

# THE FLORIDA BOARD OF DENTISTRY

## ANNUAL REGULATORY PLAN 2015-16

This Annual Regulatory Plan is being filed and published pursuant to section 120.74, *Florida Statutes* (2015). The Plan covers the period beginning October 1, 2015 and ending September 30, 2016.

### PART ONE

#### LAWS ENACTED OR AMENDED

Part One of the Plan addresses each law enacted or amended during the 2015 Legislative Session which creates or modifies the duties or authority of the Board of Dentistry and Part One also address the mandatory rulemaking necessary to implement the law or laws enacted or amended. §120.74(1)(a), Fla. Stat. (2015).

#### A. Laws Enacted or Amended

During the relevant time period, there were not any laws amended or enacted that impacted the authority of the Board of Dentistry.

#### B. Rulemaking To Implement Law

During the relevant time period, there were not any laws amended or enacted that impacted the authority of the Board of Dentistry. Therefore, the Board does not need to engage in rulemaking for implementation purposes.

**PART TWO**  
**LAWS TO BE IMPLEMENTED THROUGH RULEMAKING**

Part Two of this plan addresses those laws which the Board of Dentistry intends to implement through rulemaking by July 1, 2016 that are otherwise not covered pursuant to Part One of this Plan. This Part does not include emergency rulemaking or any other rulemaking that may become necessary that was not evident to the Board at the time of the submission of this plan. Additionally, the listing of a law to be implemented does not mean the rule will necessarily be adopted or effective by July 1, 2016. Rather, the Notice of Proposed Rulemaking is intended to be published in the *Florida Administrative Register* by July 1, 2016. §120.74(1)(b), Fla. Stat. (2015).

<b>Rule Number</b>	<b>Rule Title</b>	<b>Law Implemented</b>	<b>Intent of Rulemaking</b>	<b>Description of Changes To Be Made In Rulemaking</b>
64B5-2.0144, Fla. Admin. Code.	License Requirements for Dental Hygiene Applicants from Unaccredited Schools or Colleges	§466.007(3)(b), Fla. Stat. (2015).	Simplify; Update; Increase Efficiency; Reduce Regulatory Costs	Comprehensive review of subsection (10) to determine any necessary changes or repeal to the remedial education requirements after failing the ADEX Dental Hygiene Examination on the first attempt.
64B5-7.007, Fla. Admin. Code.	Limited License as Allowed in Section 456.015, F.S.	§456.015, Fla. Stat. (2015).	Clarification; Simply; Amend or Repeal	Review to determine if the rule may be repealed or amended to clarify the rule by defining "retired or intends to retire."

<b>Rule Number</b>	<b>Rule Title</b>	<b>Law Implemented</b>	<b>Intent of Rule Making</b>	<b>Description of Changes to be Made in Rulemaking.</b>
64B5-9.011, Fla. Admin. Code.	<b>Radiography Training for Dental Assistants</b>	§466.017(7), Fla. Stat. (2015).	Clarification, Simply, Reduce Regulatory Costs	Amend the rule to update the terminology used to include advancements in technology related to radiographs.
64B5-13.0045, Fla. Admin. Code.	<b>Minor Violations</b>	§456.073(3), Fla. Stat. (2015).	Delete obsolete provisions, Reduce Regulatory Costs	Amend the rule to remove reference to repealed rules and comprehensively review to determine if other violations may be added.
64B5-13.005, Fla. Admin. Code.	<b>Disciplinary Guidelines</b>	§456.079, Fla. Stat. (2015).	Increase Efficiency and Clarification	To make certain and clarify that each statutory violation has a corresponding disciplinary guideline.
Chapter 64B5-14	<b>Anesthesia</b>	§466.017, Fla. Stat. (2015).	Clarify, Simply, Update	Amend the entire chapter to remove antiquated terminology (i.e. conscious sedation should be updated to moderate sedation).
64B5-14.002	<b>Prohibitions</b>	§466.017, Fla. Stat. (2015).	Clarify, Update	Amend the rule to add volatile gases, i.e., sevoflurane, isoflurane, to subsection (8).
64B5-14.003, Fla. Admin. Code.	<b>Training, Education, Certification, and Requirements for Issuance of Permits</b>	§466.017, Fla. Stat. (2015).	Clarify; Reduce Regulatory Costs	Comprehensive review to update rule and to amend subsections (2)(d) and (3)(a)1, to clarify the required "formal training affiliation."
64B5-14.0032	<b>Itinerate / Mobile Anesthesia – Physician Anesthesiologist</b>	§466.017, Fla. Stat. (2015).	Clarify, Reduce Regulatory Costs	Review for needed updates to the required inspections or "additional inspections."

<b>Rule Number</b>	<b>Rule Title</b>	<b>Law Implemented</b>	<b>Intent of Rule Making</b>	<b>Description of Changes to be Made in Rulemaking</b>
64B5-14.0034, Fla. Admin. Code.	Itinerate / Mobile – General Anesthesia Permit Holders	§466.017, Fla. Stat. (2015).	Clarify, Reduce Regulatory Costs	Review for needed updates to the required inspections or “additional inspections.”
64B5-14.009, Fla. Admin. Code.	Conscious Sedation Requirements: Operatory, Recovery Room, Equipment, Medicinal Drugs, Emergency Protocols, Records, and Continuous Monitoring	§466.017, Fla. Stat. (2015).	Update	Review for needed updates to include requiring End Tidal Carbon Dioxide Monitoring
64B5-14.010, Fla. Admin. Code.	Pediatric Conscious Sedation Requirements. Operatory, Recovery Room, Equipment, Medicinal Drugs, Emergency Protocols, Records, and Continuous Monitoring	§466.017, Fla. Stat. (2015).	Update	Review for needed updates to include requiring End Tidal Carbon Dioxide Monitoring
Rule Title 64B5	All	Chapter 466, Fla. Stat. (2015).	Update: Increase Efficiency	Review all rules for necessary updates to forms and addition of application forms.
64B5-15.0000, Fla. Admin. Code.	One Time Fee	§456.025(5), Fla. Stat. (2015)	Possible Rule needed to comply with §456.025, Fla. Stat. (2015)	After careful review of projected budget, possibly create rule to establish a one-time fee assessment to ensure the financial integrity of the profession as required by §456.025, Fla. Stat. (2015).

**PART THREE**  
**UPDATES TO PRIOR YEAR'S PLAN**

Part Three of the Plan address whether there is any desired updates to the prior year's regulatory plan, §120.74(c), Fla. Stat. (2015). There are not any desired updates to the prior year's annual regulatory plan.

**PART FOUR**  
**CERTIFICATION PURSUANT TO §120.74(1)(d), Fla. Stat. (2015)**

The undersigned hereby certify that they have reviewed this Annual Regulatory Plan and that the Board of Dentistry regularly reviews all of its rules to determine if the rules remain consistent with the Board's rulemaking authority and the laws being implemented, with the most comprehensive enhanced review having been completed on the 30th day of June, 2015.

**/S/ WK**  
Electronic Signature  
William Kochenour, DDS  
Chair of the Board of Dentistry

**September 23, 2015**  
Date Signed

**/S/ DDF**  
Electronic Signature  
David D. Flynn, Esquire  
Assistant Attorney General  
Counsel to the Board of Dentistry

**September 23, 2015**  
Date Signed