

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Care Committee

BILL: SB 2574

SPONSOR: Senator Atwater

SUBJECT: Dentistry

DATE: April 8, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HE</u>	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill limits the number of years that a member of the Board of Dentistry may serve on the board to a total of 10 years. The bill provides an exception to the requirement for national examinations under ch. 456, F.S., for certain examinations for dentists.

The bill revises the information that an applicant who is a graduate of a dental school or college must submit to the Board of Dentistry in order to take the dental hygiene examination.

The bill revises continuing education requirements for dentists, to authorize the Board of Dentistry to allow up to three hours of credit every two years for a practice-management course.

The bill requires dentists and unlicensed persons used by dentists to construct, alter, repair, or duplicate dentures, bridge splints, or orthodontic or prosthetic appliances to keep work order records for 4 rather than 2 years and eliminates the requirement for such records to be maintained in permanent files. The bill corrects a glitch in current law to allow the Department of Health (DOH or department) to issue temporary certificates to graduates of accredited dental schools, rather than dentists, to practice under the general supervision of Florida-licensed dentists in a state or county facility.

This bill amends sections 466.004, 466.006, 466.007, 466.0135, 466.021, and 466.025, Florida Statutes.

II. Present Situation:

Chapter 456, F.S., provides the general regulatory provisions for health care professions under DOH. Section 456.017(1)(c), F.S., requires each board, or DOH when there is no board, to

approve the use of one or more national examinations which the department has certified as meeting requirements of national examinations and generally accepted testing standards under department rules. Providers of examinations seeking certification by DOH must pay the actual costs incurred by the department in making a determination regarding certification. The name and number of an examination candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or the department. An examination candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination.

Any national examination approved by a board or DOH before October 1, 1997, is deemed certified. The board or DOH may not administer a state-developed written examination after December 31, 2001, notwithstanding any other provision of law. The board, or DOH when there is no board, may administer a state-developed practical or clinical examination as required by the applicable practice act, if all costs of development, purchase, validation, administration, review and defense are paid by the examination candidate before the administration of the examination. If a national practical or clinical examination is available and certified by DOH, the board or DOH may administer the examination. This section provides legislative intent to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

Chapter 466, F.S., governs the practice of dentistry by the Board of Dentistry. The chapter specifies requirements and conditions for appointment to the board. Members must be appointed for 4-year terms.

To be entitled to sit for the dental hygiene licensure examination in Florida, an applicant who is a graduate of a dental college or school must submit the following information for review by the Board of Dentistry: transcripts of pre-dental education and dental education totaling five academic years of postsecondary education, including four academic years of dental education; and a dental school diploma which is comparable to a D.D.S. or D.M.D.¹

Section 466.0135, F.S., requires each licensed dentist, as part of licensure renewal, to complete 30 hours of continuing professional education in dental subjects every two years. Programs of continuing education must be acceptable when adhering to the following general guidelines: the aim of continuing education for dentists is to improve all phases of dental health care delivery to the public; and continuing education courses must address one or more specified areas of professional development (basic medical and scientific subjects, clinical and technological subjects, and subjects pertinent to oral health and safety).

Section 466.021, F.S., requires licensed dentists who use the services of any unlicensed person for constructing, altering, repairing, or duplicating any denture, partial denture, bridge splint, or orthodontic or prosthetic appliance to furnish a written work order to that person in a form prescribed by rule of the Board of Dentistry. A copy of the work order must be retained in a permanent file in the dentist's office for a period of two years, and the original work order must

¹ The D.D.S. and D.M.D. are abbreviations for dental school degrees. D.D.S. is a Doctor of Dental Surgery degree and DMD is a Doctor of Dental Medicine degree.

be retained in a permanent file for a period of two years by the unlicensed person in her or his place of business. The permanent file of work orders must be open for inspection at any reasonable time by DOH or its duly constituted agent. A dentist's failure to maintain permanent records of the work orders makes the dentist liable for a license revocation or suspension.

Section 466.025, F.S., grants DOH the authority to issue temporary certificates to dentists² to practice in state and county government facilities, working under the general supervision of Florida-licensed dentists in the state or county facility. The certificates may only be issued to graduates of schools approved by the Board of Dentistry and are subject to cancellation for just cause. Section 466.002(2), F.S., defines dentists to mean a person licensed to practice dentistry under ch. 466, F.S.

III. Effect of Proposed Changes:

The bill limits the number of years that a member of the Board of Dentistry may serve on the board to a total of 10 years. The bill provides an exception to the requirement for national examinations under ch. 456, F.S., for a written examination on the laws and rules of the state, a practical or clinical examination, and a diagnostic skills examination.

The bill revises the information that an applicant who is a graduate of a dental school or college must submit to the Board of Dentistry in order to sit for the dental hygiene examination. The applicant must submit transcripts totaling four academic years of postsecondary dental education rather than transcripts of pre-dental education and dental education totaling five academic years of postsecondary education, including four academic years of dental education. The applicant would still have to provide a dental school diploma to the board, which is comparable to a D.D.S. or D.M.D.

The bill revises continuing education requirements for dentists, to authorize the Board of Dentistry to allow up to three hours of credit every two years for a practice-management course that includes principles of ethical practice management, and provides instruction in substance abuse, effective communication with patients, time management, and burnout prevention.

The bill requires dentists and unlicensed persons that dentists use to construct, alter, repair, or duplicate dentures, bridge splints, or orthodontic or prosthetic appliances to keep work order records for four rather than two years and eliminates the requirement for such records to be maintained in permanent files. The department is authorized to issue temporary certificates to graduates of accredited dental schools, rather than dentists, to practice under the general supervision of Florida-licensed dentists in a state or county facility.

² Prior to the passage of section 100, ch. 92-149, Laws of Florida, s. 466.025, F.S., provided a mechanism for DOH to issue temporary certificates to "unlicensed dentists." Section 100, ch. 92-149, Laws of Florida, inadvertently created a glitch in the law by deleting "unlicensed" which modified the term "dentists" in that section. The Joint Administrative Procedures Committee discovered the glitch when reviewing the DOH administrative rule (64B5-7.0035, Florida Administrative Code) for the issuance of the temporary certificates to dentists working in state or county facilities. The rule authorizes the board to issue certificates to "unlicensed dentists" who are graduates of accredited dental schools.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Dentists and unlicensed persons may incur additional costs to maintain dental work order records for four years, rather than two years, which is the period for retention of such records under current law.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
