

# THE FLORIDA BOARD OF DENTISTRY

## ANNUAL REGULATORY PLAN 2016-17

This Annual Regulatory Plan is being filed and published pursuant to section 120.74, *Florida Statutes* (2016). The Plan covers the period beginning October 1, 2016 and ending September 30, 2017.

### PART ONE LAWS ENACTED OR AMENDED

Part One of the Plan addresses each law enacted or amended during the 2016 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. (2016).

#### A. Laws Enacted or Amended

BILL NUMBER	LAWS OF FLORIDA	FLORIDA STATUTE	DESCRIPTION OF AMENDMENT RULEMAKING NECESSITY
CS/CS for HB 941 (2016) An Act Relating to the Department of Health.	Act effective July 1, 2016, Ch. 2016-230, §10, Laws of Fla. (amending § 456.013(7), Fla. Stat. (2015)).	§456.013, Fla. Stat. Department; general licensing provisions.	<ul style="list-style-type: none"> <li>• Removes the mandatory requirement for an applicant to have completed a 2-hour course relating to the prevention of medical errors as a condition of licensure. Rather, the course must only be completed for licensure renewal.</li> <li>• Rulemaking Necessary - Amend all applicable application rules.</li> </ul>

<p>CS/CS for HB 941 (2016) An Act Relating to the Department of Health.</p>	<p>An act effective July 1, 2016, Ch. 2016-230, §15, Laws of Fla. (amending §456.0635(2), Fla. Stat. (2015)).</p>	<p>§456.0635, Fla. Stat. Health care fraud; disqualification for licensure, certificate, or registration.</p>	<ul style="list-style-type: none"> <li>• Removes an exemption to the enumerated bases for licensure disqualification.</li> <li>• Rulemaking Necessary – Amend applicable applications to remove reference to dates applicable to the disqualification exemption.</li> </ul>
<p>CS/CS for HB 941 (2016) An Act Relating to the Department of Health.</p>	<p>An act effective July 1, 2016, Ch. 2016-230, §26, Laws of Fla. (amending §466.0135 (3), Fla. Stat. (2015)).</p>	<p>§466.0135, Fla. Stat. Continuing education; dentists.</p>	<ul style="list-style-type: none"> <li>• Impacts licensure renewal by removing the mandate that the applicant shall submit a mandatory affidavit attesting that the applicant has completed the mandatory continuing education. Compliance with continuing education will now be done through the electronic continuing education tracking system. <u>See</u> §456.0361, Fla. Stat. (2016).</li> <li>• Removes the power of the board to request with cause or at random proof and documentation of compliance with the continuing education.</li> <li>• Rulemaking Necessary - Amend Chapter 12, FAC to comply.</li> </ul>
<p>CS/CS for HB 941 (2016) An Act Relating to the Department of Health.</p>	<p>An act effective July 1, 2016, Ch. 2016-230, §27, Laws of Fla. (amending §466.014, Fla. Stat. (2015)).</p>	<p>§466.014, Fla. Stat. Continuing education; dental hygienists.</p>	<ul style="list-style-type: none"> <li>• Impacts licensure renewal by removing the mandate that the applicant shall submit a mandatory affidavit attesting that the applicant has completed the mandatory continuing education. Compliance with continuing education will now be done through the electronic continuing education tracking system. <u>See</u> §456.0361, Fla. Stat. (2016).</li> <li>• Removes the power of the board to request with cause or at random proof and documentation of compliance with the continuing education.</li> <li>• Rulemaking Necessary -Amend Chapter 12, FAC to comply.</li> </ul>

<p>CS/CS for HB 221 (2016) An Act Relating to Heath Care Services.</p>	<p>An act effective July 1, 2016, Ch. 2016-222, §8, Laws of Fla. (amending §456.072, Fla. Stat. (2016)).</p>	<p>§456.072, Fla. Stat. Grounds for discipline; penalties; enforcement.</p>	<ul style="list-style-type: none"> <li>• Allows for discipline for willfully failing to comply with s. 627.64194 or s. 641.513 with such frequency as to indicate a general business practice.</li> <li>• Rulemaking Necessary - Amend disciplinary guidelines to account for a new violation.</li> </ul>
<p>CS/CS for HB 183 (2016) An Act Relating to the Administrative Procedures</p>	<p>An act effective July 1, 2016, Ch. 2016-116, §6, Laws of Fla. (amending §120.695, Fla. Stat. (2016)).</p>	<p>§120.695, Fla. Stat. Notice of noncompliance; designation of minor violations of rule.</p>	<ul style="list-style-type: none"> <li>• Mandating review of rules for designation of minor violation.</li> <li>• Rulemaking is not necessary because the board has already made designation of minor violations pursuant to §456.073, Fla. Stat.</li> </ul>

**B. Rulemaking to Implement Law**

The following is a list of mandatory rulemaking that is necessary to implement the changes to the law identified in Subpart A., above.

<b>RULE NUMBER</b>	<b>RULE TITLE</b>	<b>NOTICE OF RULE DEVELOPMENT</b>	<b>NOTICE OF PROPOSED RULE</b>
64B5-2.014, Fla. Admin. Code.	Licensure Requirements for Applicants from Accredited Schools or Colleges.	The Notice of Rule Development was published on June 22, 2016, in Volume 42, Number 121 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice was published on July 21, 2016, in Volume 42, Number 141 of the <i>Florida Administrative Register</i> .
64B5-2.0142, Fla. Admin. Code.	Application for Health Access License.	The Notice of Rule Development was published on June 22, 2016, in Volume 42, Number 121 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice was published on July 21, 2016, in Volume 42, Number 141 of the <i>Florida Administrative Register</i> .
64B5-2.0144, Fla. Admin. Code.	Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges.	The Notice of Rule Development was published on June 22, 2016, in Volume 42, Number 121 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice was published on July 21, 2016, in Volume 42, Number 141 of the <i>Florida Administrative Register</i> .
64B5-2.0146, Fla. Admin. Code.	Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.	The Notice of Rule Development was published on June 22, 2016, in Volume 42, Number 121 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice was published on July 21, 2016, in Volume 42, Number 141 of the <i>Florida Administrative Register</i> .
64B5-7.005, Fla. Admin. Code.	Teaching Permits.	The Notice of Rule Development was published on June 22, 2016, in Volume 42, Number 121 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice was published on July 21, 2016, in Volume 42, Number 141 of the <i>Florida Administrative Register</i> .

RULE NUMBER	RULE TITLE	NOTICE OF RULE DEVELOPMENT	NOTICE OF PROPOSED RULE
64B5-7.007, Fla. Admin. Code.	Limited License as Allowed in Section 456.015, F.S.	The Notice of Rule Development was published on June 22, 2016, in Volume 42, Number 121 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice was published on August 1, 2016, in Volume 42, Number 148 of the <i>Florida Administrative Register</i> .
64B5-12.013, Fla. Admin Code.	Continuing Education Requirements.	The Notice of Rule Development was published on September 20, in Volume 42, Number 183 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice is anticipated to be published following the October 2016, Board meeting.
64B5-12.019, Fla. Admin. Code.	Courses Required for Initial Licensure, Renewal, or Reactivation.	The Notice of Rule Development was published on September 20, 2016, in Volume 42, Number 183 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice is anticipated to be published following the October 2016, Board meeting.
64B5-13.005, Fla. Admin. Code.	Disciplinary Guidelines.	The Notice of Rule Development was published on September 20, 2016, in Volume 42, Number 183 of the <i>Florida Administrative Register</i> .	The Proposed Rule Notice is anticipated to be published following the October 2016, Board meeting.

**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, 2017 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, 2017. Rather, the Notice of Proposed Rulemaking is intended to be published in the *Florida Administrative Register* by July 1, 2017. §120.74(1)(b), Fla. Stat. (2016).

<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>
64B5-4.005, Fla. Admin. Code.	Advertising of HIV/AIDS Status	§466.019, Fla. Stat. (2016).	Repeal obsolete rule.	Review to determine the necessity of the rule.
64B5-7.005, Fla. Admin. Code.	Teaching Permits	§466.002(6), Fla. Stat. (2016).	Amend; Clarification; Increase Efficiency.	Review and amend to eliminate conflict with continuing education rule 64B5-12.0135, FAC.

<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>
64B5-9.010, Fla. Admin. Code.	Prescriptions for the Services of a Dental Hygienist.	§466.023(2), Fla. Stat. (2016).	Amend; Clarification; Reduce Regulatory Burden.	Review to determine the necessity of amending to clarify that the prescriptions may be electronic.
64B5-13.0045, Fla. Admin. Code.	Minor Violations.	§456.073(3), Fla. Stat. (2016).	Amend; Clarification; Reduce Regulatory Costs.	Review to determine if other violations may be added.
64B5-13.005, Fla. Admin. Code.	Disciplinary Guidelines.	§456,079, Fla. Stat. (2016).	Increase Efficiency and Clarification.	To make certain and clarify that each statutory violation has a corresponding disciplinary guideline.
Chapter 64B5-14	Anesthesia.	§466.017, Fla. Stat. (2016).	Clarify; Simplify; Update.	Review chapter and amend to ensure the standards are the best standards possible to ensure the health, welfare, and safety of the public based on empirical data. Amend the entire chapter to remove antiquated terminology (i.e., conscious sedation should be updated to moderate sedation). And, review entire chapter to ensure elimination of redundancy.
64B5-15.000, Fla. Admin. Code.	One Time Fee.	§456.025(5), Fla. Stat. (2016).	Possible Rule needed to comply with §456.025, Fla. Stat. (2016).	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. (2016).

<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>
64B5-16.001, Fla. Admin. Code.	Definitions of Remediable Tasks and Supervision Levels.	§466.024, Fla. Stat. (2016).	Clarify; Reduce Regulatory Burden; Increase Efficiency; Clarify.	Review for needed updates and possibly amend to extend the 13-month delegation under general supervision to 24 months.
64B5-16.006, Fla. Admin. Code.	Remediable Tasks Delegable to Dental Hygienist.	§466.023; §466.024, Fla. Stat. (2016).	Update; Reduce Regulatory Burden; Clarify.	Review for needed updates and possibly amend to move certain job tasks into general supervision.
64B5-16.007, Fla. Admin. Code.	Levels of Supervision for Dental Hygienists.	§466.023; §466.024, Fla. Stat. (2016).	Update; Clarify.	Review for needed updates to include amending to change root planing from indirect supervision to general supervision.
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.



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

Part Three of the Plan address whether there are any desired updates to the prior year's regulatory plan. §120.74(c), Fla. Stat. (2016). 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. (2016)**

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 with continuing board review through August, 2016.

**/S/ RLP**

Electronic Signature  
Robert L. Perdomo, III, DMD  
Chair of the Board of Dentistry

**September 23, 2016**

Date Signed

**/S/ DDF**

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

**September 23, 2016**

Date Signed