

## HB 1319 - FREQUENTLY ASKED QUESTIONS

### Sections 1 – 3: Temporary License for Military Spouses

- 1. Q. What are the provisions of this bill?**  
**A.** This bill amends section 456.024, Florida Statutes, (F.S.), creating a temporary license for health care practitioners who are spouses of active duty members of the Armed Forces.
- 2. Q. How would an applicant apply for licensure?**  
**A.** The applicant can download the regular application to include the supplemental page from the board's webpage.
- 3. Q. Why must the applicant provide the normal application for licensure?**  
**A.** The applicant must provide proof that he or she would otherwise be entitled to full licensure under the appropriate practice act, and is eligible to take the respective licensure examination as required in Florida.
- 4. Q. When does the temporary license expire?**  
**A.** The temporary license is valid for 12 months after the date of issuance and is not renewable.
- 5. Q. What needs to be provided with the application?**  
**A.** 1) Fees  
2) Proof of marriage to an active duty member of the Armed Forces of the United States and that the applicant's spouse is assigned to a duty station in this state based upon the member's official active duty military orders  
3) Proof of a valid license in another state, the District of Columbia, a possession or territory of the United States, or a foreign jurisdiction and eligibility to take the Florida licensure examination
- 6. Q. Is fingerprinting required?**  
**A.** Yes. Applicants must complete state and national criminal history checks.
- 7. Q. In addition to the requirements above, what are the special requirements for Dentists?**  
**A.** An applicant who is issued a temporary license to practice as a dentist must practice under indirect supervision, as defined in Section 466.033, Florida Statutes of a dentist licensed pursuant to Chapter 466, Florida Statutes.

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**8. Q. What would deem an applicant ineligible for licensure?**

- A.** **1)** If applicant has been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession.
- 2)** If applicant has had a health care provider license revoked or suspended from another state, the District of Colombia, or a United States Territory.
- 3)** If applicant has been reported to the National Practitioner Data Bank, unless the applicant has successfully appealed to have his or her name removed from the data bank.
- 4)** If applicant has previously failed the Florida examination required to receive a license to practice the profession for which the applicant is seeking a license.
- 5)** The board or department if there is no board may revoke a temporary license upon finding that the individual violated the profession's governing practice act.

**Sections 4 – 8: Dentistry & Health Access Settings**

**9. Q. What is a health access setting?**

- A.** A program or an institution of:
- Department of Children and Families
  - Department of Health
  - Department of Juvenile Justice
  - Nonprofit community health center
  - Head Start center
  - Federally qualified health center (or look alike)
  - School-based prevention program
  - Clinic operated by an accredited college of dentistry
  - Clinic operated by an accredited dental hygiene program

*Reference - F.S. 466.003 (14)*

**10.Q. May a dental hygienist (who is volunteering) place a sealant on a child's tooth in a health access setting without the physical presence, prior examination or authorization of a dentist?**

- A.** Yes, this is allowable under the new access to care law. The dental hygienist can also be employed by the health access setting. *Reference - F.S. 466.024 (2)*

**11.Q. May a dental assistant, (supervised by a registered dental hygienist) place a sealant and polish teeth (using portable**

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**equipment, fixed dental clinic or mobile van) in a health access setting (without dental supervision)?**

**A.** No, only a dentist can supervise a dental assistant in a health access setting. *Reference - F.S. 466.024 (7)*

**12.Q. May a county health department or federally qualified health center (or any other health access setting) bill Medicaid for services (sealant, fluoride varnish, prophylaxis) provided by a dental hygienist, working without dental supervision?**

**A.** According to Medicaid billing language, billing for hygiene services may ONLY happen once a dentist has provided an exam and diagnosis for hygiene services. The services are billed to Medicaid under the dentist provider number. *Reference – F.S. 466.024 (4)*

**13.Q. May a dental hygienist scale and polish the teeth of a child or adult in a health access setting without the physical presence, prior examination or authorization of a dentist?**

**A.** Yes, a dental hygienist in a health access setting can provide a prophylaxis after a medical clearance by a dentist or physician. A comprehensive dental examination by a licensed dentist is also required within 13 months of the prophylaxis before additional services can be performed. Root planning and gingival curettage are NOT allowed in a health access setting without the presence of a dentist. *Reference – F.S. 466.024(2)*

**14. Q. May a dental hygienist expose and develop x-rays in a health access setting without a dentist being present?**

**A.** Yes, a dental hygienist in a health access setting may take and process radiographs on a patient of record under general supervision of a dentist. *Reference - F.S. 466.023 (1)*

**15.Q. What does the dental hygienist have to do before providing any services, without dental supervision, in a health access setting?**

**A.** Provide the following disclaimer 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.”

*Reference – F.S. 466.024 (3)*

**16.Q. Is a dental hygienist, working without dental supervision, in a health access setting required to refer a patient to a Florida licensed dentist?**

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**A.** Yes, the new law requires dental hygienists who perform the specific remediable tasks outlined in FS 466.024 (2), to provide a dental referral in compliance with federal and state patient referral, anti-kick back and patient brokering laws. *Reference – F.S. 466.024 (5)(a)*

**17.Q. Is a dental hygienist, working without dental supervision, in a health access setting required to encourage the establishment of a dental home?**

**A.** Yes, the dental hygienist must encourage the establishment of a dental home for the patient. *Reference – F.S. 466.024 (5)(b)*

**18.Q. Is a dental hygienist working in a health access setting, without dental supervision, required to maintain professional malpractice insurance coverage?**

**A.** Yes, the dental hygienist must maintain professional malpractice insurance that has minimum limits of \$100,000 per occurrence and \$300,000 in the aggregate through the employing health access setting or individual policy. *Reference – F.S. 466.024 (5)(c)*

**19.Q. When did the new law become effective?**

**A.** May 31, 2011

**Section 9 Examination of Dentists:**

**20.Q. What are the provisions of this bill as it relates to the dental licensing examination?**

**A.** Effective October 1, 2011, the American Dental Licensing Examination Developed by the American Board of Dental Examiners, Inc. will be used in lieu of an independent state-developed practical or clinical examination.

**21.Q. I took the ADEX exam in 2010. Will I be able to use these scores to become licensed in Florida?**

**A.** No, the law states that the ADEX examination must be completed after October 1, 2011.

**22.Q. Is there a requirement to pass the national board dental examination within 10 years of date of application for licensure?**

**A.** The 10 year requirement was deleted as of October 1, 2011. As long as an applicant has passed Parts I and II of the national board dental examination, he/she has met the requirement.

**23.Q. I am a dental student in the senior year of my program. My school offers the curriculum integrated format which begins prior to October 1, 2011. Does this meet the new law requirements?**

**A.** Yes, as long as the examination is completed after October 1, 2011.

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**24. Q. I heard that Florida is accepting the NERB exam now. Is this true?**

**A.** NERB is a test administration organization that administers the ADEX exam. Effective October 1, 2011, Florida will accept the results of the American Dental Licensing Examination (ADEX) or the ADLEX.

**25. Q. I have NERB status, can I get a Florida license?**

**A.** Applicants who complete the ADEX dental examination after October 1, 2011 are eligible for licensure upon meeting remaining requirements.

**26. Q. When I have been licensed in another state for over 10 years. Do you now have licensure by credentials in Florida?**

**A.** Florida does not have reciprocity or endorsement of a dental license.

**27. Q. Are there any restrictions or requirements that I must meet if I become licensed in Florida with ADEX scores from a jurisdiction other than Florida?**

**A.** Yes. An applicant who is licensed based on ADEX scores from a jurisdiction other than Florida must actually engage in the full-time practice of dentistry within the geographic boundaries of the state within 1 year of receiving dental licensure in Florida.

**28. Q. What is the definition of full-time practice of dentistry as it relates To practice within 1 year?**

**A.** See s. 466.006(6)(b)1. for a complete listing of acceptable avenues. Full-time practice of dentistry within the geographic boundaries within 1 year is defined as a minimum of 1,200 hours in the initial year of licensure.

**29. Q. If I took the ADEX exam outside of Florida do I have to practice for more than one year after receiving the license and doing the mandatory one year?**

**A.** The requirement is that a licensee practice a minimum of 1,200 hours in the initial year of licensure.

**30. Q. Can I leave the state of Florida after practicing one year of full time dentistry and practice in another state and not lose my Florida dental license?**

**A.** The statutory requirement addresses the first year of licensure only.