

THE FLORIDA BOARD OF DENTISTRY

ANNUAL REGULATORY PLAN 2019-2020

This Annual Regulatory Plan is being filed and published pursuant to section 120.74, *Florida Statutes* (2019). The Plan covers the period beginning October 1, 2019 and ending September 30, 2020.

PART ONE LAWS ENACTED OR AMENDED

Part One of the Plan addresses each law enacted or amended during the 2019 Legislative Session which creates or modifies the duties or authority of the Board of Dentistry. §120.74(1)(a), Fla. Stat. (2019).

Law Enacted or Modified on or after Oct. 1, 2018	Florida Statute (modified or created)	Rule (impacted)	Must Agency Adopt Rules?	If Rulemaking Necessary, Notice of Development Published in Florida Administrative Register?	Expected Publication Date for Notice of Proposed Rulemaking	If Rulemaking Not Necessary, Explain
Ch. 2019-137, Laws of Fla., Eff. July 1, 2019 (CS/CS/HB 23)	Created §456.47, F.S. (Use of telehealth to provide services).	64B5-13.005, F.A.C. (Disciplinary Guidelines)	Not pursuant to this new statute	9/4/2019 Vol. 45/172, F.A.R.	December 2019	The statute is self-executing and does not require any mandated rulemaking. However, the board will need to review the disciplinary guidelines to ensure that the board is in compliance with §456.079(1), F.S. (2019).

Ch. 2019-111, Laws of Fla, Eff. July 1, 2019 (HB 549)	Modified §466.0135, F.S. (Continuing Education; Dentists).	N/A	No	N/A	N/A	The statute is self-executing and does not require mandatory rulemaking. However, the Board will update the continuing education rule to ensure continuity of the rule and to clarify and increase efficiency.
Ch. 2019-112, §§1,2,4, Laws of Fla., Eff. Jan. 1, 2020 (CS/ HB 831)	Modified §§456.42; 456.43; and 456.0392 Electronic Prescribing	N/A	No	N/A	N/A	The relevant provision of the statute delegates to the Department of Health rulemaking authority in consultation with multiple boards to include the Board of Dentistry. The Board already has in place a disciplinary guideline for violating a statutory obligation. Therefore, there is no mandatory rulemaking pursuant to §456.079(1), Fla. Stat.
Ch. 2019-123, §1, Laws of Fla., Eff. July 1, 2019 (CS/CS/HB451)	Modified §456.44, Fla. Stat. (Nonopioid Alternatives).	N/A	No	N/A	N/A	This section of the statute does not require mandatory rulemaking to implement the statutory mandate. Additionally, the Board already has in place a disciplinary guideline for violation of a statutory obligation. Therefore, mandatory rulemaking pursuant to § 456.079)(1), Fla. Stat. is not required.

Ch. 2019-152, §2, Laws of Fla. Eff., July 1, 2019(CS/CS/CS HB 851)	Created § 456.0341, Fla. Stat. (Human Trafficking).	N/A	No	N/A	N/A	This provision of the statute is self-executing and does not mandate rulemaking. Further, a failure to comply with Continuing Education provisions is addressed upon attempted renewal of the Dental license by the Department of Health.
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PART TWO
LAWS EXPECTED 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, 2020 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, 2020. §120.74(1)(b), Fla. Stat. (2019).

Rule Number And Title	Law Expected to Be Implemented Through Rulemaking	Intent of Rulemaking
<u>Chapter 64B5</u> , F.A.C. (Board of Dentistry)	Multiple / Various Chapter 456 and Chapter 466, F.S.	Clarify, Simplify and Increase Efficiency. Review all application forms for necessary updates and to amend the Health History Questions within the application.
<u>64B5-4.003</u> , F.A.C. (Advertisement of Fees and Discounted Services).	§§ 456.062; 466.019; and 466.028(1)(d), F.S.	Clarify, Simplify and Increase Efficiency. The rule will be updated to properly incorporate within the rule the reference to the ADA Code on Dental Procedures and Nomenclature. This rule is being updated based on correspondence received from JAPC.
<u>64B5-10.004</u> , F.A.C. (Exemption of Spouses of Members of Armed Forces From License Renewal Provisions).	§ 456.024, F.S.	Increase Efficiency through an update amendment to list the specific documents required. This rule is being updated based on correspondence from JAPC.

<u>64B5-10.011</u> , F.A.C. (Retired Status and Reactivation of Retired Status License).	§456.036, F.S.	Clarify. The rule will be updated to remove obsolete references to repealed rules.
<u>64B5-12.019</u> , F.A.C (Courses Required for Initial Licensure, Renewal, or Reactivation).	§§ 456.013; 456.031; and 456.033, F.S.	Repeal as obsolete. This rule has been consolidated into Rule 64B5-12.013, F.A.C.
<u>64B5-12.020</u> , F.A.C. (Courses Required of Licensees for Renewal and Reactivation).	§§ 456.013; 466.0135; and 466.014, F.S.	Repeal as obsolete. This rule has been consolidated into Rule 64B5-12.013, F.A.C.
<u>64B5-13.0045</u> , F.A.C. (Minor Violations).	§ 456.073, F.S.	Clarify, Simplify, Increase Efficiency and Reduce unnecessary regulatory burden.
<u>64B5-13.0046</u> , F.A.C. (Citation Authority).	§456.077, F.S.	Clarify, Simplify, Increase Efficiency and Reduce unnecessary regulatory burden.
<u>64B5-13.005</u> , F.A.C. (Disciplinary Guidelines).	§§456.072(2); 456.079(1); and 466.028, F.S.	Clarify, Simplify and Update.
<u>Chapter 64B5-14</u> , F.A.C (Anesthesia).	§466.017, F.S.	Clarify, Simplify, Increase Efficiency and Delete obsolete, unnecessary, or redundant provisions. Chapter 64B5-14, F.A.C. The entire Chapter is currently under rule review.
<u>64B5-16.001</u> , F.A.C. (Definitions of Remediable Tasks and Supervision Levels).	§§ 466.023; 466.0235; 466.024; 466.003, F.S.	Clarify, Simplify and Increase Efficiency. The rule will be reviewed to determine needed updates to eliminate confusion.

<p>64B5-16.005, F.A.C. (Remediable Tasks Delegable to Dental Assistants).</p>	<p>§466.024, F.S.</p>	<p>Clarify, Simplify, Increase Efficiency and Reduce Regulatory Costs.</p>
<p>64B5-16.006, F.A.C. (Remediable Tasks Delegable to Dental Hygienist).</p>	<p>§§466.017; 466.023; 466.024, F.S.</p>	<p>Clarify, Simplify, Increase Efficiency, and Reduce Regulatory Costs.</p>
<p>64B5-25.002, F.A.C. (Definitions).</p>	<p>§466.028(1)(u), F.S.</p>	<p>Clarify, Simplify, Increase Efficiency.</p>
<p>64B5-25.003, F.A.C. (Required Sterilization and Disinfection Procedures).</p>	<p>§466.028(1)(u), F.S.</p>	<p>Clarify, Simplify, and Increase Efficiency.</p>
<p>64B5-25.006, F.A.C. (Emergency Suspension of Licensees Infected with the Hepatitis B Virus; Initiation of Complaints).</p>	<p>§§466.028 and 456.041, F.S.</p>	<p>Repeal – The rule is obsolete and emergency suspensions are within the sole power and authority of the State Surgeon General.</p>

PART THREE
UPDATES TO PRIOR YEAR'S PLAN

Part Three of the Plan address whether there are any updates to the prior year's regulatory plan. §120.74(1)(c), Fla. Stat. (2019).

There are not any updates to the prior year's annual regulatory plan.

PART FOUR
CERTIFICATION PURSUANT TO §120.74(1)(d), Fla. Stat. (2019)

The undersigned hereby certify that they have reviewed this Annual Regulatory Plan and that the Board of Dentistry regularly reviews all 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 2019.

/S/ Claudio L. Miro, D.D.S.
Electronic Signature
Claudio L. Miro, D.D.S.
Chair of the Board of Dentistry

September 6, 2019
Date Signed

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

September 6, 2019
Date Signed