
 1022 therapy, or dental hygiene revoked, suspended, or otherwise
 1023 acted against, including the denial of licensure, by the
 1024 licensing authority of another state, territory, or country.

1025 (c) Being convicted or found guilty of or entering a plea

1026 of nolo contendere to, regardless of adjudication, a crime in
1027 any jurisdiction which relates to the practice of dentistry,
1028 dental therapy, or dental hygiene. A plea of nolo contendere
1029 creates ~~shall create~~ a rebuttable presumption of guilt to the
1030 underlying criminal charges.

1031 (g) Aiding, assisting, procuring, or advising any
1032 unlicensed person to practice dentistry, dental therapy, or
1033 dental hygiene contrary to this chapter or to a rule of the
1034 department or the board.

1035 (s) Being unable to practice her or his profession with
1036 reasonable skill and safety to patients by reason of illness or
1037 use of alcohol, drugs, narcotics, chemicals, or any other type
1038 of material or as a result of any mental or physical condition.
1039 In enforcing this paragraph, the department ~~shall have~~, upon a
1040 finding of the State Surgeon General or her or his designee that
1041 probable cause exists to believe that the licensee is unable to
1042 practice dentistry, dental therapy, or dental hygiene because of
1043 the reasons stated in this paragraph, has the authority to issue
1044 an order to compel a licensee to submit to a mental or physical
1045 examination by physicians designated by the department. If the
1046 licensee refuses to comply with such order, the department's
1047 order directing such examination may be enforced by filing a
1048 petition for enforcement in the circuit court where the licensee
1049 resides or does business. The licensee against whom the petition
1050 is filed may ~~shall~~ not be named or identified by initials in any

1051 public court records or documents, and the proceedings must
 1052 ~~shall~~ be closed to the public. The department is ~~shall be~~
 1053 entitled to the summary procedure provided in s. 51.011. A
 1054 licensee affected under this paragraph must ~~shall~~ at reasonable
 1055 intervals be afforded an opportunity to demonstrate that she or
 1056 he can resume the competent practice of her or his profession
 1057 with reasonable skill and safety to patients.

1058 (t) Fraud, deceit, or misconduct in the practice of
 1059 dentistry, dental therapy, or dental hygiene.

1060 **Section 17. Paragraphs (a) and (b) of subsection (1) of**
 1061 **section 466.0285, Florida Statutes, are amended to read:**

1062 466.0285 Proprietorship by nondentists.—

1063 (1) No person other than a dentist licensed pursuant to
 1064 this chapter, nor any entity other than a professional
 1065 corporation or limited liability company composed of dentists,
 1066 may:

1067 (a) Employ a dentist, a dental therapist, or a dental
 1068 hygienist in the operation of a dental office.

1069 (b) Control the use of any dental equipment or material
 1070 while such equipment or material is being used for the provision
 1071 of dental services, whether those services are provided by a
 1072 dentist, a dental therapist, a dental hygienist, or a dental
 1073 assistant.

1074
 1075 Any lease agreement, rental agreement, or other arrangement

1076 | between a nondentist and a dentist whereby the nondentist
 1077 | provides the dentist with dental equipment or dental materials
 1078 | shall contain a provision whereby the dentist expressly
 1079 | maintains complete care, custody, and control of the equipment
 1080 | or practice.

1081 | **Section 18. Paragraph (g) of subsection (3) of section**
 1082 | **921.0022, Florida Statutes, is amended to read:**

1083 | 921.0022 Criminal Punishment Code; offense severity
 1084 | ranking chart.—

1085 | (3) OFFENSE SEVERITY RANKING CHART

1086 | (g) LEVEL 7

1087 |

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety

1088 |

1089 |

1090 |

1091			while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
1092			
	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1093			
	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1094			
	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1095			
	456.065 (2)	3rd	Practicing a health care profession without a license.
1096			
	456.065 (2)	2nd	Practicing a health care

			profession without a license which results in serious bodily injury.
1097	458.327 (1)	3rd	Practicing medicine without a license.
1098	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1099	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1100	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1101	462.17	3rd	Practicing naturopathy without a license.
1102	463.015 (1)	3rd	Practicing optometry without a license.
1103	464.016 (1)	3rd	Practicing nursing without a license.
1104			

1105	465.015 (2)	3rd	Practicing pharmacy without a license.
1106	466.026 (1)	3rd	Practicing dentistry, <u>dental therapy,</u> or dental hygiene without a license.
1107	467.201	3rd	Practicing midwifery without a license.
1108	468.366	3rd	Delivering respiratory care services without a license.
1109	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1110	483.901 (7)	3rd	Practicing medical physics without a license.
1111	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
	484.053	3rd	Dispensing hearing aids without a license.

1112	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1113	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1114	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1115	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1116	775.21 (10) (a)	3rd	Sexual predator; failure to

1117			register; failure to renew driver license or identification card; other registration violations.
	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
1118			
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1119			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1120			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1121			
	782.071	2nd	Killing of a human being or

1122	782.072	2nd	unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1123	784.045 (1) (a) 1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1124	784.045 (1) (a) 2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1125	784.045 (1) (b)	2nd	Aggravated battery; using deadly weapon.
1126	784.048 (4)	3rd	Aggravated battery; perpetrator aware victim pregnant.
1127	784.048 (7)	3rd	Aggravated stalking; violation of injunction or court order.
			Aggravated stalking; violation of court order.

1128	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1129	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1130	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1131	784.081 (1)	1st	Aggravated battery on specified official or employee.
1132	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1133	784.083 (1)	1st	Aggravated battery on code inspector.
1134	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
1135			

1136	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
1137	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1138	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1139	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1140	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

1141	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1142	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1143	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1144	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
1145	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1146			

1147	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1148	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
1149	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
1150	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1151	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied

			dwelling; unarmed; no assault or battery.
1152	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1153	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1154	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1155	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1156	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

1157	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1158	812.014 (2) (g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.
1159	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1160	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1161	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1162	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1163	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.

1164	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1165	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1166	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1167	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1168	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
1169			

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1170	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
1171	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1172	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
1173	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1174	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
1175	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
	827.04 (3)	3rd	Impregnation of a child under

1176			16 years of age by person 21 years of age or older.
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1177			
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
1178			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1179			
	838.015	2nd	Bribery.
1180			
	838.016	2nd	Unlawful compensation or reward for official behavior.
1181			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1182			
	838.22	2nd	Bid tampering.

1183	843.0855 (2)	3rd	Impersonation of a public officer or employee.
1184	843.0855 (3)	3rd	Unlawful simulation of legal process.
1185	843.0855 (4)	3rd	Intimidation of a public officer or employee.
1186	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1187	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1188	872.06	2nd	Abuse of a dead human body.
1189	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1190	874.10	1st, PBL	Knowingly initiates, organizes,

1191 plans, finances, directs,
manages, or supervises criminal
gang-related activity.

893.13(1)(c)1. 1st Sell, manufacture, or deliver
cocaine (or other drug
prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.)
within 1,000 feet of a child
care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

1192 893.13(1)(e)1. 1st Sell, manufacture, or deliver
cocaine or other drug
prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.,
within 1,000 feet of property
used for religious services or
a specified business site.

1193

1194	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1195	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1196	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1197	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1198	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1199	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
	893.135	1st	Trafficking in oxycodone, 7

1200	(1) (c) 3.a.		grams or more, less than 14 grams.
	893.135	1st	Trafficking in oxycodone, 14
	(1) (c) 3.b.		grams or more, less than 25 grams.
1201			
	893.135	1st	Trafficking in fentanyl, 4
	(1) (c) 4.b. (I)		grams or more, less than 14 grams.
1202			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.a.		28 grams or more, less than 200 grams.
1203			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone,
			200 grams or more, less than 5 kilograms.
1204			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14
			grams or more, less than 28 grams.
1205			
	893.135	1st	Trafficking in flunitrazepam, 4
	(1) (g) 1.a.		grams or more, less than 14

1206	893.135 (1) (h) 1.a.	1st	grams. Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1207	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1208	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1209	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
1210	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1211	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or

1212	893.1351 (2)	2nd	more, less than 100 grams. Possession of place for trafficking in or manufacturing of controlled substance.
1213	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1214	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1215	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1216	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

1217	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1218	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1219	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1220	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
1221	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1222	944.607 (12)	3rd	Failure to report or providing

1223	944.607(13)	3rd	false information about a sexual offender; harbor or conceal a sexual offender. Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1224	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1225	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1226	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1227			

1228 **Section 19.** The Department of Health, in consultation with
1229 the Board of Dentistry and the Agency for Health Care
1230 Administration, shall submit a progress report to the President
1231 of the Senate and the Speaker of the House of Representatives by
1232 July 1, 2028, and a final report 4 years after the first dental
1233 therapy license is issued. The reports must include all of the
1234 following information and recommendations:

1235 (1) The progress that has been made in this state to
1236 implement dental therapy training programs, licensing, and
1237 Medicaid reimbursement.

1238 (2) Data demonstrating the effects of dental therapy in
1239 this state on all of the following:

1240 (a) Patient access to dental services.

1241 (b) Costs to dental providers, patients, dental insurance
1242 carriers, and the state.

1243 (c) The quality and safety of dental services.

1244 (3) Specific recommendations for any necessary
1245 legislative, administrative, or regulatory reform relating to
1246 the practice of dental therapy.

1247 (4) Any other information the department deems
1248 appropriate.

1249 **Section 20.** This act shall take effect July 1, 2025.