

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
December 19, 2018
Conference Call
(888) 670-3525
Code: 4552635641#
1:00 p.m.**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

I. CALL TO ORDER/ROLL CALL

MEMBERS PRESENT

T.J. Tejera, DMD, Chair
Naved Fatmi, DMD, Vice-Chair
Claudio Miro, DDS
Angela Sissine, RDH
Matthew Freedman, DMD
Nick Kavouklis, DMD
Nick White, DMD
Fabio Andrade, Consumer Member

STAFF PRESENT

Jennifer Wenhold, Executive Director
Jessica Sapp, Program Administrator

BOARD COUNSEL

David Flynn, Esq.
Assistant Attorney General

EXCUSED ABSENCE

Catherine Cabanzon, RDH, BASDH

COURT REPORTER

II. REVIEW OF APPLICATIONS

- A. Application for Dental Teaching Permit
 - i. Liana Basceanu-Sarbu, DDS

Dr. Sarbu was present on the call. She was represented by Chase Howard, Esq. Her appearance was required based on the disciplinary and health history affirmative answers on her application.

After discussion, the following action was taken:

Motion: by Dr. Freedman to grant the permit
Second: by Ms. Sissine
Vote: Unanimous

III. RULE DISCUSSION

- A. Restorative Functions Dental Auxiliary Training

i. Rules Committee Proposal

The following draft was proposed by the Rules Committee and approved by the Board during the November 16, 2018 meeting:

64B5-16.0000 Delegation of Remediable Restorative Functions to Dental Hygienists and Dental Assistants; Supervision Level; and Training and Experience Requirements.

Notwithstanding any other rule provision to the contrary, a dentist may delegate remedial intraoral restorative functions to a Dental Hygienist or Dental Assistant in strict compliance with the provisions of this rule. All functions delegated under this rule shall be performed under direct supervision.

- (1) Delegable Restorative Functions: After a dentist has prepared a tooth, a dentist may delegate to a dental hygienist or dental assistant, who has met the mandatory training requirements of this rule, the task of placing, packing and contouring amalgam and composite restorations and the fitting and contouring of stainless steel crowns (tasks). However, a dental assistant or a dental hygienist shall not permanently cement stainless steel crowns.
- a. The tasks shall only be performed using a slow speed handpiece and hand instruments.
 - b. The delegating dentist shall not supervise more than four (4) dental hygienists or dental assistants in combination who are simultaneously performing the tasks pursuant to this rule.
 - c. The delegating dentist shall ensure that the patient's dental chart is annotated to reflect the initials of the dental hygienist or dental assistant who performed the tasks.
 - d. The delegating dentist shall also ensure that the patient's dental chart reflects that the final restoration was verified by the delegating dentist and the result of the verification shall also be documented.

- (2) Mandatory Training Course Prerequisites: To be eligible to be admitted into the mandatory training course required in subsection (3), A dental hygienist or dental assistant (Candidate) shall meet the following conditions:

- a. The Candidate shall be at least 18 years of age.
- b. The Candidate shall be a high school graduate or have a High School Equivalency Certificate.
- c. The Candidate shall have a current Basic Life Support for Healthcare Provider certificate.
- d. The Candidate, in the case of a dental hygienist, shall have an active unrestricted dental hygiene license from any U.S. state or territory. The Candidate shall have never had a dental hygiene license suspended or revoked in any jurisdiction.

e. The Candidate, in the case of a dental assistant, shall be a graduate of a dental assisting program that is accredited by a dental accrediting entity recognized by the United States Department of Education or shall have received formal training in expanded duties pursuant to Rule 64B5-16.002 (1)(b), F.A.C. The Candidate shall have never had a dental assisting license suspended or revoked in any jurisdiction.

f. Within 24 months prior to being admitted to the mandatory training course in subsection (3), the Candidate must have documented proof of 2400 hours of clinical work experience in either a dental office or as an educator of dental assisting or dental hygiene.

(3) Mandatory Training Course: The mandatory training course shall be offered by a dental or dental hygiene school or program that is accredited by a dental accrediting entity recognized by the United States Department of Education. The training course must be specifically designed and implemented to comply with the provisions of this rule. The training program shall ensure that the candidate meets all the qualification in subsection (2) before accepting the candidate into the training program. At a minimum, the training shall include and contain the following:

a. 105 clock hours including a minimum of 10 hours dedicated to preclinical didactic hours, and a clinical portion consisting of a minimum 70 hours dedicated to simulated lab and a minimum of 25 hours dedicated to live patients. The preclinical didactic hours, may be offered online. At the completion of the preclinical didactic hours, the course shall require the passing of an initial written examination prior to the clinical portion of the training. A passing score shall require a score of 75 percent or above.

b. A clinical and lab session for Amalgam Restorations Class I, II, and V, which shall include live patients.

c. A clinical and lab session for Composite Restorations Class I, II, III, and V, which shall include live patients.

d. A clinical and lab session to size, fit and contour, but not permanently cement, stainless steel crowns, which shall include live patients.

e. The training program shall verify competency by requiring an exit or final written examination and clinical examination that includes live patients. The written portion of the examination shall include a section covering the Laws and Rules of Dentistry in Florida. A passing score shall require a 75 percent or above on both the written and clinical examination and the examinations shall not be weighted to achieve an overall score of 75 percent or better. The clock hours dedicated to the exit or final written and clinical examination shall not count towards the required minimum 105 total clock hours required by the course.

f. Upon the successful completion of the training course, a certificate of successful completion of the Restorative Function Course shall be issued

(4) Documentation of Training: A Dentist who delegates tasks pursuant to this rule shall ensure that a copy of the Restorative Function Course training certificate is immediately available at the location where tasks are delegated, and the certificate shall be produced by the dentist when requested by the Board Office or any authorized inspector.

(5) Responsibility: The delegating and supervising dentist shall remain fully responsible for all delegated tasks and for ensuring that the dental assistant or dental hygienist meets the training requires of this rule.

ii. Council on Dental Hygiene Proposal

The following drafts were proposed by the Council on Dental Hygiene during their November 28, 2018 meeting, which included bifurcation of the rule to separate dental hygienist and dental assistants:

64B5-16.0000 Delegation of Remediable Restorative Functions to Dental Hygienists and Dental Assistants; Supervision Level; and Training and Experience Requirements.

Notwithstanding any other rule provision to the contrary, a dentist may delegate remedial intraoral restorative functions to a Dental Hygienist **or Dental Assistant** in strict compliance with the provisions of this rule. All functions delegated under this rule shall be performed under direct supervision.

(1) Delegable Restorative Functions: After a dentist has prepared a tooth, a dentist may delegate to a dental hygienist **or dental assistant**, who has met the mandatory training requirements of this rule, the task of placing, packing and contouring amalgam and composite restorations and the fitting and contouring of stainless steel crowns (tasks). However, **a dental assistant** or a dental hygienist shall not permanently cement stainless steel crowns.

a. The tasks shall only be performed using a slow speed handpiece and hand instruments.

b. The delegating dentist shall not supervise more than four (4) dental hygienists or dental assistants in combination who are simultaneously performing the tasks pursuant to this rule or **rule [Insert Dental Assistant Rule Number]**.

c. The delegating dentist shall ensure that the patient's dental chart is annotated to reflect the initials of the dental hygienist **or dental assistant** who performed the tasks.

d. The delegating dentist shall also ensure that the patient's dental chart reflects that the final restoration was verified by the delegating dentist and the result of the verification shall also be documented.

(2) Mandatory Training Course Prerequisites: To be eligible to be admitted into the mandatory training course required in subsection (3), A dental hygienist **or dental assistant** (Candidate) shall meet the following conditions:

a. The Candidate shall be at least 18 years of age.

b. The Candidate shall be a high school graduate or have a High School Equivalency Certificate.

c. The Candidate shall have a current Basic Life Support for Healthcare Provider certificate.

d. The Candidate, **in the case of a dental hygienist**, shall have an active unrestricted dental

hygiene license from any U.S. state or territory. The Candidate shall have never had a dental hygiene license suspended or revoked in any jurisdiction.

~~e. The Candidate, in the case of a dental assistant, shall be a graduate of a dental assisting program that is accredited by a dental accrediting entity recognized by the United States Department of Education or shall have received formal training in expanded duties pursuant to Rule 64B5-16.002 (1)(b), F.A.C. The Candidate shall have never had a dental assisting license suspended or revoked in any jurisdiction.~~

~~f. Within 24 months prior to being admitted to the mandatory training course in subsection (3), the Candidate must have documented proof of 2400 hours of clinical work experience in either a dental office or as an educator of dental assisting or dental hygiene.~~

(3) Mandatory Training Course: The mandatory training course shall be offered by a dental or dental hygiene school or program that is accredited by a dental accrediting entity recognized by the United States Department of Education. The training course must be specifically designed and implemented to comply with the provisions of this rule. The training program shall ensure that the candidate meets all the qualification in subsection (2) before accepting the candidate into the training program. At a minimum, the training shall include and contain the following:

a. ~~80 105~~ clock hours including a minimum of ~~5 10~~ hours dedicated to preclinical didactic hours, and a clinical portion consisting of a minimum ~~50 70~~ hours dedicated to simulated lab and a minimum of 25 hours dedicated to live patients. The preclinical didactic hours, may be offered online. At the completion of the preclinical didactic hours, the course shall require the passing of an initial written examination prior to the clinical portion of the training. A passing score shall require a score of 75 percent or above.

b. A clinical and lab session for Amalgam Restorations Class I, II, and V, which shall include live patients.

c. A clinical and lab session for Composite Restorations Class I, II, III, and V, which shall include live patients.

d. A clinical and lab session to size, fit and contour, but not permanently cement, stainless steel crowns, which shall include live patients.

e. The training program shall verify competency by requiring an exit or final written examination and clinical examination that includes live patients. The written portion of the examination shall include a section covering the Laws and Rules of Dentistry in Florida. A passing score shall require a 75 percent or above on both the written and clinical examination and the examinations shall not be weighted to achieve an overall score of 75 percent or better. The clock hours dedicated to the exit or final written and clinical examination shall not count towards the required minimum ~~80 105~~ total clock hours required by the course.

f. Upon the successful completion of the training course, a certificate of successful completion of the Restorative Function Course shall be issued.

(4) Documentation of Training: A Dentist who delegates tasks pursuant to this rule shall ensure

that a copy of the Restorative Function Course training certificate is immediately available at the location where tasks are delegated, and the certificate shall be produced by the dentist when requested by the Board Office or any authorized inspector.

(5) Responsibility: The delegating and supervising dentist shall remain fully responsible for all delegated tasks and for ensuring that the ~~dental assistant or~~ dental hygienist meets the training requires of this rule.

- **Dental Assistant version**

64B5-16.0000 Delegation of Remediable Restorative Functions to ~~Dental Hygienists and~~ Dental Assistants; Supervision Level; and Training and Experience Requirements.

Notwithstanding any other rule provision to the contrary, a dentist may delegate remedial intraoral restorative functions to a ~~Dental Hygienist or~~ Dental Assistant in strict compliance with the provisions of this rule. All functions delegated under this rule shall be performed under direct supervision.

- (1) Delegable Restorative Functions: After a dentist has prepared a tooth, a dentist may delegate to a ~~dental hygienist or~~ dental assistant, who has met the mandatory training requirements of this rule, the task of placing, packing and contouring amalgam and composite restorations and the fitting and contouring of stainless steel crowns (tasks). However, a dental assistant ~~or a dental hygienist~~ shall not permanently cement stainless steel crowns.
 - a. The tasks shall only be performed using a slow speed handpiece and hand instruments.
 - b. The delegating dentist shall not supervise more than four (4) dental hygienists or dental assistants in combination who are simultaneously performing the tasks pursuant to this rule ~~or rule [Insert Hygiene Rule Number]~~.
 - c. The delegating dentist shall ensure that the patient's dental chart is annotated to reflect the initials of the ~~dental hygienist or~~ dental assistant who performed the tasks.
 - d. The delegating dentist shall also ensure that the patient's dental chart reflects that the final restoration was verified by the delegating dentist and the result of the verification shall also be documented.

- (2) Mandatory Training Course Prerequisites: To be eligible to be admitted into the mandatory training course required in subsection (3), A ~~dental hygienist or~~ dental assistant (Candidate) shall meet the following conditions:
 - a. The Candidate shall be at least 18 years of age.
 - b. The Candidate shall be a high school graduate or have a High School Equivalency Certificate.
 - c. The Candidate shall have a current Basic Life Support for Healthcare Provider certificate.
 - ~~d. The Candidate, in the case of a dental hygienist, shall have an active unrestricted dental hygiene license from any U.S. state or territory. The Candidate shall have never had a dental hygiene license suspended or revoked in any jurisdiction.~~
 - e. The Candidate, ~~in the case of a dental assistant~~, shall be a graduate of a dental assisting program that is accredited by a dental accrediting entity recognized by

the United States Department of Education or shall have received formal training in expanded duties pursuant to Rule 64B5-16.002 (1)(b), F.A.C. The Candidate shall have never had a dental assisting license suspended or revoked in any jurisdiction.

- f. Within 24 months prior to being admitted to the mandatory training course in subsection (3), the Candidate must have documented proof of 2400 hours of clinical work experience in either a dental office or as an educator of dental assisting ~~or dental hygiene.~~
- (3) Mandatory Training Course: The mandatory training course shall be offered by a dental or dental hygiene school or program that is accredited by a dental accrediting entity recognized by the United States Department of Education. The training course must be specifically designed and implemented to comply with the provisions of this rule. The training program shall ensure that the candidate meets all the qualification in subsection (2) before accepting the candidate into the training program. At a minimum, the training shall include and contain the following:
- a. 105 clock hours including a minimum of 10 hours dedicated to preclinical didactic hours, and a clinical portion consisting of a minimum 70 hours dedicated to simulated lab and a minimum of 25 hours dedicated to live patients. The preclinical didactic hours, may be offered online. At the completion of the preclinical didactic hours, the course shall require the passing of an initial written examination prior to the clinical portion of the training. A passing score shall require a score of 75 percent or above.
 - b. A clinical and lab session for Amalgam Restorations Class I, II, and V, which shall include live patients.
 - c. A clinical and lab session for Composite Restorations Class I, II, III, and V, which shall include live patients.
 - d. A clinical and lab session to size, fit and contour, but not permanently cement, stainless steel crowns, which shall include live patients.
 - e. The training program shall verify competency by requiring an exit or final written examination and clinical examination that includes live patients. The written portion of the examination shall include a section covering the Laws and Rules of Dentistry in Florida. A passing score shall require a 75 percent or above on both the written and clinical examination and the examinations shall not be weighted to achieve an overall score of 75 percent or better. The clock hours dedicated to the exit or final written and clinical examination shall not count towards the required minimum 105 total clock hours required by the course.
 - f. Upon the successful completion of the training course, a certificate of successful completion of the Restorative Function Course shall be issued.

- (4) Documentation of Training: A Dentist who delegates tasks pursuant to this rule shall ensure that a copy of the Restorative Function Course training certificate is immediately available at the location where tasks are delegated, and the certificate shall be produced by the dentist when requested by the Board Office or any authorized inspector.
- (5) Responsibility: The delegating and supervising dentist shall remain fully responsible for all delegated tasks and for ensuring that the dental assistant **or dental hygienist** meets the training requires of this rule.

The Board agrees with bifurcating the rule. The hygiene part of the rule was tabled to the February meeting.

Mr. Flynn suggested an amendment to (1)(a) to add "... a rule that authorizes the same or similar tasks for a dental hygienist." to the last sentence.

After discussion, the following action was taken:

Motion: by Ms. Sissine to approve with the oral amendment

Second: by Mr. Fabio

Vote: Unanimous

Motion: by Dr. Miro that the Board considered the economic impact and determined that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Second: by Mr. Andrade

Vote: Unanimous

Motion: by Dr. Tejera that no part of this rule or a violation of this rule should be designated as a minor violation.

Second: by Ms. Sissine

Vote: Unanimous

B. Council on Dental Hygiene Proposals

i. Rule 64B5-16.001, F.A.C.

These items were tabled to the February meeting.

The following rule amendment was proposed by the Council on Dental Hygiene during their November 28, 2018 meeting:

64B5-16.001 Definitions of Remediable Tasks and Supervision Levels.

(1) Remediable tasks, also referred to as expanded functions of dental assistants, are those intra-oral tasks which do not create unalterable changes in the oral cavity or contiguous structures, are reversible and do not expose a patient to increased risks. The use of a laser or laser device of any type is not a remediable task, **unless utilized as an assessment device.**

(2) through (9) **NO CHANGE**

ii. Rule 64B5-17.0150, F.A.C.

The following rule amendment was proposed by the Council on Dental Hygiene during their November 28, 2018 meeting:

64B5-17.0105 Ownership of Dental Instruments by a Dental Hygienist.

For purposes of interpreting Section 466.0285, ~~466.024, 466.023 and 466.0235~~, F.S., a Dental Hygienist is not precluded from owning dental instruments used by her or him in the provision of dental hygiene services, working under the authorization of dentist or providing dental hygiene services to carry out provisions outlined in the statute when a supervising dentist is not required. ~~so long as the final authority on the suitability and/or manner in which said instruments will be used in the provision of dental hygiene services remains with the supervising dentist.~~

IV. DISCUSSION

A. Dental Sedation Fee

i. SERC Draft

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the SERC as presented

Second: Mr. Andrade

Vote: Unanimous

V. FOR YOUR INFORMATION

A. News Article

VI. NEW BUSINESS

VII. OLD BUSINESS

VIII. ADJOURNMENT

There being no further business, the meeting adjourned at 1:30 p.m.