

1 A bill to be entitled

2 An act relating to certificates and licenses for certain
3 health care practitioners; amending s. 456.024, F.S.;
4 providing for issuance of a temporary license to specified
5 health care practitioners who are spouses of active duty
6 members of the Armed Forces under certain circumstances;
7 providing for criminal history checks; providing fees;
8 providing for expiration of a temporary license; requiring
9 a person who is issued a temporary license to be subject
10 to certain general licensing requirements; providing that
11 certain persons are ineligible for such license; providing
12 for revocation of such license; requiring certain
13 temporary licensees to practice under the indirect
14 supervision of other licensees; amending ss. 458.315 and
15 459.0076, F.S.; naming the temporary certificates issued
16 to physicians who practice in areas of critical need after
17 Rear Admiral LeRoy Collins, Jr.; amending s. 458.3312,
18 F.S.; eliminating a requirement of the Board of Medicine
19 to triennially review and reauthorize recognizing agencies
20 that certify dermatologists; amending s. 466.003, F.S.;
21 revising the definition of the term "health access
22 setting" and defining the term "school-based prevention
23 program" for purposes of provisions regulating the
24 practice of dentistry; amending s. 466.023, F.S.; revising
25 the scope and area of practice for dental hygienists;
26 amending s. 466.0235, F.S.; revising the locations at
27 which dental hygienists may perform dental charting;
28 amending s. 466.024, F.S.; authorizing dental hygienists

29 to perform certain duties without supervision or
30 authorization by a dentist; providing exceptions;
31 requiring that dental hygienists in a health access
32 setting provide a certain disclaimer to patients before a
33 procedure is performed; providing that a health access
34 setting may bill for certain services; requiring that
35 dental hygienists provide a referral, encourage the
36 establishment of a dental home, and maintain insurance
37 coverage in specified circumstances; reenacting s.
38 466.00672(2), F.S., relating to the revocation of health
39 access dental licenses, to incorporate the amendment made
40 by the act to s. 466.003, F.S., in a reference thereto;
41 amending s. 466.006, F.S.; providing legislative intent
42 with respect to the use of the American Dental Licensing
43 Examination developed by the American Board of Dental
44 Examiners, Inc., in lieu of an independent state-developed
45 practical or clinical exam, to measure an applicant's
46 ability to practice the profession of dentistry; providing
47 for examination fees and use thereof; revising criteria
48 for applicants for licensure with respect to accreditation
49 of dental school and period of validity of examination
50 scores; adopting the American Dental Licensing Examination
51 as the clinical or practical licensure examination used
52 for licensure as a dentist in this state, providing
53 specified conditions are maintained; providing for period
54 of validity of examination scores; authorizing applicants
55 to submit American Dental Licensing Examination scores
56 from a jurisdiction outside the state; specifying period

57 of validity of such examination scores; providing that
58 authority to submit such examination scores does not apply
59 retroactively; providing that such examination scores
60 outside the period of validity be recognized as valid upon
61 demonstration that the applicant has met specified
62 additional standards; designating the practical
63 examination and specifying minimum standards therefor;
64 requiring applicants for licensure with American Dental
65 Licensing Examination scores from a state other than this
66 state to engage in the full-time practice of dentistry
67 inside the geographic boundaries of this state within 1
68 year of receiving such licensure in this state; providing
69 legislative findings with respect thereto; providing a
70 definition; providing legislative intent with respect to
71 expiration of such licenses upon a finding that acceptable
72 proof of full-time practice within the geographic
73 boundaries of this state within 1 year after the initial
74 issuance of the license was not received by the board;
75 providing procedures and requirements with respect to
76 determination of compliance; providing procedures,
77 requirements, and prohibitions in the event of expiration;
78 providing a penalty for using or attempting to use a
79 license that has expired; amending s. 466.0067, F.S.;
80 correcting a cross-reference; reenacting ss. 466.0065(1),
81 466.0067(2), (5), (9), and (12), 466.00671(1)(d),
82 466.007(2)(b) and (3), 466.009(1), and 466.011, F.S.,
83 relating to regional licensure examinations, application
84 for health access dental license, renewal of the health

CS/CS/CS/HB 1319

2011

85 access dental license, examination of dental hygienists,
86 reexamination, and licensure, respectively, to incorporate
87 the amendments made to s. 466.006, F.S., in references
88 thereto; amending s. 468.701, F.S.; defining "Board of
89 Certification"; amending s. 468.703, F.S.; revising
90 qualifications for certain members of the Board of
91 Athletic Training; amending s. 468.707, F.S.; revising
92 requirements for licensure by the Department of Health as
93 an athletic trainer; reorganizing provisions; amending s.
94 468.711, F.S.; revising provisions relating to renewal of
95 license and continuing education requirements for athletic
96 trainers; providing severability; providing that the act
97 does not apply retroactively; providing effective dates.

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

100
101 Section 1. Subsection (3) is added to section 456.024,
102 Florida Statutes, to read:

103 456.024 Members of Armed Forces in good standing with
104 administrative boards or the department; spouses.—

105 (3) (a) The board, or the department if there is no board,
106 may issue a temporary professional license to the spouse of an
107 active duty member of the Armed Forces of the United States who
108 submits to the department:

109 1. A completed application upon a form prepared and
110 furnished by the department in accordance with the board's
111 rules;

112 2. The required application fee;

113 3. Proof that the applicant is married to a member of the
114 Armed Forces of the United States who is on active duty;

115 4. Proof that the applicant holds a valid license for the
116 profession issued by another state, the District of Columbia, or
117 a possession or territory of the United States, and is not the
118 subject of any disciplinary proceeding in any jurisdiction in
119 which the applicant holds a license to practice a profession
120 regulated by this chapter;

121 5. Proof that the applicant's spouse is assigned to a duty
122 station in this state pursuant to the member's official active
123 duty military orders; and

124 6. Proof that the applicant would otherwise be entitled to
125 full licensure under the appropriate practice act, and is
126 eligible to take the respective licensure examination as
127 required in Florida.

128 (b) The applicant must also submit to the Department of
129 Law Enforcement a complete set of fingerprints. The Department
130 of Law Enforcement shall conduct a statewide criminal history
131 check and forward the fingerprints to the Federal Bureau of
132 Investigation for a national criminal history check.

133 (c) Each board, or the department if there is no board,
134 shall review the results of the state and federal criminal
135 history checks according to the level 2 screening standards in
136 s. 435.04 when granting an exemption and when granting or
137 denying the temporary license.

138 (d) The applicant shall pay the cost of fingerprint
139 processing. If the fingerprints are submitted through an
140 authorized agency or vendor, the agency or vendor shall collect

CS/CS/CS/HB 1319

2011

141 the required processing fees and remit the fees to the
142 Department of Law Enforcement.

143 (e) The department shall set an application fee, which may
144 not exceed the cost of issuing the license.

145 (f) A temporary license expires 12 months after the date
146 of issuance and is not renewable.

147 (g) An applicant for a temporary license under this
148 subsection is subject to the requirements under s. 456.013(3) (a)
149 and (c).

150 (h) An applicant shall be deemed ineligible for a
151 temporary license pursuant to this section if the applicant:

152 1. Has been convicted of or pled nolo contendere to,
153 regardless of adjudication, any felony or misdemeanor related to
154 the practice of a health care profession;

155 2. Has had a health care provider license revoked or
156 suspended from another of the United States, the District of
157 Colombia, or a United States Territory;

158 3. Has been reported to the National Practitioner Data
159 Bank, unless the applicant has successfully appealed to have his
160 or her name removed from the data bank; or

161 4. Has previously failed the Florida examination required
162 to receive a license to practice the profession for which the
163 applicant is seeking a license.

164 (i) The board, or department if there is no board, may
165 revoke a temporary license upon finding that the individual
166 violated the profession's governing practice act.

167 (j) An applicant who is issued a temporary professional
168 license to practice as a dentist pursuant to this section must

CS/CS/CS/HB 1319

2011

169 practice under the indirect supervision, as defined in s.
170 466.003, of a dentist licensed pursuant to chapter 466.

171 Section 2. Present subsections (1) through (4) of section
172 458.315, Florida Statutes, are renumbered as subsections (2)
173 through (5), respectively, and a new subsection (1) is added to
174 that section, to read:

175 458.315 Temporary certificate for practice in areas of
176 critical need.—

177 (1) A certificate issued pursuant to this section may be
178 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
179 Certificate for Practice in Areas of Critical Need."

180 Section 3. Section 458.3312, Florida Statutes, is amended
181 to read:

182 458.3312 Specialties.—A physician licensed under this
183 chapter may not hold himself or herself out as a board-certified
184 specialist unless the physician has received formal recognition
185 as a specialist from a specialty board of the American Board of
186 Medical Specialties or other recognizing agency that has been
187 approved by the board. However, a physician may indicate the
188 services offered and may state that his or her practice is
189 limited to one or more types of services when this accurately
190 reflects the scope of practice of the physician. ~~A physician may~~
191 ~~not hold himself or herself out as a board-certified specialist~~
192 ~~in dermatology unless the recognizing agency, whether authorized~~
193 ~~in statute or by rule, is triennially reviewed and reauthorized~~
194 ~~by the Board of Medicine.~~

195 Section 4. Present subsections (1) through (4) of section
196 459.0076, Florida Statutes, are renumbered as subsections (2)

CS/CS/CS/HB 1319

2011

197 through (5), respectively, and a new subsection (1) is added to
198 that section, to read:

199 459.0076 Temporary certificate for practice in areas of
200 critical need.—

201 (1) A certificate issued pursuant to this section may be
202 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
203 Certificate for Practice in Areas of Critical Need."

204 Section 5. Subsection (14) of section 466.003, Florida
205 Statutes, is amended, and subsection (15) is added to that
206 section, to read:

207 466.003 Definitions.—As used in this chapter:

208 (14) "Health access setting ~~settings~~" means a program or
209 an institution ~~programs and institutions~~ of the Department of
210 Children and Family Services, the Department of Health, the
211 Department of Juvenile Justice, a nonprofit community health
212 center ~~centers~~, a Head Start center ~~centers~~, a federally
213 qualified health center or look-alike ~~centers~~ (FQHCs), ~~FQHC~~
214 ~~look-alikes~~ as defined by federal law, a school-based prevention
215 program, a clinic and clinics operated by an accredited college
216 ~~colleges~~ of dentistry, or an accredited dental hygiene program
217 in this state if such community service program or institution
218 ~~programs and institutions~~ immediately reports ~~report~~ to the
219 Board of Dentistry all violations of s. 466.027, s. 466.028, or
220 other practice act or standard of care violations related to the
221 actions or inactions of a dentist, dental hygienist, or dental
222 assistant engaged in the delivery of dental care in such setting
223 ~~settings~~.

224 (15) "School-based prevention program" means preventive

CS/CS/CS/HB 1319

2011

oral health services offered at a school by one of the entities defined in subsection (14) or by a nonprofit organization that is exempt from federal income taxation under s. 501(a) of the Internal Revenue Code, and described in s. 501(c)(3) of the Internal Revenue Code.

Section 6. Subsections (2) and (3) of section 466.023, Florida Statutes, are amended to read:

466.023 Dental hygienists; scope and area of practice.—

(2) Dental hygienists may perform their duties:

(a) In the office of a licensed dentist;

(b) In public health programs and institutions of the Department of Children and Family Services, Department of Health, and Department of Juvenile Justice under the general supervision of a licensed dentist; ~~or~~

(c) In a health access setting as defined in s. 466.003;
or

(d) ~~(e)~~ Upon a patient of record of a dentist who has issued a prescription for the services of a dental hygienist, which prescription shall be valid for 2 years unless a shorter length of time is designated by the dentist, in:

1. Licensed public and private health facilities;

2. Other public institutions of the state and federal government;

3. Public and private educational institutions;

4. The home of a nonambulatory patient; and

5. Other places in accordance with the rules of the board.

However, the dentist issuing such prescription shall remain

CS/CS/CS/HB 1319

2011

253 responsible for the care of such patient. As used in this
254 subsection, "patient of record" means a patient upon whom a
255 dentist has taken a complete medical history, completed a
256 clinical examination, recorded any pathological conditions, and
257 prepared a treatment plan.

258 (3) Dental hygienists may, without supervision, provide
259 educational programs, faculty or staff training programs, and
260 authorized fluoride rinse programs; apply fluorides; instruct a
261 patient in oral hygiene care; supervise the oral hygiene care of
262 a patient; ~~and perform other services that which~~ do not involve
263 diagnosis or treatment of dental conditions and that which
264 ~~services~~ are approved by rule of the board.

265 Section 7. Subsection (2) of section 466.0235, Florida
266 Statutes, is amended to read:

267 466.0235 Dental charting.—

268 (2) A dental hygienist may, without supervision and within
269 the lawful scope of his or her duties as authorized by law,
270 perform dental charting of hard and soft tissues in public and
271 private educational institutions of the state and Federal
272 Government, nursing homes, assisted living and long-term care
273 facilities, community health centers, county health departments,
274 mobile dental or health units, health access settings as defined
275 in s. 466.003, and epidemiological surveys for public health. A
276 dental hygienist may also perform dental charting on a volunteer
277 basis at health fairs.

278 Section 8. Section 466.024, Florida Statutes, is amended
279 to read:

280 466.024 Delegation of duties; expanded functions.—

(1) A dentist may not delegate irremediable tasks to a dental hygienist or dental assistant, except as provided by law. A dentist may delegate remediable tasks to a dental hygienist or dental assistant when such tasks pose no risk to the patient. A dentist may only delegate remediable tasks so defined by law or rule of the board. The board by rule shall designate which tasks are remediable and delegable, except that the following are by law found to be remediable and delegable:

(a) Taking impressions for study casts but not for the purpose of fabricating any intraoral restorations or orthodontic appliance.

(b) Placing periodontal dressings.

(c) Removing periodontal or surgical dressings.

(d) Removing sutures.

(e) Placing or removing rubber dams.

(f) Placing or removing matrices.

(g) Placing or removing temporary restorations.

(h) Applying cavity liners, varnishes, or bases.

(i) Polishing amalgam restorations.

(j) Polishing clinical crowns of the teeth for the purpose of removing stains but not changing the existing contour of the tooth.

(k) Obtaining bacteriological cytological specimens not involving cutting of the tissue.

~~Nothing in~~ This subsection does not ~~shall be construed to~~ limit delegable tasks to those specified herein.

(2) A dental hygienist licensed in this state may perform

CS/CS/CS/HB 1319

2011

the following remediable tasks in a health access setting as defined in s. 466.003 without the physical presence, prior examination, or authorization of a dentist:

(a) Perform dental charting as defined in s. 466.0235 and as provided by rule.

(b) Measure and record a patient's blood pressure rate, pulse rate, respiration rate, and oral temperature.

(c) Record a patient's case history.

(d) Apply topical fluorides, including fluoride varnishes, which are approved by the American Dental Association or the Food and Drug Administration.

(e) Apply dental sealants.

(f) Remove calculus deposits, accretions, and stains from exposed surfaces of the teeth and from tooth surfaces within the gingival sulcus.

1. A dentist licensed under this chapter or a physician licensed under chapter 458 or chapter 459 must give medical clearance before a dental hygienist removes calculus deposits, accretions, and stains from exposed surfaces of the teeth or from tooth surfaces within the gingival sulcus.

2. A dentist shall conduct a dental examination on a patient within 13 months after a dental hygienist removes the patient's calculus deposits, accretions, and stains from exposed surfaces of the teeth or from tooth surfaces within the gingival sulcus. Additional oral hygiene services may not be performed under this paragraph without a clinical examination by a dentist who is licensed under this chapter.

CS/CS/CS/HB 1319

2011

This subsection does not authorize a dental hygienist to perform root planing or gingival curettage without supervision by a dentist.

(3) For all remediable tasks listed in subsection (2), the following disclaimer must be provided to the patient in writing before any procedure is performed:

(a) The services being offered are not a substitute for a comprehensive dental exam by a dentist.

(b) The diagnosis of caries, soft tissue disease, oral cancer, temporomandibular joint disease (TMJ), and dentofacial malocclusions will be completed only by a dentist in the context of delivering a comprehensive dental exam.

(4) This section does not prevent a program operated by one of the health access settings as defined in s. 466.003 or a nonprofit organization that is exempt from federal income taxation under s. 501(a) of the Internal Revenue Code and described in s. 501(c)(3) of the Internal Revenue Code from billing and obtaining reimbursement for the services described in this section which are provided by a dental hygienist or from making or maintaining any records pursuant to s. 456.057 necessary to obtain reimbursement.

(5) A dental hygienist who performs, without supervision, the remediable tasks listed in subsection (2) shall:

(a) Provide a dental referral in strict compliance with federal and state patient referral, anti-kickback, and patient brokering laws.

(b) Encourage the establishment of a dental home.

(c) Maintain professional malpractice insurance coverage

CS/CS/CS/HB 1319

2011

365 that has minimum limits of \$100,000 per occurrence and \$300,000
366 in the aggregate through the employing health access setting or
367 individual policy.

368 (6)~~(2)~~ Notwithstanding subsection (1) or subsection (2), a
369 dentist may delegate the tasks of gingival curettage and root
370 planing to a dental hygienist but not to a dental assistant.

371 (7)~~(3)~~ All other remediable tasks shall be performed under
372 the direct, indirect, or general supervision of a dentist, as
373 determined by rule of the board, and after such formal or on-
374 the-job training by the dental hygienist or dental assistant as
375 the board by rule may require. The board by rule may establish a
376 certification process for expanded-duty dental assistants,
377 establishing such training or experience criteria or
378 examinations as it deems necessary and specifying which tasks
379 may be delegable only to such assistants. If the board does
380 establish such a certification process, the department shall
381 implement the application process for such certification and
382 administer any examinations required.

383 (8)~~(4)~~ Notwithstanding subsection (1) or subsection (2), a
384 dentist may not delegate to anyone other than another licensed
385 dentist:

386 (a) Any prescription of drugs or medications requiring the
387 written order or prescription of a licensed dentist or
388 physician.

389 (b) Any diagnosis for treatment or treatment planning.

390 (9)~~(5)~~ Notwithstanding any other provision of law, a
391 dentist is primarily responsible for all procedures delegated by
392 her or him.

CS/CS/CS/HB 1319

2011

393 ~~(10)(6)~~ A ~~No~~ dental assistant may not ~~shall~~ perform an
394 intraoral procedure except after such formal or on-the-job
395 training as the board by rule shall prescribe.

396 Section 9. For the purpose of incorporating the amendment
397 made by this act to section 466.003, Florida Statutes, in a
398 reference thereto, subsection (2) of section 466.00672, Florida
399 Statutes, is reenacted to read:

400 466.00672 Revocation of health access dental license.—

401 (2) Failure of an individual licensed pursuant to s.
402 466.0067 to limit the practice of dentistry to health access
403 settings as defined in s. 466.003 constitutes the unlicensed
404 practice of dentistry.

405 Section 10. Effective October 1, 2011, section 466.006,
406 Florida Statutes, is amended to read:

407 466.006 Examination of dentists.—

408 (1)(a) It is the intent of the Legislature to reduce the
409 costs associated with an independent state-developed practical
410 or clinical examination to measure an applicant's ability to
411 practice the profession of dentistry and to use the American
412 Dental Licensing Examination developed by the American Board of
413 Dental Examiners, Inc., in lieu of an independent state-
414 developed practical or clinical examination. The Legislature
415 finds that the American Dental Licensing Examination, in both
416 its structure and function, consistently meets generally
417 accepted testing standards and has been found, as it is
418 currently organized and operating, to adequately and reliably
419 measure an applicant's ability to practice the profession of
420 dentistry.

421 **(b)** Any person desiring to be licensed as a dentist shall
422 apply to the department to take the licensure examinations and
423 shall verify the information required on the application by
424 oath. The application shall include two recent photographs.
425 There shall be an application fee set by the board not to exceed
426 \$100 which shall be nonrefundable. There shall also be an
427 examination fee set by the board, which shall not exceed \$425
428 plus the actual per applicant cost to the department for
429 purchase of some or all ~~portions~~ of the examination from the
430 American Board of Dental Examiners or its successor entity, if
431 any, provided the board finds the successor entity's clinical
432 examination complies with the provisions of this section. The
433 examination fee ~~Northeast Regional Board of Dental Examiners or~~
434 ~~a similar national organization, which~~ may be refundable if the
435 applicant is found ineligible to take the examinations.

436 (2) An applicant shall be entitled to take the
437 examinations required in this section to practice dentistry in
438 this state if the applicant:

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

440 (b)1. Is a graduate of a dental school accredited by the
441 American Dental Association Commission on Dental Accreditation
442 ~~Commission on Accreditation of the American Dental Association~~
443 or its successor entity ~~agency~~, if any, or any other dental
444 ~~nationally recognized~~ accrediting entity recognized by the
445 United States Department of Education ~~agency~~; or

446 2. Is a dental student in the final year of a program at
447 such an accredited dental school who has completed all the
448 coursework necessary to prepare the student to perform the

449 clinical and diagnostic procedures required to pass the
450 examinations. With respect to a dental student in the final year
451 of a program at a dental school, a passing score on the
452 examinations is valid for 365 ~~180~~ days after the date the
453 examinations were completed. A dental school student who takes
454 the licensure examinations during the student's final year of an
455 approved dental school must have graduated before being
456 certified for licensure pursuant to s. 466.011.

457 (c)1. Has successfully completed the National Board of
458 Dental Examiners dental examination ~~within 10 years of the date~~
459 ~~of application~~; or

460 2. Has an active health access dental license in this
461 state; and

462 a. The applicant has at least 5,000 hours within 4
463 consecutive years of clinical practice experience providing
464 direct patient care in a health access setting as defined in s.
465 466.003 ~~s. 466.003(14)~~; the applicant is a retired veteran
466 dentist of any branch of the United States Armed Services who
467 has practiced dentistry while on active duty and has at least
468 3,000 hours within 3 consecutive years of clinical practice
469 experience providing direct patient care in a health access
470 setting as defined in s. 466.003 ~~s. 466.003(14)~~; or the
471 applicant has provided a portion of his or her salaried time
472 teaching health profession students in any public education
473 setting, including, but not limited to, a community college,
474 college, or university, and has at least 3,000 hours within 3
475 consecutive years of clinical practice experience providing
476 direct patient care in a health access setting as defined in s.

CS/CS/CS/HB 1319

2011

466.003 ~~s. 466.003(14)~~;

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

c. The applicant has not filed a report pursuant to s. 456.049; and

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

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

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

(b) Completes a 2-year supplemental dental education program at an accredited dental school and receives a dental diploma, degree, or certificate as evidence of program completion.

(4) Notwithstanding any other provision of law in chapter 456 pertaining to the clinical dental licensure examination or national examinations ~~s. 456.017(1)(c)~~, to be licensed as a dentist in this state, an applicant must successfully complete the following:

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

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

2.a. As an alternative to the requirements of subparagraph 1., an applicant may submit scores from an American Dental Licensing Examination previously administered in a jurisdiction other than this state after October 1, 2011, and such examination results shall be recognized as valid for the purpose of licensure in this state. A passing score on the American Dental Licensing Examination administered out-of-state shall be the same as the passing score for the American Dental Licensing Examination administered in this state and graded by dentists who are licensed in this state. The examination results are valid for 365 days after the date the official examination results are published. The applicant must have completed the

CS/CS/CS/HB 1319

2011

533 examination after October 1, 2011.

534 b. This subparagraph may not be given retroactive
535 application.

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

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

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

547 b. The applicant graduated from a dental school accredited
548 by the American Dental Association Commission on Dental
549 Accreditation or its successor entity, if any, or any other
550 dental accrediting organization recognized by the United States
551 Department of Education. Provided, however, if the applicant did
552 not graduate from such a dental school, the applicant may submit
553 proof of having successfully completed a full-time supplemental
554 general dentistry program accredited by the American Dental
555 Association Commission on Dental Accreditation of at least 2
556 consecutive academic years at such accredited sponsoring
557 institution. Such program must provide didactic and clinical
558 education at the level of a D.D.S. or D.M.D. program accredited
559 by the American Dental Association Commission on Dental
560 Accreditation;

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

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

574 e.(I) In the 5 years immediately preceding the date of
575 application for licensure in this state, the applicant must
576 submit proof of having been consecutively engaged in the full-
577 time practice of dentistry in another state or territory of the
578 United States, the District of Columbia, or the Commonwealth of
579 Puerto Rico, or, if the applicant has been licensed in another
580 state or territory of the United States, the District of
581 Columbia, or the Commonwealth of Puerto Rico for less than 5
582 years, the applicant must submit proof of having been engaged in
583 the full-time practice of dentistry since the date of his or her
584 initial licensure.

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

CS/CS/CS/HB 1319

2011

of the following:

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

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

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

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

(A) Admissible as evidence in an administrative proceeding;

(B) Submitted in writing;

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

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

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

(IV) An affidavit of only the applicant is not acceptable proof of full-time practice unless it is further attested to by

617 someone unrelated to the applicant who has personal knowledge of
618 the applicant's practice. If the board deems it necessary to
619 assess credibility or accuracy, the board may require the
620 applicant or the applicant's witnesses to appear before the
621 board and give oral testimony under oath.

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

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

630 h. The applicant must successfully pass a written
631 examination on the laws and rules of this state regulating the
632 practice of dentistry and must successfully pass the computer-
633 based diagnostic skills examination; and

634 i. The applicant must submit documentation that he or she
635 has successfully completed the National Board of Dental
636 Examiners dental examination.

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

643 1. A comprehensive diagnostic skills examination covering
644 the full scope of dentistry and an examination on applied

CS/CS/CS/HB 1319

2011

645 clinical diagnosis and treatment planning in dentistry for
646 dental candidates.

647 ~~2.a. Two restorations on a live patient or patients., and~~
648 The board by rule shall determine the class of such
649 restorations. ~~and whether they shall be performed on mannequins,~~
650 ~~live patients, or both. At least one restoration shall be on a~~
651 ~~live patient;~~

652 ~~3.b. A demonstration of periodontal skills on a live~~
653 ~~patient;~~

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

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

663 ~~6.e. A demonstration of endodontic skills; and-~~

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

672 (b)2. The department shall consult with the board in

CS/CS/CS/HB 1319

2011

673 planning the times, places, physical facilities, training of
674 personnel, and other arrangements concerning the administration
675 of the examination. The board or a duly designated committee
676 thereof shall approve the final plans for the administration of
677 the examination.

678 (c)3. If the applicant fails to pass the clinical
679 examination in three attempts, the applicant shall not be
680 eligible for reexamination unless she or he completes additional
681 educational requirements established by the board; and

682 ~~(c) A diagnostic skills examination demonstrating ability~~
683 ~~to diagnose conditions within the human oral cavity and its~~
684 ~~adjacent tissues and structures from photographs, slides,~~
685 ~~radiographs, or models pursuant to rules of the board. If an~~
686 ~~applicant fails to pass the diagnostic skills examination in~~
687 ~~three attempts, the applicant shall not be eligible for~~
688 ~~reexamination unless she or he completes additional educational~~
689 ~~requirements established by the board.~~

690 (d) The board may by rule provide for additional
691 procedures which are to be tested, provided such procedures
692 shall be common to the practice of general dentistry. The board
693 by rule shall determine the passing grade for each procedure and
694 the acceptable variation for examiners. No such rule shall apply
695 retroactively.

696
697 The department shall require a mandatory standardization
698 exercise for all examiners prior to each practical or clinical
699 examination and shall retain for employment only those dentists
700 who have substantially adhered to the standard of grading

CS/CS/CS/HB 1319

2011

701 established at such exercise.

702 (6) (a) It is the finding of the Legislature that absent a
703 threat to the health, safety, and welfare of the public, the
704 relocation of applicants to practice dentistry within the
705 geographic boundaries of this state, who are lawfully and
706 currently practicing dentistry in another state or territory of
707 the United States, the District of Columbia, or the Commonwealth
708 of Puerto Rico, based on their scores from the American Dental
709 Licensing Examination administered in a state other than this
710 state, is substantially related to achieving the important state
711 interest of improving access to dental care for underserved
712 citizens of this state and furthering the economic development
713 goals of the state. Therefore, in order to maintain valid active
714 licensure in this state, all applicants for licensure who are
715 relocating to this state based on scores from the American
716 Dental Licensing Examination administered in a state other than
717 this state must actually engage in the full-time practice of
718 dentistry inside the geographic boundaries of this state within
719 1 year of receiving such licensure in this state. The
720 Legislature finds that, if such applicants do not actually
721 engage in the full-time practice of dentistry within the
722 geographic boundaries of this state within 1 year of receiving
723 such a license in this state, access to dental care for the
724 public will not significantly increase, patients' continuity of
725 care will not be attained, and the economic development goals of
726 the state will not be significantly met.

727 (b)1. As used in this section, "full-time practice of
728 dentistry within the geographic boundaries of this state within

CS/CS/CS/HB 1319

2011

729 1 year" is defined as a minimum of 1,200 hours in the initial
730 year of licensure, which must include any combination of the
731 following:

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

734 b. Full-time practice as a faculty member employed by a
735 dental or dental hygiene school approved by the board or
736 accredited by the American Dental Association Commission on
737 Dental Accreditation and located within the geographic
738 boundaries of this state.

739 c. Full-time practice as a student at a postgraduate
740 dental education program approved by the board or accredited by
741 the American Dental Association Commission on Dental
742 Accreditation and located within the geographic boundaries of
743 this state.

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

750 a. Be admissible as evidence in an administrative
751 proceeding;

752 b. Be submitted in writing;

753 c. Be submitted by the applicant under oath with penalties
754 of perjury attached;

755 d. Be further documented by an affidavit of someone
756 unrelated to the applicant who is familiar with the applicant's

CS/CS/CS/HB 1319

2011

757 practice and testifies with particularity that the applicant has
758 been engaged in full-time practice of dentistry within the
759 geographic boundaries of this state within the last 365 days;
760 and

761 e. Include such additional proof as specifically found by
762 the board to be both credible and admissible.

763 3. An affidavit of only the applicant is not acceptable
764 proof of full-time practice of dentistry within the geographic
765 boundaries of this state within 1 year, unless it is further
766 attested to by someone unrelated to the applicant who has
767 personal knowledge of the applicant's practice within the last
768 365 days. If the board deems it necessary to assess credibility
769 or accuracy, the board may require the applicant or the
770 applicant's witnesses to appear before the board and give oral
771 testimony under oath.

772 (c) It is the further intent of the Legislature that a
773 license issued pursuant to paragraph (a) shall expire in the
774 event the board finds that it did not receive acceptable proof
775 of full-time practice within the geographic boundaries of this
776 state within 1 year after the initial issuance of the license.
777 The board shall make reasonable attempts within 30 days prior to
778 the expiration of such a license to notify the licensee in
779 writing at his or her last known address of the need for proof
780 of full-time practice in order to continue licensure. If the
781 board has not received a satisfactory response from the licensee
782 within the 30-day period, the licensee must be served with
783 actual or constructive notice of the pending expiration of
784 licensure and be given 20 days in which to submit proof required

CS/CS/CS/HB 1319

2011

785 in order to continue licensure. If the 20-day period expires and
786 the board finds it has not received acceptable proof of full-
787 time practice within the geographic boundaries of this state
788 within 1 year after the initial issuance of the license, then
789 the board must issue an administrative order finding that the
790 license has expired. Such an order may be appealed by the former
791 licensee in accordance with the provisions of chapter 120. In
792 the event of expiration, the licensee shall immediately cease
793 and desist from practicing dentistry and shall immediately
794 surrender to the board the wallet-size identification card and
795 wall card. A person who uses or attempts to use a license issued
796 pursuant to this section which has expired commits unlicensed
797 practice of dentistry, a felony of the third degree pursuant to
798 s. 466.026(1)(b), punishable as provided in s. 775.082, s.
799 775.083, or s. 775.084.

800 Section 11. Effective October 1, 2011, section 466.067,
801 Florida Statutes, is amended, and, for the purpose of
802 incorporating the amendment made by this act to section 466.006,
803 Florida Statutes, in a reference thereto, subsections (2), (5),
804 (9), and (12) of that section are reenacted, to read:

805 466.0067 Application for health access dental license.—The
806 Legislature finds that there is an important state interest in
807 attracting dentists to practice in underserved health access
808 settings in this state and further, that allowing out-of-state
809 dentists who meet certain criteria to practice in health access
810 settings without the supervision of a dentist licensed in this
811 state is substantially related to achieving this important state
812 interest. Therefore, notwithstanding the requirements of s.

CS/CS/CS/HB 1319

2011

466.006, the board shall grant a health access dental license to practice dentistry in this state in health access settings as defined in s. 466.003 ~~s. 466.003(14)~~ to an applicant that:

(1) Files an appropriate application approved by the board;

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

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

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

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

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

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

CS/CS/CS/HB 1319

2011

District of Columbia, or a United States territory;

(8) Has never had a license revoked from another of the United States, the District of Columbia, or a United States territory;

(9) Has never failed the examination specified in s. 466.006, unless the applicant was reexamined pursuant to s. 466.006 and received a license to practice dentistry in this state;

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

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

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

Section 12. Effective October 1, 2011, for the purpose of incorporating the amendment made by this act to section 466.006, Florida Statutes, in a reference thereto, subsection (1) of section 466.0065, Florida Statutes, is reenacted to read:

466.0065 Regional licensure examinations.—

(1) It is the intent of the Legislature that schools of dentistry be allowed to offer regional licensure examinations to

CS/CS/CS/HB 1319

2011

dental students who are in the final year of a program at an approved dental school for the sole purpose of facilitating the student's licensing in other jurisdictions. This section does not allow a person to be licensed as a dentist in this state without taking the examinations as set forth in s. 466.006, nor does this section mean that regional examinations administered under this section may be substituted for complying with testing requirements under s. 466.006.

Section 13. Effective October 1, 2011, for the purpose of incorporating the amendment made by this act to section 466.006, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 466.00671, Florida Statutes, is reenacted to read:

466.00671 Renewal of the health access dental license.—

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

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

Section 14. Effective October 1, 2011, for the purpose of incorporating the amendment made by this act to section 466.006, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) and subsection (3) of section 466.007, Florida Statutes, are reenacted to read:

CS/CS/CS/HB 1319

2011

466.007 Examination of dental hygienists.—

(2) An applicant shall be entitled to take the examinations required in this section to practice dental hygiene in this state if the applicant:

(b)1. Is a graduate of a dental hygiene college or school approved by the board or accredited by the Commission on Accreditation of the American Dental Association or its successor agency; or

2. Is a graduate of a dental college or school accredited in accordance with s. 466.006(2)(b), or a graduate of an unaccredited dental college or school, and has met the requirements of subsection (3).

(3) A graduate of a dental college or school shall be entitled to take the examinations required in this section to practice dental hygiene in this state if, in addition to the requirements specified in subsection (2), the graduate meets the following requirements:

(a) Submits the following credentials for review by the board:

1. Transcripts totaling 4 academic years of postsecondary dental education; and

2. A dental school diploma which is comparable to a D.D.S. or D.M.D.

Such credentials shall be submitted in a manner provided by rule of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant to this paragraph. The provisions of this paragraph

CS/CS/CS/HB 1319

2011

925 notwithstanding, an applicant of a foreign dental college or
926 school not accredited in accordance with s. 466.006(2) (b) who
927 cannot produce the credentials required by this paragraph, as a
928 result of political or other conditions in the country in which
929 the applicant received his or her education, may seek the
930 board's approval of his or her educational background by
931 submitting, in lieu of the credentials required in this
932 paragraph, such other reasonable and reliable evidence as may be
933 set forth by board rule. The board shall not accept such other
934 evidence until it has made a reasonable attempt to obtain the
935 credentials required by this paragraph from the educational
936 institutions the applicant is alleged to have attended, unless
937 the board is otherwise satisfied that such credentials cannot be
938 obtained.

939 (b) Successfully completes one or more courses, of a scope
940 and duration approved and defined by board rule, that meet the
941 requirements of law for instructing health care providers on the
942 human immunodeficiency virus and acquired immune deficiency
943 syndrome. In addition, the board may require an applicant who
944 graduated from a nonaccredited dental college or school to
945 successfully complete additional coursework, only after failing
946 the initial examination, as defined by board rule, at an
947 educational institution approved by the board or accredited as
948 provided in subparagraph (2) (b) 1. A graduate of a foreign dental
949 college or school not accredited in accordance with s.
950 466.006(2) (b) may not take the coursework set forth in this
951 paragraph until the board has approved the credentials required
952 by paragraph (a).

CS/CS/CS/HB 1319

2011

953 Section 15. Effective October 1, 2011, for the purpose of
954 incorporating the amendment made by this act to section 466.006,
955 Florida Statutes, in a reference thereto, subsection (1) of
956 section 466.009, Florida Statutes, is reenacted to read:

957 466.009 Reexamination.—

958 (1) The department shall permit any person who fails an
959 examination which is required under s. 466.006 or s. 466.007 to
960 retake the examination. If the examination to be retaken is a
961 practical or clinical examination, the applicant shall pay a
962 reexamination fee set by rule of the board in an amount not to
963 exceed the original examination fee.

964 Section 16. Effective October 1, 2011, for the purpose of
965 incorporating the amendment made by this act to section 466.006,
966 Florida Statutes, in a reference thereto, section 466.011,
967 Florida Statutes, is reenacted to read:

968 466.011 Licensure.—The board shall certify for licensure
969 by the department any applicant who satisfies the requirements
970 of s. 466.006, s. 466.0067, or s. 466.007. The board may refuse
971 to certify an applicant who has violated any of the provisions
972 of s. 466.026 or s. 466.028.

973 Section 17. Subsections (7), (8), and (9) of section
974 468.701, Florida Statutes, are renumbered as subsections (8),
975 (9), and (10), respectively, and a new subsection (7) is added
976 to that section, to read:

977 468.701 Definitions.—As used in this part, the term:

978 (7) "Board of Certification" means the nationally
979 accredited certifying body for athletic trainers or its
980 successor agency.

CS/CS/CS/HB 1319

2011

981 Section 18. Subsection (2) of section 468.703, Florida
982 Statutes, is amended to read:

983 468.703 Board of Athletic Training.—

984 (2) Five members of the board must be licensed athletic
985 trainers, certified by the Board of Certification. One member of
986 the board must be a physician licensed under chapter 458 or
987 chapter 459. One member of the board must be a physician
988 licensed under chapter 460. Two members of the board shall be
989 consumer members, each of whom must be a resident of this state
990 who has never worked as an athletic trainer, who has no
991 financial interest in the practice of athletic training, and who
992 has never been a licensed health care practitioner as defined in
993 s. 456.001(4).

994 Section 19. Section 468.707, Florida Statutes, is amended
995 to read:

996 468.707 Licensure by examination; requirements.—

997 ~~(1)~~ Any person desiring to be licensed as an athletic
998 trainer shall apply to the department on a form approved by the
999 department. The department shall license each applicant who:

1000 (1)~~(a)~~ Has completed the application form and remitted the
1001 required fees.

1002 (2)~~(b)~~ Is at least 21 years of age.

1003 (3)~~(c)~~ Has obtained a baccalaureate degree from a college
1004 or university accredited by an accrediting agency recognized and
1005 approved by the United States Department of Education or the
1006 Commission on Recognition of Postsecondary Accreditation, ~~or~~
1007 approved by the board, or recognized by the Board of
1008 Certification.

CS/CS/CS/HB 1319

2011

1009 ~~(4)-(d)~~ If graduated after 2004, has completed an approved
1010 athletic training curriculum from a college or university
1011 accredited by a program recognized by the Board of Certification
1012 ~~an accrediting agency recognized and approved by the United~~
1013 ~~States Department of Education or the Commission on Recognition~~
1014 ~~of Postsecondary Accreditation, or approved by the board.~~

1015 ~~(5)-(e)~~ Has current certification in cardiovascular
1016 pulmonary resuscitation with an automated external defibrillator
1017 from the American Red Cross or, the American Heart Association,
1018 or an equivalent certification as determined by the board.

1019 ~~(6)-(f)~~ Has passed the an examination and is certified by
1020 the Board of Certification ~~administered or approved by the~~
1021 ~~board.~~

1022 ~~(2) Pursuant to the requirements of s. 456.034, each~~
1023 ~~applicant shall complete a continuing education course on human~~
1024 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
1025 ~~as part of initial licensure.~~

1026 Section 20. Section 468.711, Florida Statutes, is amended
1027 to read:

1028 468.711 Renewal of license; continuing education.—

1029 (1) The department shall renew a license upon receipt of
1030 the renewal application and fee, provided the applicant is in
1031 compliance with the provisions of this section, chapter 456, and
1032 rules promulgated pursuant thereto.

1033 (2) The board may, by rule, prescribe continuing education
1034 requirements, not to exceed 24 hours biennially. The criteria
1035 for continuing education shall be approved by the board and must
1036 ~~shall~~ include a current certificate in cardiovascular pulmonary

CS/CS/CS/HB 1319

2011

1037 resuscitation with an automated external defibrillator from the
1038 American Red Cross or the American Heart Association or an
1039 equivalent training as determined by the board.

1040 (3) The licensee must be currently certified by the Board
1041 of Certification or its successor agency ~~Pursuant to the~~
1042 ~~requirements of s. 456.034, each licensee shall complete a~~
1043 ~~continuing education course on human immunodeficiency virus and~~
1044 ~~acquired immune deficiency syndrome as part of biennial~~
1045 ~~relicensure.~~

1046 Section 21. If any provision of this act or its
1047 application to any person or circumstance is held invalid by a
1048 court of competent jurisdiction, the invalidity does not affect
1049 other provisions or applications of the act which can be given
1050 effect without the invalid provision or application, and to this
1051 end the provisions of this act are severable.

1052 Section 22. Except as otherwise specifically provided in
1053 this act, this act shall take effect upon becoming a law, and
1054 shall not apply retroactively.