

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. 466.003,
18 F.S.; revising the definition of the term "health access
19 setting" and defining the term "school-based prevention
20 program" for purposes of provisions regulating the
21 practice of dentistry; amending s. 466.023, F.S.; revising
22 the scope and area of practice for dental hygienists;
23 amending s. 466.0235, F.S.; revising the locations at
24 which dental hygienists may perform dental charting;
25 amending s. 466.024, F.S.; authorizing dental hygienists
26 to perform certain duties without supervision or
27 authorization by a dentist; providing exceptions;
28 requiring that dental hygienists in a health access

29 setting provide a certain disclaimer to patients before a
30 procedure is performed; providing that a health access
31 setting may bill for certain services; requiring that
32 dental hygienists provide a referral, encourage the
33 establishment of a dental home, and maintain insurance
34 coverage in specified circumstances; reenacting s.
35 466.00672(2), F.S., relating to the revocation of health
36 access dental licenses, to incorporate the amendment made
37 by the act to s. 466.003, F.S., in a reference thereto;
38 amending s. 466.006, F.S.; providing legislative intent
39 with respect to the use of the American Dental Licensing
40 Examination developed by the American Board of Dental
41 Examiners, Inc., in lieu of an independent state-developed
42 practical or clinical exam, to measure an applicant's
43 ability to practice the profession of dentistry; providing
44 for examination fees and use thereof; revising criteria
45 for applicants for licensure with respect to accreditation
46 of dental school and period of validity of examination
47 scores; adopting the American Dental Licensing Examination
48 as the clinical or practical licensure examination used
49 for licensure as a dentist in this state, providing
50 specified conditions are maintained; providing for period
51 of validity of examination scores; authorizing applicants
52 to submit American Dental Licensing Examination scores
53 from a jurisdiction outside the state; specifying period
54 of validity of such examination scores; providing that
55 authority to submit such examination scores does not apply
56 retroactively; providing that such examination scores

57 outside the period of validity be recognized as valid upon
58 demonstration that the applicant has met specified
59 additional standards; designating the practical
60 examination and specifying minimum standards therefor;
61 requiring applicants for licensure with American Dental
62 Licensing Examination scores from a state other than this
63 state to engage in the full-time practice of dentistry
64 inside the geographic boundaries of this state within 1
65 year of receiving such licensure in this state; providing
66 legislative findings with respect thereto; providing a
67 definition; providing legislative intent with respect to
68 expiration of such licenses upon a finding that acceptable
69 proof of full-time practice within the geographic
70 boundaries of this state within 1 year after the initial
71 issuance of the license was not received by the board;
72 providing procedures and requirements with respect to
73 determination of compliance; providing procedures,
74 requirements, and prohibitions in the event of expiration;
75 providing a penalty for using or attempting to use a
76 license that has expired; amending s. 466.0067, F.S.;
77 correcting a cross-reference; reenacting ss. 466.0065(1),
78 466.0067(2), (5), (9), and (12), 466.00671(1)(d),
79 466.007(2)(b) and (3), 466.009(1), and 466.011, F.S.,
80 relating to regional licensure examinations, application
81 for health access dental license, renewal of the health
82 access dental license, examination of dental hygienists,
83 reexamination, and licensure, respectively, to incorporate
84 the amendments made to s. 466.006, F.S., in references

thereto; amending s. 468.701, F.S.; defining "Board of Certification"; amending s. 468.703, F.S.; revising qualifications for certain members of the Board of Athletic Training; amending s. 468.707, F.S.; revising requirements for licensure by the Department of Health as an athletic trainer; reorganizing provisions; amending s. 468.711, F.S.; revising provisions relating to renewal of license and continuing education requirements for athletic trainers; providing severability; providing that the act does not apply retroactively; providing effective dates.

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

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

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

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

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

2. The required application fee;

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

4. Proof that the applicant holds a valid license for the

113 profession issued by another state, the District of Columbia, or
114 a possession or territory of the United States, and is not the
115 subject of any disciplinary proceeding in any jurisdiction in
116 which the applicant holds a license to practice a profession
117 regulated by this chapter;

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

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

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

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

135 (d) The applicant shall pay the cost of fingerprint
136 processing. If the fingerprints are submitted through an
137 authorized agency or vendor, the agency or vendor shall collect
138 the required processing fees and remit the fees to the
139 Department of Law Enforcement.

140 (e) The department shall set an application fee, which may

141 not exceed the cost of issuing the license.

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

144 (g) An applicant for a temporary license under this
145 subsection is subject to the requirements under s. 456.013(3) (a)
146 and (c).

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

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

152 2. Has had a health care provider license revoked or
153 suspended from another of the United States, the District of
154 Colombia, or a United States Territory;

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

158 4. Has previously failed the Florida examination required
159 to receive a license to practice the profession for which the
160 applicant is seeking a license.

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

164 (j) An applicant who is issued a temporary professional
165 license to practice as a dentist pursuant to this section must
166 practice under the indirect supervision, as defined in s.
167 466.003, of a dentist licensed pursuant to chapter 466.

168 Section 2. Present subsections (1) through (4) of section

169 458.315, Florida Statutes, are renumbered as subsections (2)
170 through (5), respectively, and a new subsection (1) is added to
171 that section, to read:

172 458.315 Temporary certificate for practice in areas of
173 critical need.—

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

177 Section 3. Present subsections (1) through (4) of section
178 459.0076, Florida Statutes, are renumbered as subsections (2)
179 through (5), respectively, and a new subsection (1) is added to
180 that section, to read:

181 459.0076 Temporary certificate for practice in areas of
182 critical need.—

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

186 Section 4. Subsection (14) of section 466.003, Florida
187 Statutes, is amended, and subsection (15) is added to that
188 section, to read:

189 466.003 Definitions.—As used in this chapter:

190 (14) "Health access setting ~~settings~~" means a program or
191 an institution ~~programs and institutions~~ of the Department of
192 Children and Family Services, the Department of Health, the
193 Department of Juvenile Justice, a nonprofit community health
194 center ~~centers~~, a Head Start center ~~centers~~, a federally
195 qualified health center or look-alike ~~centers~~ ~~(FQHCs)~~, ~~FQHC~~
196 ~~look-alikes~~ as defined by federal law, a school-based prevention

197 program, a clinic ~~and clinics~~ operated by an accredited college
198 ~~colleges~~ of dentistry, or an accredited dental hygiene program
199 in this state if such community service program or institution
200 ~~programs and institutions~~ immediately reports ~~report~~ to the
201 Board of Dentistry all violations of s. 466.027, s. 466.028, or
202 other practice act or standard of care violations related to the
203 actions or inactions of a dentist, dental hygienist, or dental
204 assistant engaged in the delivery of dental care in such setting
205 ~~settings~~.

206 (15) "School-based prevention program" means preventive
207 oral health services offered at a school by one of the entities
208 defined in subsection (14) or by a nonprofit organization that
209 is exempt from federal income taxation under s. 501(a) of the
210 Internal Revenue Code, and described in s. 501(c)(3) of the
211 Internal Revenue Code.

212 Section 5. Subsections (2) and (3) of section 466.023,
213 Florida Statutes, are amended to read:

214 466.023 Dental hygienists; scope and area of practice.—

215 (2) Dental hygienists may perform their duties:

216 (a) In the office of a licensed dentist;

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

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

223 (d) ~~(e)~~ Upon a patient of record of a dentist who has
224 issued a prescription for the services of a dental hygienist,

225 which prescription shall be valid for 2 years unless a shorter
226 length of time is designated by the dentist, in:

- 227 1. Licensed public and private health facilities;
- 228 2. Other public institutions of the state and federal
229 government;
- 230 3. Public and private educational institutions;
- 231 4. The home of a nonambulatory patient; and
- 232 5. Other places in accordance with the rules of the board.

233
234 However, the dentist issuing such prescription shall remain
235 responsible for the care of such patient. As used in this
236 subsection, "patient of record" means a patient upon whom a
237 dentist has taken a complete medical history, completed a
238 clinical examination, recorded any pathological conditions, and
239 prepared a treatment plan.

240 (3) Dental hygienists may, without supervision, provide
241 educational programs, faculty or staff training programs, and
242 authorized fluoride rinse programs; apply fluorides; instruct a
243 patient in oral hygiene care; supervise the oral hygiene care of
244 a patient; ~~and~~ perform other services that ~~which~~ do not involve
245 diagnosis or treatment of dental conditions and that ~~which~~
246 ~~services~~ are approved by rule of the board.

247 Section 6. Subsection (2) of section 466.0235, Florida
248 Statutes, is amended to read:

249 466.0235 Dental charting.—

250 (2) A dental hygienist may, without supervision and within
251 the lawful scope of his or her duties as authorized by law,
252 perform dental charting of hard and soft tissues in public and

private educational institutions of the state and Federal Government, nursing homes, assisted living and long-term care facilities, community health centers, county health departments, mobile dental or health units, health access settings as defined in s. 466.003, and epidemiological surveys for public health. A dental hygienist may also perform dental charting on a volunteer basis at health fairs.

Section 7. Section 466.024, Florida Statutes, is amended to read:

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 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,

309 accretions, and stains from exposed surfaces of the teeth or
310 from tooth surfaces within the gingival sulcus.

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

318
319 This subsection does not authorize a dental hygienist to perform
320 root planing or gingival curettage without supervision by a
321 dentist.

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

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

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

331 (4) This section does not prevent a program operated by
332 one of the health access settings as defined in s. 466.003 or a
333 nonprofit organization that is exempt from federal income
334 taxation under s. 501(a) of the Internal Revenue Code and
335 described in s. 501(c)(3) of the Internal Revenue Code from
336 billing and obtaining reimbursement for the services described

337 in this section which are provided by a dental hygienist or from
338 making or maintaining any records pursuant to s. 456.057
339 necessary to obtain reimbursement.

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

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

345 (b) Encourage the establishment of a dental home.

346 (c) Maintain professional malpractice insurance coverage
347 that has minimum limits of \$100,000 per occurrence and \$300,000
348 in the aggregate through the employing health access setting or
349 individual policy.

350 (6)-(2) Notwithstanding subsection (1) or subsection (2), a
351 dentist may delegate the tasks of gingival curettage and root
352 planing to a dental hygienist but not to a dental assistant.

353 (7)-(3) All other remediable tasks shall be performed under
354 the direct, indirect, or general supervision of a dentist, as
355 determined by rule of the board, and after such formal or on-
356 the-job training by the dental hygienist or dental assistant as
357 the board by rule may require. The board by rule may establish a
358 certification process for expanded-duty dental assistants,
359 establishing such training or experience criteria or
360 examinations as it deems necessary and specifying which tasks
361 may be delegable only to such assistants. If the board does
362 establish such a certification process, the department shall
363 implement the application process for such certification and
364 administer any examinations required.

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365 ~~(8)-(4)~~ Notwithstanding subsection (1) or subsection (2), a
366 dentist may not delegate to anyone other than another licensed
367 dentist:

368 (a) Any prescription of drugs or medications requiring the
369 written order or prescription of a licensed dentist or
370 physician.

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

372 ~~(9)-(5)~~ Notwithstanding any other provision of law, a
373 dentist is primarily responsible for all procedures delegated by
374 her or him.

375 ~~(10)-(6)~~ A ~~No~~ dental assistant may not ~~shall~~ perform an
376 intraoral procedure except after such formal or on-the-job
377 training as the board by rule shall prescribe.

378 Section 8. For the purpose of incorporating the amendment
379 made by this act to section 466.003, Florida Statutes, in a
380 reference thereto, subsection (2) of section 466.00672, Florida
381 Statutes, is reenacted to read:

382 466.00672 Revocation of health access dental license.—

383 (2) Failure of an individual licensed pursuant to s.
384 466.0067 to limit the practice of dentistry to health access
385 settings as defined in s. 466.003 constitutes the unlicensed
386 practice of dentistry.

387 Section 9. Effective October 1, 2011, section 466.006,
388 Florida Statutes, is amended to read:

389 466.006 Examination of dentists.—

390 (1)(a) It is the intent of the Legislature to reduce the
391 costs associated with an independent state-developed practical
392 or clinical examination to measure an applicant's ability to

393 practice the profession of dentistry and to use the American
394 Dental Licensing Examination developed by the American Board of
395 Dental Examiners, Inc., in lieu of an independent state-
396 developed practical or clinical examination. The Legislature
397 finds that the American Dental Licensing Examination, in both
398 its structure and function, consistently meets generally
399 accepted testing standards and has been found, as it is
400 currently organized and operating, to adequately and reliably
401 measure an applicant's ability to practice the profession of
402 dentistry.

403 **(b)** Any person desiring to be licensed as a dentist shall
404 apply to the department to take the licensure examinations and
405 shall verify the information required on the application by
406 oath. The application shall include two recent photographs.
407 There shall be an application fee set by the board not to exceed
408 \$100 which shall be nonrefundable. There shall also be an
409 examination fee set by the board, which shall not exceed \$425
410 plus the actual per applicant cost to the department for
411 purchase of some or all ~~portions~~ of the examination from the
412 American Board of Dental Examiners or its successor entity, if
413 any, provided the board finds the successor entity's clinical
414 examination complies with the provisions of this section. The
415 examination fee ~~Northeast Regional Board of Dental Examiners or~~
416 ~~a similar national organization, which~~ may be refundable if the
417 applicant is found ineligible to take the examinations.

418 **(2)** An applicant shall be entitled to take the
419 examinations required in this section to practice dentistry in
420 this state if the applicant:

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

422 (b)1. Is a graduate of a dental school accredited by the
423 American Dental Association Commission on Dental Accreditation
424 ~~Commission on Accreditation of the American Dental Association~~
425 or its successor entity ~~agency~~, if any, or any other dental
426 ~~nationally recognized~~ accrediting entity ~~recognized by the~~
427 United States Department of Education ~~agency~~; or

428 2. Is a dental student in the final year of a program at
429 such an accredited dental school who has completed all the
430 coursework necessary to prepare the student to perform the
431 clinical and diagnostic procedures required to pass the
432 examinations. With respect to a dental student in the final year
433 of a program at a dental school, a passing score on the
434 examinations is valid for 365 ~~180~~ days after the date the
435 examinations were completed. A dental school student who takes
436 the licensure examinations during the student's final year of an
437 approved dental school must have graduated before being
438 certified for licensure pursuant to s. 466.011.

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

442 2. Has an active health access dental license in this
443 state; and

444 a. The applicant has at least 5,000 hours within 4
445 consecutive years of clinical practice experience providing
446 direct patient care in a health access setting as defined in s.
447 466.003 ~~s. 466.003(14)~~; the applicant is a retired veteran
448 dentist of any branch of the United States Armed Services who

449 has practiced dentistry while on active duty and has at least
450 3,000 hours within 3 consecutive years of clinical practice
451 experience providing direct patient care in a health access
452 setting as defined in s. 466.003 ~~s. 466.003(14)~~; or the
453 applicant has provided a portion of his or her salaried time
454 teaching health profession students in any public education
455 setting, including, but not limited to, a community college,
456 college, or university, and has at least 3,000 hours within 3
457 consecutive years of clinical practice experience providing
458 direct patient care in a health access setting as defined in s.
459 466.003 ~~s. 466.003(14)~~;

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

462 c. The applicant has not filed a report pursuant to s.
463 456.049; and

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

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

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

476 (b) Completes a 2-year supplemental dental education

477 program at an accredited dental school and receives a dental
478 diploma, degree, or certificate as evidence of program
479 completion.

480 (4) Notwithstanding any other provision of law in chapter
481 456 pertaining to the clinical dental licensure examination or
482 national examinations ~~s. 456.017(1)(c)~~, to be licensed as a
483 dentist in this state, an applicant must successfully complete
484 the following:

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

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

503 2.a. As an alternative to the requirements of subparagraph
504 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 examination after October 1, 2011.

b. This subparagraph may not be given retroactive application.

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

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

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

b. The applicant graduated from a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor entity, if any, or any other dental accrediting organization recognized by the United States

533 Department of Education. Provided, however, if the applicant did
534 not graduate from such a dental school, the applicant may submit
535 proof of having successfully completed a full-time supplemental
536 general dentistry program accredited by the American Dental
537 Association Commission on Dental Accreditation of at least 2
538 consecutive academic years at such accredited sponsoring
539 institution. Such program must provide didactic and clinical
540 education at the level of a D.D.S. or D.M.D. program accredited
541 by the American Dental Association Commission on Dental
542 Accreditation;

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

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

556 e.(I) In the 5 years immediately preceding the date of
557 application for licensure in this state, the applicant must
558 submit proof of having been consecutively engaged in the full-
559 time practice of dentistry in another state or territory of the
560 United States, the District of Columbia, or the Commonwealth of

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

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

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

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

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

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

(A) Admissible as evidence in an administrative proceeding;

(B) Submitted in writing;

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

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

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

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

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

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

612 h. The applicant must successfully pass a written
613 examination on the laws and rules of this state regulating the
614 practice of dentistry and must successfully pass the computer-
615 based diagnostic skills examination; and

616 i. The applicant must submit documentation that he or she

617 has successfully completed the National Board of Dental
618 Examiners dental examination.

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

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

629 2.a. Two restorations on a live patient or patients., and
630 The board by rule shall determine the class of such
631 restorations. and whether they shall be performed on mannequins,
632 live patients, or both. At least one restoration shall be on a
633 live patient;

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

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

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

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

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

654 ~~(b)2.~~ The department shall consult with the board in
655 planning the times, places, physical facilities, training of
656 personnel, and other arrangements concerning the administration
657 of the examination. The board or a duly designated committee
658 thereof shall approve the final plans for the administration of
659 the examination.

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

664 ~~(c) 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 (d) The board may by rule provide for additional

673 procedures which are to be tested, provided such procedures
674 shall be common to the practice of general dentistry. The board
675 by rule shall determine the passing grade for each procedure and
676 the acceptable variation for examiners. No such rule shall apply
677 retroactively.

678
679 The department shall require a mandatory standardization
680 exercise for all examiners prior to each practical or clinical
681 examination and shall retain for employment only those dentists
682 who have substantially adhered to the standard of grading
683 established at such exercise.

684 (6) (a) It is the finding of the Legislature that absent a
685 threat to the health, safety, and welfare of the public, the
686 relocation of applicants to practice dentistry within the
687 geographic boundaries of this state, who are lawfully and
688 currently practicing dentistry in another state or territory of
689 the United States, the District of Columbia, or the Commonwealth
690 of Puerto Rico, based on their scores from the American Dental
691 Licensing Examination administered in a state other than this
692 state, is substantially related to achieving the important state
693 interest of improving access to dental care for underserved
694 citizens of this state and furthering the economic development
695 goals of the state. Therefore, in order to maintain valid active
696 licensure in this state, all applicants for licensure who are
697 relocating to this state based on scores from the American
698 Dental Licensing Examination administered in a state other than
699 this state must actually engage in the full-time practice of
700 dentistry inside the geographic boundaries of this state within

701 1 year of receiving such licensure in this state. The
702 Legislature finds that, if such applicants do not actually
703 engage in the full-time practice of dentistry within the
704 geographic boundaries of this state within 1 year of receiving
705 such a license in this state, access to dental care for the
706 public will not significantly increase, patients' continuity of
707 care will not be attained, and the economic development goals of
708 the state will not be significantly met.

709 (b)1. As used in this section, "full-time practice of
710 dentistry within the geographic boundaries of this state within
711 1 year" is defined as a minimum of 1,200 hours in the initial
712 year of licensure, which must include any combination of the
713 following:

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

716 b. Full-time practice as a faculty member employed by a
717 dental or dental hygiene school approved by the board or
718 accredited by the American Dental Association Commission on
719 Dental Accreditation and located within the geographic
720 boundaries of this state.

721 c. Full-time practice as a student at a postgraduate
722 dental education program approved by the board or accredited by
723 the American Dental Association Commission on Dental
724 Accreditation and located within the geographic boundaries of
725 this state.

726 2. The board shall develop rules to determine what type of
727 proof of full-time practice of dentistry within the geographic
728 boundaries of this state for 1 year is required in order to

729 maintain active licensure and shall develop rules to recoup the
730 cost to the board of verifying maintenance of such full-time
731 practice under this section. Such proof must, at a minimum:

732 a. Be admissible as evidence in an administrative
733 proceeding;

734 b. Be submitted in writing;

735 c. Be submitted by the applicant under oath with penalties
736 of perjury attached;

737 d. Be further documented by an affidavit of someone
738 unrelated to the applicant who is familiar with the applicant's
739 practice and testifies with particularity that the applicant has
740 been engaged in full-time practice of dentistry within the
741 geographic boundaries of this state within the last 365 days;
742 and

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

745 3. An affidavit of only the applicant is not acceptable
746 proof of full-time practice of dentistry within the geographic
747 boundaries of this state within 1 year, unless it is further
748 attested to by someone unrelated to the applicant who has
749 personal knowledge of the applicant's practice within the last
750 365 days. If the board deems it necessary to assess credibility
751 or accuracy, the board may require the applicant or the
752 applicant's witnesses to appear before the board and give oral
753 testimony under oath.

754 (c) It is the further intent of the Legislature that a
755 license issued pursuant to paragraph (a) shall expire in the
756 event the board finds that it did not receive acceptable proof

757 of full-time practice within the geographic boundaries of this
758 state within 1 year after the initial issuance of the license.
759 The board shall make reasonable attempts within 30 days prior to
760 the expiration of such a license to notify the licensee in
761 writing at his or her last known address of the need for proof
762 of full-time practice in order to continue licensure. If the
763 board has not received a satisfactory response from the licensee
764 within the 30-day period, the licensee must be served with
765 actual or constructive notice of the pending expiration of
766 licensure and be given 20 days in which to submit proof required
767 in order to continue licensure. If the 20-day period expires and
768 the board finds it has not received acceptable proof of full-
769 time practice within the geographic boundaries of this state
770 within 1 year after the initial issuance of the license, then
771 the board must issue an administrative order finding that the
772 license has expired. Such an order may be appealed by the former
773 licensee in accordance with the provisions of chapter 120. In
774 the event of expiration, the licensee shall immediately cease
775 and desist from practicing dentistry and shall immediately
776 surrender to the board the wallet-size identification card and
777 wall card. A person who uses or attempts to use a license issued
778 pursuant to this section which has expired commits unlicensed
779 practice of dentistry, a felony of the third degree pursuant to
780 s. 466.026(1)(b), punishable as provided in s. 775.082, s.
781 775.083, or s. 775.084.

782 Section 10. Effective October 1, 2011, section 466.067,
783 Florida Statutes, is amended, and, for the purpose of
784 incorporating the amendment made by this act to section 466.006,

Florida Statutes, in a reference thereto, subsections (2), (5), (9), and (12) of that section are reenacted, to read:

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

841 (12) Has passed an examination covering the laws and rules
842 of the practice of dentistry in this state as described in s.
843 466.006(4) (a) .

844 Section 11. Effective October 1, 2011, for the purpose of
845 incorporating the amendment made by this act to section 466.006,
846 Florida Statutes, in a reference thereto, subsection (1) of
847 section 466.0065, Florida Statutes, is reenacted to read:

848 466.0065 Regional licensure examinations.—

849 (1) It is the intent of the Legislature that schools of
850 dentistry be allowed to offer regional licensure examinations to
851 dental students who are in the final year of a program at an
852 approved dental school for the sole purpose of facilitating the
853 student's licensing in other jurisdictions. This section does
854 not allow a person to be licensed as a dentist in this state
855 without taking the examinations as set forth in s. 466.006, nor
856 does this section mean that regional examinations administered
857 under this section may be substituted for complying with testing
858 requirements under s. 466.006.

859 Section 12. Effective October 1, 2011, for the purpose of
860 incorporating the amendment made by this act to section 466.006,
861 Florida Statutes, in a reference thereto, paragraph (d) of
862 subsection (1) of section 466.00671, Florida Statutes, is
863 reenacted to read:

864 466.00671 Renewal of the health access dental license.—

865 (1) A health access dental licensee shall apply for
866 renewal each biennium. At the time of renewal, the licensee
867 shall sign a statement that she or he has complied with all
868 continuing education requirements of an active dentist licensee.

869 The board shall renew a health access dental license for an
870 applicant that:

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

874 Section 13. Effective October 1, 2011, for the purpose of
875 incorporating the amendment made by this act to section 466.006,
876 Florida Statutes, in a reference thereto, paragraph (b) of
877 subsection (2) and subsection (3) of section 466.007, Florida
878 Statutes, are reenacted to read:

879 466.007 Examination of dental hygienists.—

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

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

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

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

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

(b) Successfully completes one or more courses, of a scope and duration approved and defined by board rule, that meet the requirements of law for instructing health care providers on the human immunodeficiency virus and acquired immune deficiency

925 syndrome. In addition, the board may require an applicant who
926 graduated from a nonaccredited dental college or school to
927 successfully complete additional coursework, only after failing
928 the initial examination, as defined by board rule, at an
929 educational institution approved by the board or accredited as
930 provided in subparagraph (2)(b)1. A graduate of a foreign dental
931 college or school not accredited in accordance with s.
932 466.006(2)(b) may not take the coursework set forth in this
933 paragraph until the board has approved the credentials required
934 by paragraph (a).

935 Section 14. Effective October 1, 2011, for the purpose of
936 incorporating the amendment made by this act to section 466.006,
937 Florida Statutes, in a reference thereto, subsection (1) of
938 section 466.009, Florida Statutes, is reenacted to read:

939 466.009 Reexamination.—

940 (1) The department shall permit any person who fails an
941 examination which is required under s. 466.006 or s. 466.007 to
942 retake the examination. If the examination to be retaken is a
943 practical or clinical examination, the applicant shall pay a
944 reexamination fee set by rule of the board in an amount not to
945 exceed the original examination fee.

946 Section 15. Effective October 1, 2011, for the purpose of
947 incorporating the amendment made by this act to section 466.006,
948 Florida Statutes, in a reference thereto, section 466.011,
949 Florida Statutes, is reenacted to read:

950 466.011 Licensure.—The board shall certify for licensure
951 by the department any applicant who satisfies the requirements
952 of s. 466.006, s. 466.0067, or s. 466.007. The board may refuse

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to certify an applicant who has violated any of the provisions of s. 466.026 or s. 466.028.

Section 16. Subsections (7), (8), and (9) of section 468.701, Florida Statutes, are renumbered as subsections (8), (9), and (10), respectively, and a new subsection (7) is added to that section, to read:

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

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

Section 17. Subsection (2) of section 468.703, Florida Statutes, is amended to read:

468.703 Board of Athletic Training.—

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

Section 18. Section 468.707, Florida Statutes, is amended to read:

468.707 Licensure by examination; requirements.—

~~(1)~~ Any person desiring to be licensed as an athletic trainer shall apply to the department on a form approved by the

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department. The department shall license each applicant who:

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

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

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

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

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

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

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

Section 19. Section 468.711, Florida Statutes, is amended

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to read:

468.711 Renewal of license; continuing education.—

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

(2) The board may, by rule, prescribe continuing education requirements, not to exceed 24 hours biennially. The criteria for continuing education shall be approved by the board and must ~~shall~~ include a current certificate in cardiovascular pulmonary resuscitation with an automated external defibrillator from the American Red Cross or the American Heart Association or an equivalent training as determined by the board.

(3) If initially licensed after January 1, 1998, the licensee must be currently certified by the Board of Certification or its successor agency ~~Pursuant to the requirements of s. 456.034, each licensee shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.~~

Section 20. If any provision of this act or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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1035 Section 21. Except as otherwise specifically provided in
1036 this act, this act shall take effect upon becoming a law, and
1037 shall not apply retroactively.