

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 547 Dentistry

**SPONSOR(S):** Altman

**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthcare Regulation Subcommittee	16 Y, 0 N	Osborne	McElroy
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

The Board of Dentistry (BOD), within the Department of Health (DOH), regulates dental practice in Florida, including dentists, dental hygienists, and dental assistants licensed under the Dental Practice Act. A dentist is licensed to examine, diagnose, treat, and care for conditions within the human oral cavity and its adjacent tissues and structures. There are currently 17,193 dentists with active licenses to practice in Florida.

Prior to October 2011, the dental licensure examination was developed and administered by the Board and the Department of Health. As of October 1, 2011, Florida stopped administering its own practical and clinical dental examinations, and the American Dental License Examination (ADEX), developed by the American Board of Dental Examiners, Inc., replaced the Florida Diagnostic Skills Examination as Florida's dental licensure exam. The ADEX is administered by the CDCA-WREB-CITA© (CDCA).

Current law includes requirements which are now obsolete as Florida no longer develops or administers its own dental licensure exam. Current law also specifies that a passing score on the ADEX is only valid for 365 days after the date that the results were published.

Current law requires all applicants for dental licensure who relocate to Florida and apply for dental licensure with ADEX scores obtained in a different state engage in full-time practice during their first year of licensure within the geographical bounds of Florida.

HB 547 significantly revises the dental licensure requirements relating to the dental licensure exam. The bill deletes language which has been made obsolete through the use of a national licensure exam.

The bill also deletes the language making ADEX scores valid for only 365 days after the scores were published. The bill revises experience requirements for licensure for dentists who have active, valid licensure in another US jurisdiction. The bill deletes the requirement that out-of-state licensed dentists engage in full-time practice during their first year of licensure within the geographical bounds of Florida.

The bill has an insignificant, negative fiscal impact on DOH, and no fiscal impact on local government.

The bill provides an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### Regulation of Dental Practice in Florida

The Board of Dentistry (BOD), housed within the Department of Health (DOH), regulates dental practice in Florida, including dentists, dental hygienists, and dental assistants who are licensed under the Dental Practice Act.<sup>1</sup> A dentist is licensed to examine, diagnose, treat, and care for conditions within the human oral cavity and its adjacent tissues and structures.<sup>2</sup>

There are currently 17,193 dentists with active licenses to practice in Florida. There are 41 out-of-state registered telehealth dentists.<sup>3</sup>

##### *Dental Licensure*

Any person wishing to practice dentistry in this state must meet specific education and examination requirements and apply to DOH for licensure. The applicant is required to submit two recent photographs with their application and verify the accuracy of their application by oath.<sup>4</sup>

To be eligible for dental licensure, an applicant must apply to the DOH to take and pass the following examinations:<sup>5</sup>

- The American Dental License Examination (ADEX); and
- An examination on Florida laws and rules relating to dentistry.

##### *The American Dental License Examination (ADEX)*

Prior to October 2011, the dental licensure examination was developed and administered by the Board and the Department of Health. As of October 1, 2011, Florida stopped administering its own practical and clinical dental examinations, and the American Dental License Examination (ADEX), developed by the American Board of Dental Examiners, Inc., replaced the Florida Diagnostic Skills Examination as Florida's dental licensure exam.<sup>6</sup> The ADEX is inclusive of a comprehensive diagnostic skills examination covering the full scope of the practice of dentistry.<sup>7</sup> The ADEX is administered by the CDCA-WREB-CITA© (CDCA).<sup>8</sup>

The ADEX is administered by the CDCA in two formats: the Curriculum Integrated Format (CIF) and the Traditional Format. The CIF is administered throughout the candidate's third and fourth year of dental school. The Traditional Format is administered during the candidate's fourth year. Due to this type of administration, dental students complete the ADEX prior to applying for licensure.<sup>9</sup> The ADEX examination fee is \$2,795.00<sup>10</sup> and is paid directly to the CDCA by the applicant.<sup>11</sup> Current law requires

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<sup>1</sup> S. 466.004, F.S.

<sup>2</sup> S. 466.003(3), F.S.

<sup>3</sup> See, Department of Health, *License Verification* web search. Available at <https://mqa-internet.doh.state.fl.us/MQASearchServices/HealthCareProviders> (last visited January 14, 2023).

<sup>4</sup> S. 466.006(1)(b), F.S.

<sup>5</sup> S. 466.006, F.S.

<sup>6</sup> Department of Health, Agency Bill Analysis for HB 547 (2024). On file with the Healthcare Regulation Subcommittee.

<sup>7</sup> Rule 64B5-2.013, F.A.C.

<sup>8</sup> *Supra*, note 6.

<sup>9</sup> *Id.*

<sup>10</sup> CDCA, ADEX Dental: Examination Overview. Available at <https://adextesting.org/adex-dental/> (last visited January 31, 2024).

<sup>11</sup> *Supra*, note 6.

DOH to consult with the BOD in planning the times, places, physical facilities, training of personnel, and other arrangements concerning the administration on the examination.<sup>12</sup>

To take the ADEX clinical examination for dentists, an applicant must be at least 18 years of age and:

- Be a graduate of a dental school accredited by the American Dental Association (ADA) Commission on Dental Accreditation (CODA) or its successor entity, if any, or any other dental accrediting entity recognized by the US Department of Education;
- Be a dental student in the final year of a program at an ADA-CODA accredited dental school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations. A passing score on the examination is valid for 365 days;<sup>13</sup> and
- Have completed Part I and II of the National Board Dental Examination (NBDE), administered by the Joint Commission on National Dental Examinations (JCNDE);<sup>14</sup> or
- Have an active health access dental license in this state; and
  - The applicant has 5,000 hours within four consecutive years of clinical practice experience providing direct patient care in a health access setting; the applicant is a retired veteran dentist of any branch of the US Armed Services who has practiced dentistry while on active duty and has at least 3,000 hours within three consecutive years of clinical practice experience providing direct patient care in a health access setting, or the applicant has provided a portion of his or her salaried time teaching health profession students in any public education setting and has at least 3,000 hours within three consecutive years of clinical practice experience providing direct patient care in a health access setting; and
  - The applicant has not been disciplined by the BOD, except for citation offenses or minor violations;
  - No claim or action for damages for personal injury alleged to have been caused by error, omission, or negligence in the performance of the licensee's professional services has been reported to the Office of Insurance Regulation; and
  - 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.

A person who has graduated from a dental school that is not accredited by the ADA-CODA, a US Department of Education-recognized dental accrediting entity, or otherwise approved by the BOD, may only sit for the ADEX after they submit proof of the following to the BOD:<sup>15</sup>

- At least two consecutive academic years at a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation. This program must provide didactic and clinical education at the level of a D.D.S. or D.M.D. program accredited by the ADA-CODA; and
- Successful completion of the National Board Dental Examination (Part I and II).

The BOD will then confirm an applicant's eligibility and notify the CDCA.<sup>16</sup>

Current law specifies that a passing score on the ADEX is only valid for 365 days after the date that the results were published.<sup>17</sup> This may cause issues for licensure applicants who completed the dental school and passed the ADEX both in Florida and out of state. A licensure applicant who graduated from an accredited Florida dental school may have passed the ADEX and then leave the state to complete a

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<sup>12</sup> S. 466.006(5), F.S.

<sup>13</sup> S. 466.006(4), F.S.

<sup>14</sup> American Dental Association, Joint Commission on National Dental Examinations, *Upholding Quality Oral Care For All*. Available at <https://jcnde.ada.org/> (last visited January 31, 2024).

<sup>15</sup> Florida Board of Dentistry, Dentist – Process. Available at <https://floridasdentistry.gov/licensing/dentist/#tab-process> (last visited January 31, 2024).

<sup>16</sup> *Id.*

<sup>17</sup> S. 466.006(4), F.S.

residency without first obtaining a Florida dental license. Upon returning to Florida, such person's ADEX scores will be invalid due to the length of time that has passed and the person will be required to take and pass the ADEX again to be eligible for licensure in Florida.<sup>18</sup>

The results of the ADEX administered out-of-state are valid for Florida licensure, however, such exam scores are also only valid for 365 days after the date that the results were published. A licensure applicant who passed the ADEX in another state more than 365 days prior is still eligible for licensure, but must meet the following additional requirements:<sup>19</sup>

- Confirmation that the applicant completed the ADEX examination after October 1, 2011.
- Graduation 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 Department of Education. If the applicant did not graduate from such a dental school, the applicant may submit proof of having successfully completed a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation of at least two consecutive academic years at such accredited institution.
- Verification that the applicant currently possesses a valid and active dental license in good standing, with no restriction, which has never been revoked, suspended, restricted, or otherwise disciplined, from another state or territory.
- Submission of proof that the applicant has never been reported to the National Practitioner Data Bank (NPDB), the Healthcare Integrity and Protection Data Bank, or the American Association of Dental Boards Clearinghouse, unless successfully appealed.
- Submission of proof that the applicant has been consecutively engaged in the full-time<sup>20</sup> practice of dentistry in another state or territory in the five years, or since the date of initial licensure if less than five years, immediately preceding the date of application for licensure.

In fiscal year 2022-2023, 175 applicants applied for dental licensure in Florida with ADEX scores issued in another state and older than 365 days. Of the 175 applicants, 127 met the additional requirements to become licensed.<sup>21</sup>

All applicants for dental licensure who apply for dental licensure with ADEX scores obtained in a different state must engage in full-time practice during their first year of licensure within the geographical bounds of Florida. Full-time practice is defined as 1,200 hours. Thirty days prior to the expiration of license, the BOD is required to notify the licensee of the need to comply with the full-time practice requirement. If the BOD does not receive a response, the licensee must be served with a notice of pending expiration and be given 20 days to submit proof of full-time practice. If no response is received or the licensee is unable to prove full time practice, the BOD will enter an administrative order to expire the license.<sup>22</sup>

### *Continuing Education*

Licensed dentists are required to complete at least 30 hours of continuing education (CE) in dental subjects biennially, as a condition of their licensure renewal. A minimum of two hours of CE must be on the safe and effective prescribing of controlled substances. The remaining CE courses must contribute directly to the dental education of the dentist and may include attendance at lectures, study clubs, college postgraduate courses, or scientific sessions of conventions; and research, graduate study, teaching, or service as a clinician. The BOD may authorize up to three hours of CE biennially for a practice management course that includes principles of ethical practice management, provides

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<sup>18</sup> *Supra*, note 6.

<sup>19</sup> S. 466.006(4)(b), F.S.

<sup>20</sup> See, S. 466.006(4)(b)2., F.S.; Full-time practice is defined as a minimum of 1,200 hours per year for each year in the consecutive 5-year period or since initial licensure, and must include any combination of the following active clinical practice of dentistry providing direct patient care, full-time practice as a faculty member employed by an accredited dental or dental hygiene school, or full-time practice as a student at an accredited postgraduate dental education program.

<sup>21</sup> *Supra*, note 6.

<sup>22</sup> S. 466.006(6), F.S.

substance abuse, effective communication with patients, time management, and burnout prevention instruction.<sup>23</sup>

## Effect of the Bill

HB 547 removes the BOD and DOH from the dental licensure examination administration process. The bill deletes language made obsolete due to the administration of the ADEX by CDCA and codifies the current examination process by eliminating the following requirements:

- Applicants must apply to DOH to sit for the ADEX, and reapply to retake the exam;
- Applicants must submit two photographs to DOH;
- The BOD must set the examination and reexamination fees.
- DOH must consult with the Board of Dentistry in planning all arrangements concerning the administration of the examination; and
- DOH must conduct a mandatory standardization exercise for all examiners.

Under the bill, an applicant who has passed the ADEX will be eligible for dental licensure upon applying to DOH and demonstrating that the applicant is at least 18 years of age and:

- A graduate of an accredited dental school;
- Has successfully completed the examination administered by the JCNDE (the NBDE); and
- Has successfully completed the laws and rules examination.

The bill deletes the provision that ADEX scores are only valid for 365 days.

The bill removes language related to an obsolete licensure pathway for full licensure for a Health Access Dentist which does not include passage of the examination of the NBDE. This language is inconsistent with s. 466.0067(6), F.S., which requires all applicants for a Health Access Dental license to have passed the examination of the NBDE.

The bill revises the requirements for an out-of-state applicant to prove their full-time practice history. The bill removes the requirement that an out of state applicant submit their proof of full-time practice under oath with penalties of perjury and the requirement that someone unrelated to the applicant submit an affidavit relating to the applicant's full-time practice. Under the bill, the applicant would instead be required to prove full-time practice by submitting their annual income tax return filed with the Internal Revenue Service. The bill authorizes the BOD to excuse applicants from the full-time practice requirement in the event of a hardship.

The bill removes the requirement for relocating licensees to engage in full-time practice, defined as a minimum of 1,200 hours, in Florida within one year of receiving such license in order to maintain active, valid licensure in the state.

The bill revises the CE requirements for dentists to allow that the BOD may authorize up to three hours of credit biennially for a practice management course that may include instruction on principles of ethical practice management, provides substance abuse, effective communication with patients, time management, or burnout prevention instruction. This revision clarifies the content of the course and provides that one or more of the listed subjects may be included, as opposed to the current requirement for all of them to be included.

The bill provides an effective date of July 1, 2024.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 466.006, F.S., relating to the examination of dentists.

**Section 2:** Amends s. 466.009, F.S., relating to reexamination.

**Section 3:** Amends s. 466.0135, F.S., relating to continuing education; dentists.

**Section 4:** Provides an effective date of July 1, 2024.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has an insignificant, negative fiscal impact on DOH which current agency resources are adequate to absorb.<sup>24</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

Sufficient rule-making authority exists to implement the provisions of the bill.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

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<sup>24</sup> Department of Health, *Agency Bill Analysis for HB 547 (2024)*. On file with the Healthcare Regulation Subcommittee.

