

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
Aloft Jacksonville Tapestry Park
4812 W. Deer Lake Drive
Jacksonville, FL 32246
(904) 998-4448
May 20, 2022
7:30 A.M. ET**

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, MD, Chair
Fabio Andrade, Consumer Member, Vice Chair
Claudio Miro, DDS
Nick White, DMD
Karyn Hill, CRDH, BS
Bradley Cherry, DDS, MD
Christine Bojaxhi, DMD
Thomas McCawley, DDS
Jose Mellado, DMD
Angela Johnson, RDH

STAFF PRESENT

Jessica Sapp, Executive Director
Paulette Schofill, Program Administrator

BOARD COUNSEL

Ed Tellechea, Chief Assistant Attorney General

PROSECUTION SERVICES UNIT

Christina Shideler, Chief Legal Counsel
Chad Dunn, Deputy General Counsel
Mohamad Cheikhali, Assistant General Counsel

COURT REPORTER

Magnolia Court Reporting
Cindy Green
(407)-896-1813
reportingorlando@aol.com

Mr. Andrade read the Department of Health's mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

II. DISCIPLINARY PROCEEDINGS

A. Informal Hearings

- i. Thomas Roberts, DDS, Case No. 2020-06835
(PCP – Miro, Morgan, Mellado)

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

Dr. Roberts was present and sworn in by the court reporter. He was represented by Michael Ragan, Esq.

Mr. Cheikhali summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 466.028(1)(x), Florida Statutes, for failing to meet the standards of performance in diagnosis and treatment by failing to recognize and/or identify the

risk of performing an extraction on a patient who had undergone radiation therapy; failing to discuss the risk of performing and extraction on a patient who had undergone radiation therapy with Patient C.Z.; failing to make a timely referral for Patient C.Z. to see a specialist for more than a year after the extraction of tooth 31.

Motion by: Dr. White to adopt the findings of fact as set forth in the Administrative Complaint and to find that the Respondent was properly served and has requested an informal hearing.

Motion by: Dr White to adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: Ms. Hill

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. White to impose the following penalties:

- Reprimand
- Fine of \$10,000 to be paid with one (1) year
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level II (7-12 hour) in Diagnosis and Treatment Planning; Level II (7-12 hour) in Radiology; Level III (13-18 hour) in Risk Management, Level III (13-18 hour) in Oral Surgery, and Level III (13-18 hour) in Oral Medicine.
- Successful completion of a three-semester hour course in Ethics to be completed at or through (online) any accredited college or university within twelve (12) months of the filing of the Final Order
- Patient Reimbursement to be paid within one (1) year

Second: Ms. Hill

Vote: Unanimous

Motion: by Dr. White to impose costs of \$4167.35 to be paid within one (1) year.

Second: Ms. Hill

Vote: Unanimous

B. Settlement Agreements

- i. Rafik Dib, DDS, Case No. 2020-23663
(Case tabled until the August meeting)
- ii. Dasha Frias Landa, DMD, Case No. 2020-36331
(PCP – Miro, Morgan, Mellado)

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

Dr. Landa was present and was sworn in by the court reporter. She was represented by Nichole Koford, Esq.

Mr. Dunn summarized the case for the Board. Respondent was charged with the following violation(s): **Count I:** Section 466.028(1)(x), Florida Statutes, for failing to meet the standards of performance in diagnosis and treatment by failing to take radiographs upon completion of Patient S.G.'s root canal treatment to ensure that the treatment was done properly; overfilling a

canal during Patient S.G.'s root canal treatment; and/or having an indemnity paid in the amount of \$185,000 to Patient S.G. as a result of negligent conduct by the Respondent.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- Fine of \$5,000 to be paid within one (1) year of the filing of the Final Order
- Costs in the amount of \$4,279.70 be paid within one (1) year of the filing of the Final Order
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level II (7-12 hour) course in Endodontics; Level II (7-12 hour) course in Risk Management.
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

After discussion, the following action was taken:

Motion by: Dr. White to accept the Settlement Agreement

Second: Mr. Andrade

Vote: Unanimous

- iii. Charles Stamitoles, DDS, Case No. 2021-10997
(PCP – Miro, Morgan, Mellado)

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

Dr. Stamitoles was not present. He was represented by Edwin Bayo, Esq.

Mr. Cheikhali summarized the case for the Board. Respondent was charged with the following violation(s): **Count I:** Section 466.028(1)(aa) for a violating a lawful order of the Board of Dentistry by failing to take and pass the Laws and Rules examination governing the practice of dentistry in the State of Florida within twelve (12) months of the issuance of the Final Order.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance (waived by the Chair)
- Reprimand
- Fine of \$5,000 to be paid within ninety (90) days of the filing of the Final Order
- Costs in the amount of \$1,000 to be paid within ninety (90) days of the filing of the Final Order

After discussion, the following action was taken:

Motion by: Dr. White to accept the Settlement Agreement

Second: Dr. McCawley

Vote: Unanimous

- iv. Kyle Duffy, DMD, Case No. 2019-39372
(PCP – Miro, Mellado)

Dr. Morgan was recused during PCP—please notate on record.

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

Dr. Duffy was present and was sworn in by the court reporter. He was represented by Vilma Martinez, Esq.

Ms. Shideler summarized the case for the Board. Respondent was charged with the following violation(s): **Count I:** Section 466.028 (1)(f) for failing to report to the department any person who the licensee knows, or has reason to believe, is clearly in violation of chapter 466 or of the rule of the department or the board by failing to report Dr. L.D. when Respondent knew or had reason to believe that Dr. L.D. was in violation of Rule 64B5-14.002(1) when he administered general anesthesia to Patient D.B. without a general anesthesia permit. **Count II:** Section 466.028(1)(mm), Florida Statutes for violating Rule 64B5-14.0036(4), F.A.C. for failing to complete the airway management within four years of his initial completion on or about September 26, 2014.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- Fine of \$10,000 to be paid within one (1) year of the filing of the Final Order
- Costs in the amount of \$6,800.50 to be paid within one (1) year of the filing of the Final Order
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level III (13-18 hour) course in Anesthesia; Level I (3-6 hour) course in Record Keeping
- Successful completion of a three-semester hour course in Ethics to be completed at or through (online) any accredited college or university within twelve (12) months of the filing of the Final Order
- Probation of one (1) year.
- Successful completion of the Florida Laws and Rules examination within twelve (12) months of the filing of the Final Order.

After discussion, the following action was taken:

Motion by: Dr. Cherry to reject the Settlement Agreement

Second: Mr. Andrade

Vote: Unanimous

Ms. Johnson offered a counter settlement to include the following terms:

- Reprimand
- Fine of \$10,000 fine to be paid within one (1) year
- Permanent Restriction of administration of Anesthesia
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level II (7-12 hour) course in Crown and Bridge; Level II (7-12 hour) course in Recordkeeping; Level II (7-12 hour) course in Pediatric Dentistry; Level II in Caring for Special Needs Patients (may accept the courses he has already completed)
- Successful completion of a three-semester hour course in Ethics to be completed at or through (online) any accredited college or university within twelve (12) months of the filing of the Final Order
- Successful completion of the Florida Laws and Rules examination within twelve (12)

months of the filing of the Final Order.

- Costs in the amount of \$6,800.50 to be paid within one (1) year of the filing of the Final Order

Second: Mr. Andrade

Vote: 7/1 Motion carried. Dr. McCawley opposed

Dr. Duffy has seven (7) days to accept the counter settlement agreement.

C. Determination of Waiver

- i. Sharone V. Reid, DDS, Case No. 2020-03814
(PCP – Miro, Morgan, Bojaxhi)

Dr. Miro and Dr. Bojaxhi were recused due to participation in the probable cause panel.

Dr. Reid was not present. She was not represented by counsel.

Mr. Cheikhali summarized the case for the Board. Respondent is charged with the following violations: **Count I:** Section 466.028(1)(x), Florida Statutes, for failing to meet the standards of performance in diagnosis and treatment by failing to diagnose Patient P.V.'s periodontal disease and/or refer Patient P.V. to a specialist; failing to place Patient P.V.'s permanent crown on tooth 12 on adequately healthy gums; failing to place Patient P.V.'s bridge spanning teeth 18 through 20 on adequately health gums; and/or failing to place Patient P.V.'s bridge spanning teeth 12 through 15 on adequately healthy gums

Motion: by Dr. White to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing, to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board, and to find the Respondent in violation of the Florida Statutes as charged in the Administrative Complaint.

Second: Mr. Andrade

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Mellado to impose the following penalties:

- Reprimand
- Fine of \$10,000 to be paid within ninety (90) days
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level III (13-18 hour) course in Periodontics; Level II (7-12 hour) course in Diagnosis and Treatment Planning; Level II (7-12 hour) course in Crown and Bridge
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

Second: Mr. Andrade

Vote: Unanimous

Motion: by Dr. White to impose costs of \$6,178.62 to be paid within ninety (90) days.

Second: Ms. Hill

Vote: Unanimous

- ii. Jared Schmitt, DMD, Case No. 2021-02015
(PCP – Miro, Morgan, Mellado)

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

Dr. Schmitt was present and was sworn in by the court reporter. He was represented by Dennis Vandenberg, Esq.

Dr. Shideler summarized the case for the Board. Respondent is charged with the following violations: **Count I:** Section 456.072(1)(bb), Florida Statutes, for performing or attempting to perform health care services on the wrong patient, a wrong procedure, or an unauthorized procedure that is medically unnecessary by performing a wrong site procedure by erroneously extracting tooth 10 instead of the intended tooth H

Motion: by Dr. White to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing, to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board, and to find the Respondent in violation of the Florida Statutes as charged in the Administrative Complaint.

Second: Ms. Hill

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Cherry to impose the following penalties:

- Letter of Concern
- Fine of \$7,500 to be paid within ninety (90) days
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level II (7-12 hour) course in Pediatric Dentistry, Level II (7-12 hour) course in Oral Surgery
- Successful completion of a three-semester hour course in Risk Management to be completed at or through (online) any accredited college or university within twelve (12) months of the filing of the Final Order
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

Second: Ms. Hill

Vote: Unanimous

Motion: by Dr. White to impose costs of \$5000 to be paid within ninety (90) days.

Second: Mr. Andrade

Vote: Unanimous

iii. Robin Young, DDS, Case No. 2021-14662

(PCP – Miro, Morgan, Bojaxhi)

Dr. Miro and Dr. Bojaxhi were recused due to participation in the probable cause panel.

Dr. Young was not present. She was not represented by counsel.

Mr. Cheikhali summarized the case for the Board. Respondent is charged with the following violations: Count I: Section 466.028 (1)(aa) for a violating a lawful order of the Board of Dentistry by failing to pay the costs associated with the Final Order.

Motion: by Dr. White to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing, to adopt the allegations of fact in the Administrative Complaint as

the findings of fact of the Board, and to find the Respondent in violation of the Florida Statutes as charged in the Administrative Complaint.

Second: Mr. Andrade

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. White for revocation of the license

Second: Dr. Cherry

Vote: Unanimous

Motion: by Dr. White to impose costs of \$1,370.10 to be paid within ninety (90) days.

Second: Mr. Andrade

Vote: Unanimous

D. Voluntary Relinquishment

- i. Michelle J. Luchey Charles, DDS, Case No. 2021-01634
(PCP – Miro, Morgan, Bojaxhi)

Dr. Miro and Dr. Bojaxhi were recused due to participation in probable cause panel.

Dr. Luchey Charles was not present. She was not represented by counsel.

The department withdrew the Voluntary Relinquishment

III. PROSECUTION REPORT

A. Assistant General Counsel

Ms. Shideler presented the Board with the current status of Board Cases.

<u>Case Status</u>	11/19/2021	2/18/2022	5/20/2022
Total cases open/active in Prosecution Services:	251	200	188
Cases in Emergency Action Unit:	2	1	2
Cases under legal review:	137	90	71
Cases awaiting supplemental investigation/expert opinion:	24	19	20
Cases with PCP recommendation:	37	37	56
Cases where probable cause has been found:	6	13	1
Cases where DOAH has been requested:	22	21	19
Cases pending before DOAH:	3	2	0
Cases on Board meeting agendas:	15	14	14
Cases on appeal:	0	0	0
Cases older than one year:*	58	54	63

* Does not include cases currently agendaed for final action by the Board.

Motion: by Mr. Andrade to continue prosecuting year and older cases

Second: Dr. White

Vote: Unanimous

IV. REQUEST TO SET TERMS OF PROBATION

A. Jacob Leibovici, DDS

Case Nos. 2017-01507 and 2018-02998

Dr. Leibovic was not present. Dr. Leibovici appeared before the Board at the February 18, 2022 meeting. His proposed Settlement Agreement was rejected by the Board and a counter Settlement Agreement was offered. Dr. Leibovici accepted the counter Settlement Agreement, and the Order was filed on March 2, 2022. One of the terms of the counter Settlement Agreement was two (2) years of Probation with Chart Reviews. This is being brought back before the Board for clarification of the probationary terms, so his probation can be accurately monitored.

After discussion, the following action was taken:

Motion: by Dr. White to set the following terms:

Respondent shall be indirectly monitored by a board approved monitor of a dentist who is fully licensed under Chapter 466. The Respondent shall submit the CV or resume of the monitor to the Compliance Officer for approval. The Board Chair has delegated authority to approve the monitor.

The probationary term begins only after the monitor has been approved.

The monitor shall review a random sample of active chart reviews of no less than 25% of Respondents patients.

The Respondent shall ensure the monitor submits quarterly reports, in affidavit form, to include:

- Dates the monitor visited Respondent's office
- Brief summary of why the Respondent is on probation
- The number of records reviewed
- Summary of the overall quality of the records reviewed
- Summary of the issues addressed and topics discussed
- Detail any problems or concerns that may have arisen with Respondent

In the event Respondent does not actively engage in professional practice for a period of 30 days or more, the probation shall be tolled until such time Respondent returns to active practice in Florida.

Second: Ms. Hill
Vote: Unanimous

V. PETITION FOR VARIANCE OR WAIVER OF RULE

i. Karanjit Purewal

This item was tabled until the August meeting.

VI. PETITION FOR MODIFICATION OF FINAL ORDER

A. Brigitte Martin, DDS

Case No. 2019-39257

Dr. Martin was not present. She was not represented by counsel.

On March 21, 2022, Dr. Martin made a request to modify her Final Order on Case No. 2019-39257. The Final Order required her to pay a fine of \$5,000.00, costs of \$2,971.47, complete a Level I course in Crown and Bridge, successfully pass the Florida Laws and Rules exam, and reimburse the patient in the amount of \$397.50 within one year of the filing of the Final Order. Dr. Martin is requesting an extension to complete the requirements.

After discussion, the following action was taken:

Motion: by Ms. Johnson to reject the Petition

Second: Dr. Miro

Vote: Unanimous

B. Denise Shuman, RDH

Case No. 2017-08706

Ms. Shuman was present and was sworn in by the court reporter. She was represented by Vanessa L. King, Esq.

On April 11, 2022, Ms. Shuman made a request to modify her Final Order on Case No. 2017-08706. The Final Order required Ms. Shuman to pass the Florida Laws and Rules

examination by March 9, 2022. Ms. Shuman took the laws and rules exam on January 28, 2022, and February 23, 2022, and was unable to pass the exam. She is scheduled to sit for the exam again on April 29, 2022, and is requesting an extension to complete the requirement.

After discussion, the following action was taken:

Motion: by Ms. Hill to grant the extension for the Law and Rules examination and to deny the request for an extension of time to pay the fines and costs

Second: Mr. Andrade

Vote: 9/1 Motion carried. Ms. Johnson opposed.

VII. REVIEW OF APPLICATIONS

A. Application for Dental License

i. John Craig

Dr. Craig was present and was sworn in by the court reporter. He was represented by Ed Bayo, Esq. His appearance was requested due to past discipline.

After discussion, the following action was taken:

Motion: by Dr. McCawley to grant licensure

Dr. McCawley withdrew his motion.

Motion: by Dr. Tejera to deny the application for failure to comply with a previous Final Order and being convicted of a crime related to the practice of dentistry.

Second: Mr. Andrade

Vote: 6/4 Motion carried. Dr. Cherry, Dr. McCawley, Dr. Mellado, and Ms. Hill opposed.

B. Application for Dental Teaching Permit

i. Susan Adams

Dr. Adams was present and was sworn in by the court reporter. She was not represented by counsel. Her appearance was requested due to her previous health history.

After discussion, the following action was taken:

Motion: by Dr. Miro to approve the application pending receipt that Dr. Adams is full-time faculty. Dr. Adams has thirty (30) days to provide the letter.

Second: Dr. White

Vote: Unanimous

C. Application for Moderate Sedation Permit

i. Kyle Duffy, DN 20738

Dr. Duffy was present and was sworn in by the court reporter. He was represented by Vilma Martinez Esq. His appearance was requested due to past discipline.

Dr. Duffy withdrew his application.

VIII. REPORTS

A. Board Counsel

i. Rules Report

Mr. Tellechea provided the Board with a current status of the rules currently in process

ii. JAPC Correspondence

a. Rule 64B5-13.005, F.A.C.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., FS, published in Vol. 47, No. 188, of the September 28, 2021, issue of the Florida Administrative Register. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the board at a public meeting held February 18, 2022. The changes are as follows:

64B5-13.005 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, certificate holder, or telehealth registrant whom it regulates under chapter 466, F.S., has committed any of the acts set forth in section 456.072(1), 466.028, or 456.47, F.S., it shall issue a final order imposing appropriate penalties as recommended in these disciplinary guidelines. For any violation found that is for fraud or making a false or fraudulent representation, the Board will impose a fine of \$10,000.00 per count or offense. The use of terms to describe the offenses herein within the individual guidelines is intended to be only a generally descriptive use of the terms. For an accurate description of the actual offenses, the reader should refer to the statutory disciplinary provisions. The maximum penalties set forth in any individual offense guideline include all of the less severe penalties that would fall in between the maximum and the minimum penalties stated. For telehealth registrants, a suspension may be accompanied by a corrective action plan that addresses the conduct which resulted in the underlying disciplinary violations. The Board may require a corrective action plan be completed prior to reinstatement of the suspended registration or the corrective action plan may follow a suspension for a definite term.

	VIOLATION		PENALTY RANGE	
	MINIMUM	MAXIMUM	TELEHEALTH REGISTRANT MINIMUM	TELEHEALTH REGISTRANT MAXIMUM
(a) Attempting to obtain, obtaining or renewing a license by bribery, fraudulent misrepresentations or error of the Board. (Sections 466.028(1)(a), 456.072(1)(h), F.S.)				
<u>1. Obtain license by bribery.</u>				
<u>First Offense</u>	<u>\$500 fine and two (2) years'</u>	<u>\$5,000 fine and one (1) year suspension.</u>		

	probation or application denial, \$500 fine and referral to State Attorney's office if not licensed.			
Second Offense	\$10,000 5,000 fine and one (1) year suspension or application denial, \$10,000 500 fine and referral to State Attorney's office if not licensed.	\$10,000 fine and Permanent Revocation.		
2. Obtain license by fraudulent misrepresentations.				
First Offense	Denial \$500 fine and referral to State Attorney's office if not licensed.	Denial/or five (5) year suspension revocation \$10,000 fine and referral to State Attorney's office if not licensed.	Denial of Application.	Revocation or Denial of Application.
Second Offense	Probation with conditions \$500 fine.	Revocation \$10,000 fine and revocation or permanent denial and revocation.	Revocation or Denial	Same.
(b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. (Sections 466.028(1)(b), 456.072(1)(f), F.S.)				
First Offense	\$1,000 fine.	Suspension/denial until the license is unencumbered and active in the jurisdiction in which the disciplinary action was originally taken, or up to five years, followed by probation and \$5,000 10,000 fine or revocation.	Letter of Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Imposition of discipline which would have been	Suspension until the license is unencumbered in the jurisdiction in which	One (1) month suspension.	Three (3) year Suspension.

	imposed if the substantive violation occurred in Florida. Probation and \$1,000 fine.	disciplinary action was taken, followed by five (5) years' probation and \$10,000 fine.		
Third Offense	One year suspension followed by probation and \$5,000 fine.	Revocation and permanent denial and \$10,000 fine.	One (1) year suspension.	Revocation.
(c) Guilty of a crime directly relating to practice or ability to practice. (Sections 466.028(1)(c), 456.072(1)(c), F.S.)				
First Offense	\$1,000 fine.	Denial or 2 years suspension followed by 2 years probation with conditions and \$5,000 10,000 fine, or revocation.	One (1) month Suspension	Three (3) year Suspension or Denial of Application.
Second Offense	One year suspension followed by probation and \$2,500 1,000 fine.	Denial or five (5) year suspension followed by probation with conditions revocation and \$7,500 10,000 fine.	Six (6) month Suspension.	Revocation
Third Offense	Five (5) year suspension followed by probation Revocation and \$7,500 2,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form. (Section 466.028(1)(d), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 10,000 fine.	One (1) month Suspension	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$3,000 fine.	One (1) year suspension followed by two (2) years probation with conditions and \$8,000 10,000 fine.	Six (6) month Suspension.	Eighteen (18) month Suspension.
Third Offense	Two (2) years probation with conditions and \$5,000 fine.	Revocation and permanent denial and \$10,000 fine.	One (1) year Suspension	Revocation

(e) Advertising, practicing, or attempting to practice under a name other than one's own. (Section 466.028(1)(e), F.S.)				
First Offense	\$1,000 fine.	<u>One (1) year suspension and \$5,000</u> 10,000 fine.	<u>Reprimand</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	<u>One (1) year p</u> Probation with conditions and \$3,000 fine.	<u>Two (2) years suspension followed by two (2) years probation</u> Denial or revocation and \$7,500 10,000 fine.	<u>Six (6) month Suspension</u>	<u>Revocation</u>
Third Offense	<u>Two (2) years p</u> Probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(f) Failing to report any person in violation of this chapter or of the rules of the department or the board. (Sections 466.028(1)(f), 456.072(1)(i), F.S.)				
First Offense	\$500 fine.	1 year probation with conditions and \$1,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	1 year probation with conditions and \$1,000 fine.	6 months suspension, 1 year probation with conditions and \$3,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	1 year probation with conditions and \$3,000 fine.	1 year suspension, 1 year probation with conditions and \$5,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene. (Sections 466.028(1)(g), 456.072(1)(j), F.S.)				
First Offense	\$1,000 fine.	<u>Six (6) months suspension followed by one (1) year probation with conditions and \$5,000</u> 10,000 fine.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	<u>1 year suspension followed by (2) years probation</u>	<u>2 years suspension followed by two (2) years</u>	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>

	with conditions and \$5,000 fine.	probation with conditions and \$8,000 10,000 fine.		
Third Offense	1 year suspension, reprimand and \$5,000 fine.	Revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(h) Being employed by any corporation, organization, group, or person other than a dentist or a professional corporation or limited liability company composed of dentists to practice dentistry. (Section 466.028(1)(h), F.S.)				
First Offense	\$1,000 fine.	Two (2) years probation with conditions and up to suspension, and \$5,000 10,000 fine.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	1 year probation with conditions, reprimand and \$3,000 fine.	One (1) year s Suspension followed by one (1) year probation with conditions and \$8,000 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
Third Offense	1 year suspension, reprimand and \$5,000 fine.	No change.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(i) Failing to perform any statutory or legal obligation placed upon a licensee. (Sections 466.028(1)(i), 456.072(1)(k), F.S.)				
First Offense	\$500 fine.	Two (2) years probation with conditions and \$5,000 10,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	1 year probation with conditions and \$2,000 1,000 fine.	Two (2) years probation with conditions and \$7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	2 years probation with conditions and \$5,000 2,000 fine.	One (1) year suspension and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(j) Making or filing a false report, failing to file a report or record required by state or federal law, knowingly impeding or obstructing such filing.				

(Sections 466.028(1)(j), 456.072(1)(l), F.S.)				
First Offense	\$1,000 fine.	One (1) year probation with conditions and up to suspension, and \$5,000 10,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
No change.	1 year probation with conditions and \$2,500 fine.	One (1) year suspension followed by one (1) year probation with conditions and \$7,500 8,000 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
No change.	2 years probation with conditions and \$5,000 fine.	No change.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(k) Sexual battery, as defined in chapter 794, F.S., upon a patient. (Section 466.028(1)(k), F.S.)				
First Offense	Revocation-6 months suspension followed by probation and \$2,500 fine.	Same Denial or revocation and \$10,000 fine.	<u>Denial or Revocation.</u>	<u>Same.</u>
Second or Subsequent Offense	Revocation and \$10,000 fine 5 years suspension followed by probation with conditions and \$5,000 fine.	Same Denial/revocation and \$10,000 fine.	<u>Denial or Revocation.</u>	<u>Same.</u>
(l) Making deceptive, untrue, or fraudulent representations in or related to the practice of dentistry. (Sections 466.028(1)(l), 456.072(1)(a), F.S.)				
First Offense	\$1,000 fine.	Six (6) months probation with conditions and \$5,000 10,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	1 year probation with conditions and \$2,000 1,000 fine.	Six (6) months suspension and \$7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	2 years probation with conditions and \$5,000 2,500 fine.	Revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(m) Failing to keep written records and				

history justifying the course of treatment of the patient. (Section 466.028(1)(m), F.S.)				
First Offense	\$2,500 1,000 500 fine.	Two (2) years pProbation with conditions and \$5,000 \$7,500 fine.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	Two (2) years pProbation with conditions and \$5,000 2,500 1,000 fine.	One (1) year sSuspension and \$10,000 7,500 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
Third Offense	Five (5) years pProbation with conditions and \$7,500 5,000 2,500 fine.	Revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(n) Failing to make available to a patient or client, copies of documents which relate to the patient or client. (Section 466.028(1)(n), F.S.)				
First Offense	\$500 fine.	One (1) year pProbation with conditions and \$5,000 7,500 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	\$1,000 fine.	Two (2) years pProbation with conditions and \$5,000 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	\$5,000 2,500 fine.	No Change.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(o) Performing professional services which have not been authorized by the patient or client. (Section 466.028(1)(o), F.S.)				
First Offense	\$1,000 fine.	One (1) year pProbation with conditions and \$5,000 8,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	Probation with conditions and \$2,500 fine.	One (1) year sSuspension and \$7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>

Third Offense	Probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(p) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug or controlled substance, other than in the course of the professional practice of the dentist. (Section 466.028(1)(p), F.S.)				
First Offense	\$500 fine.	One (1) year pProbation with conditions; and \$5,000 10,000 -fine and up to suspension.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Two (2) years pProbation with conditions and \$2,500 fine.	One (1) year sSuspension and \$7,500 10,000 -fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Suspension followed by probation and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(q) Prescribing any medicinal drug scheduled in chapter 893, F.S., to herself or himself. (Section 466.028(1)(q), F.S.)				
First Offense	\$500 fine and PRN referral.	One (1) year sSuspension followed by probation with conditions, including PRN referral with conditions and \$5,000 10,000 -fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year pProbation with conditions, PRN referral, and \$2,500 fine.	One (1) year sSuspension and \$7,500 10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year sSuspension followed by probation, including PRN referral and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(r) Prescribing any drug which is a Schedule II amphetamine or a Schedule II				

sympathomimetic amine drug, pursuant to chapter 893, F.S. (Section 466.028(1)(r), F.S.)				
First Offense	\$1,000 fine.	Two (2) years pProbation with conditions and \$ 5,000 10,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Two (2) years pProbation with conditions and \$2,500 fine.	One (1) year sSuspension followed by two (2) years probation and \$ 7,500 10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	Three (3) years pProbation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(s) Being unable to practice her or his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. (Sections 466.028(1)(s), 456.072(1)(z), F.S.)				
First Offense	Denial, or suspension until licensee petitions the Board and demonstrates ability to practice with reasonable skill and safety, followed by probation with conditions and up to \$5,000 fine.		Denial of Application or Suspension until demonstration of ability to practice with reasonable skill and safety.	Two (2) year suspension, demonstration of ability to practice with reasonable skill and safety as condition of reinstatement.
Second Offense	Denial, or suspension until licensee petitions the Board and demonstrates ability to practice with reasonable skill and safety, followed by probation with	Suspension followed by probation and \$10,000 fine	Two (2) year suspension, demonstration of ability to practice with reasonable skill and safety as condition of reinstatement.	Revocation.

	conditions and up to \$5,000 fine.			
Third Offense	Denial, or suspension until licensee petitions the Board and demonstrates ability to practice with reasonable skill and safety, followed by probation with conditions and up to \$10,000 fine.	Revocation and \$10,000 fine.	Five (5) year suspension, demonstration of ability to practice with reasonable skill and safety as condition of reinstatement.	Revocation.
(t) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene. (Section 466.028(1)(t), F.S.)				
First Offense	\$2,500 fine.	One (1) year pProbation with conditions and \$7,500 8,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	One (1) year pProbation with conditions and \$8,000 fine.	One (1) year sSuspension followed by two (2) years probation and \$10,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Two (2) years pProbation with conditions and \$10,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(u) Failure to provide and maintain reasonable sanitary facilities and conditions. (Section 466.028(1)(u), F.S.)				
First Offense	No Change.	One (1) year pProbation with conditions and \$5,000 8,000 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	One (1) year pProbation with conditions and \$3,000 fine.	One (1) year sSuspension, followed by two (2) years probation with conditions and \$7,500 10,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	One (1) year pProbation with conditions and \$8,000 fine.	Revocation and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
(v) Failure to provide adequate radiation safeguards.				

(Section 466.028(1)(v), F.S.)				
First Offense	No Change.	One (1) year pProbation with conditions and \$ 5,000 8,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Second Offense	One (1) year pProbation with conditions and \$3,000 fine.	One (1) year sSuspension followed by probation and \$ 7,500 10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Third Offense	Two (2) years pProbation with conditions and \$8,000 fine.	Revocation and \$10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
(w) Performing any procedure which would constitute experimentation on human subjects, without first obtaining full, informed, and written consent. (Section 466.028(1)(w), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$3,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	Probation with conditions and \$3,500 fine.	Suspension followed by probation and \$10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	Suspension followed by probation and \$5,000 fine.	Revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(x) Being guilty of incompetence or negligence, including, but not limited to, being guilty of dental malpractice. (Section 466.028(1)(x), F.S.)				
First Offense	\$2,500 500 fine.	One (1) year pProbation with conditions and \$ 7,500 5,000 10,000 fine.	<u>Reprimand or Denial of Application.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	One (1) year pProbation with conditions and \$ 5,000 2,500 1,000 fine.	One (1) year sSuspension and \$ 10,000 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>

Third Offense	Two (2) years probation and \$7,500 5,000 2,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(y) Practicing beyond the scope that she or he is competent to perform. (Sections 466.028(1)(y), 456.072(1)(o), F.S.)				
First Offense	\$500 fine.	One (1) year pProbation with conditions and \$ 5,000 10,000 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year pProbation with conditions and \$2,500 1,000 fine.	One (1) year sSuspension followed by one (1) year probation with conditions and \$7,500 10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year probation with conditions and \$5,000 2,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(z) Delegating or contracting for professional responsibilities to a person who is not qualified to perform them. (Sections 466.028(1)(z), 456.072(1)(p), F.S.)				
First Offense	\$2,500 fine.	One (1) year pProbation with conditions and \$7,500 10,000 fine and suspension.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year pProbation with conditions and \$5,000 fine.	One (1) year sSuspension followed by two (2) years probation and \$10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year pProbation with conditions and \$7,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
<u>Any violation of section 466.028(1)(z), F.S., will result in a minimum licensure suspension of six months, in addition to any other penalty authorized for this violation, except where revocation is imposed.</u>				
(aa) The violation of a lawful order of the board, or failure to comply with subpoena of the board or department. (Sections 466.028(1)(aa), 456.072(1)(q), F.S.)				

First Offense	\$5,000 fine.	Suspension until compliant with order or subpoena, probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$10,000 fine.	Suspension until compliant with order or subpoena followed by probation with conditions and \$10,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Revocation and \$10,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(bb) Conspiring with another licensee or with any person to commit an act, which would tend to coerce, intimidate, or preclude another licensee from advertising services. (Section 466.028(1)(bb), F.S.)				
First Offense	\$1,000 fine.	\$5,000 10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	One (1) year Probation with conditions and \$2,500 fine.	One (1) year Probation with conditions and \$7,500 10,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	One (1) year Probation with conditions and \$5,000 fine.	One (1) year Suspension followed by two (2) years probation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(cc) Being adjudged mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication. (Section 466.028(1)(cc), F.S.)				
First and any subsequent offense.	Suspension until adjudged competent by same court	Suspension until adjudged competent by same court.	Denial of Application or suspension until adjudged competent by same court.	Same.
(dd) Presigning blank prescription or laboratory work order forms. (Section 466.028(1)(dd), F.S.)				

First Offense	\$500 fine.	One (1) year pProbation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$2,500 1,000 fine.	One (1) year pProbation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	One (1) year pProbation with conditions and \$5,000 2,500 fine.	One (1) year sSuspension followed by two (2) years probation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ee) Prescribing growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. (Section 466.028(1)(ee), F.S.)				
First Offense	\$1,000 fine.	One (1) year pProbation with conditions and \$5,000 10,000 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year pProbation with conditions and \$2,500 fine	Three (3) years pProbation with conditions and \$7,500 8,000 10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	\$5,000 fine.	One (1) year sSuspension and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ff) Operating a dental office such as to result in dental treatment that is below minimum acceptable standards of performance for the community. (Section 466.028(1)(ff), F.S.)				
First Offense	\$500 fine.	Two (2) years pProbation with conditions and \$5,000 10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Two (2) years pProbation with conditions and \$2,500 fine.	One (1) year sSuspension and \$7,500 10,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Three (3) years pProbation with	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.

	conditions and \$5,000 4,000 fine.			
(gg) Administering anesthesia in a manner which violates rules of the board. (Section 466.028(1)(gg), F.S.)				
First Offense	\$1,000 fine and <u>Reprimand.</u>	Two (2) years pProbation with conditions and \$ 5,000 10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Second Offense	One (1) year pProbation with conditions and \$2,500 fine.	One (1) year sSuspension and \$ 7,500 10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Third Offense	Two (2) years pProbation with conditions and \$5,000 4,000 fine.	Revocation and \$10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
(hh) Failing to report any licensee under chapter 458 or 459, F.S., who the dentist knows has violated the grounds for disciplinary action. (Section 466.028(1)(hh), F.S.)				
First Offense	\$1,000 fine and <u>Letter of Concern.</u>	One (1) year pProbation with conditions and \$ 5,000 10,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	\$2,500 fine and <u>Reprimand.</u>	\$ 7,500 10,000 fine and two (2) years probation.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	\$5,000 3,500 fine and thirty (30) days suspension.	\$10,000 fine and two (2) years suspension.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(ii) Failing to report to the board, within 30 days action has been taken against one's license to practice dentistry in another state, territory, or country. (Section 466.028(1)(ii), F.S.)				
First Offense	\$1,000 fine.	\$5,000 fine and dDenial of application or two (2) years suspension followed by three (3) years probation;	<u>Reprimand or Denial of Application.</u>	<u>One (1) year Suspension or Denial of Application.</u>

		revocation and \$8,000 fine.		
Second Offense	One (1) year pProbation and \$ 2,500 1,500 fine.	\$ 7,500 10,000 fine and two (2) years suspension or Denial, revocation and \$10,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
Third Offense	One (1) year sSuspension followed by two (2) years probation and \$ 5,000 3,000 fine.	\$10,000 fine and dDenial of application or r revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(jj) Advertising specialty services in violation of this chapter. (Section 466.028(1)(jj), F.S.)				
First Offense	\$1,000 fine.	\$5,000 7,500 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	\$2,500 fine.	One (1) year pProbation with conditions and \$ 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	Two (2) years pProbation with conditions and \$5,000 fine.	One (1) year sSuspension followed by two (2) years probation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(kk) Allowing any person to interfere with a dentist's clinical judgment. (Section 466.028(1)(kk), F.S.)				
First Offense	\$1,000 fine.	\$5,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	One (1) year pProbation with conditions and \$2,500 fine.	Two (2) years pProbation with conditions and \$ 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	Two (2) years pProbation with conditions and \$5,000 fine.	One (1) year sSuspension and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(ll) Violating any provision of Chapters 456 and 466, F.S., or any rules adopted pursuant thereto. (Sections 466.028(1)(mm),				

456.072(1)(b), 456.072(1)(dd), F.S.)				
First Offense	\$750 fine.	Six (6) months pProbation with conditions and \$ 5,000 8,000 10,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	Six (6) months pProbation with conditions and \$ 2,500 1,000 fine	One (1) year pProbation with conditions and \$ 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	One (1) year pProbation with conditions and \$ 5,000 2,500 fine.	One (1) year sSuspension followed by probation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(mm) Failing to comply with the educational course requirements for HIV. (Section 456.072(1)(e), F.S.)				
First Offense	\$500 fine.	Six (6) months pProbation with conditions and \$1,500 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Second Offense	\$1,000 fine.	One (1) year pProbation with conditions and \$5,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Third Offense	\$2,500 1,500 fine.	Eighteen (18) months pProbation with conditions and \$7,500 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
(nn) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (Section 456.072(1)(g), F.S.)				
First Offense	\$1,000 fine.	Six (6) months pProbation with conditions and \$ 5,000 8,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	\$3,500 fine.	One (1) year pProbation with conditions and \$ 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	One (1) year pProbation with conditions and \$5,000 fine.	One (1) year sSuspension and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(oo) Making deceptive, untrue, or fraudulent				

representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)				
First Offense	\$1,000 fine and <u>Letter of Concern.</u>	Two (2) years pProbation with conditions and \$5,000 8,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	Two (2) years <u>probation with conditions and \$2,500-3,500</u> fine.	One (1) year suspension followed by two (2) years pProbation with conditions and \$7,500 8,000 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	Two (2) years pProbation with conditions and \$5,000 fine.	Five (5) years sSuspension and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(pp) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party. (Section 456.072(1)(n), F.S.)				
First Offense	\$1,000 fine and <u>Letter of Concern.</u>	Two (2) years pProbation with conditions and \$5,000 10,000 fine.	<u>Reprimand or Denial of Application.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	Two (2) years pProbation with conditions and \$2,500 fine.	One (1) year sSuspension followed by two (2) years probation with conditions and \$7,500 8,000 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
Third Offense	One (1) year <u>suspension followed by two (2) years pProbation with conditions and \$5,000 3,500</u> fine.	<u>Revocation and \$10,000 fine.</u>	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(qq) Wrong patient, wrong-site procedure, a wrong procedure, medically unnecessary. (Section 456.072(1)(bb), F.S.)				

First Offense	\$1,000 fine and Letter of Concern.	Two (2) years pProbation with conditions and \$5,000 10,000 fine	<u>Reprimand or Denial of Application.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	Two (2) years pProbation with conditions and \$2,500 2,000 fine.	One (1) year sSuspension followed by two (2) years probation with conditions and \$7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
Third Offense	One (1) year sSuspension followed by two (2) years probation with conditions and \$5,000 3,000 fine.	No change.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(rr) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)				
First Offense	\$1,000 fine.	One (1) year pProbation with conditions and \$5,000 10,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	Two (2) years pProbation with conditions and \$2,500 fine.	One (1) year sSuspension followed by probation and \$7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	Five (5) years pProbation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(ss) Failing to comply with the educational course requirements for domestic violence. (Section 456.072(1)(s), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$2,500 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Second Offense	Probation with conditions and \$1,000 fine.	Probation with conditions and \$4,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Third Offense	\$2,500 fine.	Probation with conditions and \$8,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
(tt) Failing to comply with sections 381.026 and				

381.0261, F.S., patient rights and how to file a patient complaint. (Section 456.072(1)(u), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$2,500 fine.	<u>Not Applicable to Telehealth Registrants.</u>	First Offense
Second Offense	Probation with conditions and \$1,000 fine.	Probation with conditions and \$4,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	Second Offense
Third Offense	\$2,500 fine.	Probation with conditions and \$8,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	Third Offense
(uu) Engaging or attempting to engage in sexual misconduct as defined and prohibited in section 456.063(1), F.S. (Section 456.072(1)(v), F.S.)				
First Offense	\$2,500 fine and Reprimand.	One (1) year suspension followed by three (3) years Revocation or probation with conditions and \$7,500 10,000 fine.	<u>One (1) year suspension.</u>	<u>Revocation or Denial of Application.</u>
Second Offense	Three (3) years p Probation with conditions and \$5,000 fine.	\$10,000 fine and three (3) year s Suspension followed by five (5) years probation with conditions or revocation, and \$10,000 fine.	<u>Revocation</u>	<u>Same</u>
Third Offense	Five (5) years s Suspension followed by three (3) years probation with conditions and \$8,000 fine.	<u>Revocation and \$10,000 fine.</u>	<u>Revocation</u>	<u>Same</u>
(vv) Failing to report to the board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)				

First Offense	\$500 fine.	One (1) year pProbation with conditions and \$ 5,000 10,000 fine.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	One (1) year pProbation with conditions and \$ 2,500 1,000 fine.	Two (2) years pProbation with conditions and \$ 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
Third Offense	One (1) year sSuspension followed by two (2) years probation with conditions and \$ 5,000 2,500 fine.	Revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(ww) Using information about people involved in motor vehicle accidents which has been derived from accident reports. (Section 456.072(1)(y), F.S.)				
First Offense	\$500 fine and Letter of Concern.	Two (2) years pProbation with conditions and \$5,000 fine.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	\$2,500 1,000 fine and Reprimand.	Four (4) years pProbation with conditions and \$ 7,500 8,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
Third Offense	\$5,000 2,500 fine and Reprimand.	One (1) year sSuspension followed by five (5) years probation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(xx) Leaving a foreign body in a patient. (Section 456.072(1)(cc), F.S.)				
First Offense	\$1,000 fine.	Two (2) years pProbation with conditions and \$ 5,000 10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Second Offense	Probation with conditions and \$2,500 fine.	Suspension followed by Five (5) years probation with conditions and \$ 7,500 10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Third Offense	Probation with conditions and \$5,000 fine.	\$10,000 fine and two (2) years sSuspension followed by five (5) years probation with monitoring and/or revocation and \$10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
(yy) Testing positive for any drug, on any preemployment or employer-ordered drug screening.				

(Section 456.072(1)(aa), F.S.)				
First Offense	\$500 fine.	Two (2) years pProbation with conditions and \$ 5,000 8,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application.</u>
Second Offense	\$2,500 1,000 fine.	Four (4) years Suspension followed by probation with conditions and \$ 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>One (1) year Suspension.</u>
Third Offense	\$5,000 2,500 fine.	One (1) year suspension followed by five (5) years probation with conditions Revocation and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(zz) Intentionally submitting a personal injury protection claim required by section 627.736, F.S., statement that has been “upcoded” as defined in section 627.732, F.S. (Section 456.072(1)(ee), F.S.)				
First Offense	\$500 fine.	Two (2) years pProbation with conditions and \$ 5,000 8,000 fine.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	\$2,500 1,000 fine.	Four (4) years pProbation with conditions and \$ 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
Third Offense	\$5,000 2,500 fine.	One (1) year suspension followed by five (5) years probation with conditions and \$10,000 fine.	<u>One (1) year Suspension.</u>	<u>Revocation.</u>
(aaa) Intentionally submitting a personal injury protection claim required by section 627.736, F.S., for services that were not rendered. (Section 456.072(1)(ff), F.S.)				
First Offense	\$500 fine.	Two (2) years pProbation with conditions and \$ 5,000 8,000 fine.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	\$2,500 1,000 fine.	Four (4) years pProbation with conditions and \$ 7,500 10,000 fine.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>

Third Offense	\$5,000 2,500 fine.	One (1) year s Suspension followed by <u>five (5) years</u> probation with conditions and \$10,000 fine.	One (1) year Suspension.	Revocation.
(bbb) Engaging in a pattern of practice of prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients or a violation of sections 893.055 and 893.0551, F.S., or law and rules relating to prescribing practitioners. (Section 456.072(1)(gg), F.S.)				
First Offense	\$1,500 fine.	Two (2) years p Probation with conditions and \$5,000 8,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Two (2) years p Probation with conditions and \$3,000 fine.	One (1) year s Suspension and \$7,500 10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	\$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ccc) Failing to comply with, failing to successfully complete, or being terminated from an impaired practitioner treatment program. (Section 456.072(1)(hh), F.S.)				
First Offense	Suspension, until compliant, followed by 2 years probation with conditions and \$2,000 fine.	Suspension until compliant, followed by 5 years probation with conditions and \$5,000 fine.	Denial of Application or Suspension until Complaint, followed by Corrective Action Plan.	Same
Second or Subsequent Offense	Three years suspension followed by 5 years probation with conditions and \$10,000 fine.	Revocation and \$10,000 fine.	Same	Revocation.
(ddd) Being convicted of, or entering a plea of nolo				

contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.)				
First Offense	Misdemeanor – Reprimand, \$10,000 fine, suspension. Felony – Revocation.	Misdemeanor – \$10,000 fine, revocation. Felony – Revocation.	<u>Revocation.</u>	<u>Revocation.</u>
Second Offense	Misdemeanor or Felony – Revocation and \$10,000 fine.	Misdemeanor or Felony – Revocation and \$10,000 fine.	<u>Same</u>	<u>Same</u>
(eee) Failing to remit the sum owed to the state for any overpayment from the Medicaid program pursuant to a final order, judgement, or stipulation or settlement. (Section 456.072(1)(jj), F.S.)				
First Offense	\$2,500 1,000 fine, letter of concern	\$7,500 10,000 fine and one (1) year suspension.	<u>Reprimand and One (1) year Suspension.</u>	<u>Revocation or Denial of Application.</u>
Second Offense	\$7,500 fine, reprimand.	\$10,000 fine, revocation.	<u>Revocation.</u>	<u>Revocation.</u>
(fff) Being terminated from the state Medicaid program pursuant to section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored. (Section 456.072(1)(kk), F.S.)				

First Offense	\$1,000 fine and a 7 letter of concern.	\$5,000 10,000 fine, <u>one (1) year suspension followed by two (2) years probation.</u>	<u>Reprimand and One (1) year Suspension.</u>	<u>Revocation or Denial of Application.</u>
Second Offense	\$5,000 7,500 fine and a 7 reprimand.	\$10,000 fine and <u>two (2) year's suspension followed by three (3) years probation, revocation.</u>	<u>Revocation.</u>	<u>Revocation.</u>
Third Offense	\$10,000 fine, <u>five (5) year suspension followed by five (5) years probation.</u>	\$10,000 fine and <u>revocation.</u>	<u>Revocation.</u>	<u>Revocation.</u>
(ggg) Being convicted of, or entering a plea of guilty or nolo contendere, to any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud. (Section 456.072(1)(ll), F.S.)				
First Offense	Misdemeanor – \$10,000 fine, reprimand. Felony – Revocation \$10,000 fine.	Misdemeanor – \$10,000 fine, suspension. Felony – Revocation \$10,000 fine.	<u>Reprimand and One (1) year Suspension.</u>	<u>Revocation or Denial of Application.</u>
Second Offense	Misdemeanor or Felony – \$10,000 fine, revocation.	Misdemeanor or Felony – \$10,000 fine, revocation.	<u>Revocation</u>	<u>Revocation</u>
(hhh) Failure to comply with the controlled substance prescribing requirements of section 456.44, F.S. (Section 456.072(1)(mm), F.S.)				
First Offense	Suspension of license for a period of six (6) months followed by a period of probation and an administrative fine in the amount of \$10,000.00.	Revocation and an administrative fine of \$10,000.00.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	Suspension of license for a period of one (1) year followed by probation and an administrative fine	Revocation and an administrative fine in the amount of \$10,000.00.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>

	in the amount of \$10,000.00.			
(iii) Providing false or deceptive expert witness testimony related to the practice of dentistry. (Section 466.028(1)(II), F.S.)				
First Offense	Reprimand and an administrative fine of \$5,000.00.	Revocation and an administrative fine of \$10,000.00.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application.</u>
Second Offense	Revocation and an administrative fine of \$10,000.00.	Revocation and an administrative fine of \$10,000.00.	<u>Six (6) month Suspension.</u>	<u>Revocation.</u>
(jjj) Willfully failing to comply with section 627.64194 or 641.513, F.S., with such frequency as to indicate a general business practice. (Section 456.072(1)(oo), F.S.)			<u>One (1) year Suspension.</u>	<u>Revocation.</u>
First Offense	Reprimand and a \$5,000 fine.	Probation with conditions and \$7,500 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Second Offense	Reprimand; suspension for 6 months followed by Probation with Conditions; and \$8,000 fine.		<u>Not Applicable to Telehealth Registrants.</u>	
(kkk) Failure to comply with the parental consent requirements of s. 1014.06. (Section 456.072(1)(rr), F.S.)				
First Offense	<u>Letter of Concern.</u>	<u>Reprimand and \$500 fine.</u>	<u>Reprimand.</u>	<u>One (1) month suspension.</u>
Second Offense	<u>Reprimand and \$250 fine.</u>	<u>Probation with conditions.</u>	<u>One (1) month suspension.</u>	<u>Six (6) month suspension.</u>
Third or Subsequent Offense	<u>Probation with conditions and \$2,500 fine.</u>	<u>One (1) year suspension and \$5,000 fine.</u>	<u>One (1) year suspension.</u>	<u>Denial or revocation of License.</u>
First Offense	<u>Letter of Concern.</u>	<u>Reprimand and \$500 fine.</u>	<u>Reprimand.</u>	<u>One (1) month suspension.</u>
<u>(III) Being convicted or found guilty of, entering a plea, or committing or</u>				

<u>attempting, soliciting, or conspiring to commit an act that would constitute a violation of any of the offenses listed in s. 456.074(5), F.S. or similar offense in another jurisdiction. (Section 456.072(1)(ss), F.S.)</u>				
<u>First Offense</u>	<u>Denial or revocation of license.</u>	<u>Denial or revocation of license and \$5,000 fine.</u>	<u>Denial or revocation of license.</u>	<u>Same.</u>
<u>Second or Subsequent Offense</u>	<u>Denial or revocation of license and \$5,000 2,500 fine.</u>	<u>Denial/revocation of license and \$10,000 fine.</u>	<u>Denial or revocation of license.</u>	<u>Same.</u>

(2) Based upon consideration of aggravating or mitigating factors, present in an individual case, except for explicit statutory maximum and minimum penalty requirements, the Board may deviate from the penalties recommended in subsection (1), above, and subsection (3), below. The Board shall consider as aggravating or mitigating factors the following:

(a) through (j) No change.

(k) Degree of contrition and acceptance of responsibility by Respondent ~~Any other relevant mitigating or aggravating factor under the circumstances.~~

(3) through (5) No change.

Rulemaking Authority 456.079(1) ~~456.47(7)~~, FS. Law Implemented 456.072(2), 456.079(1), ~~456.47(4)~~, 466.028 FS. History—New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, 8-25-03, 2-27-06, 12-25-06, 6-11-07, 9-15-10, 12-2-10, 1-24-12, 4-25-17, 11-14-18, _____.

After discussion, the following action was taken:

Motion: by Mr. Andrade to allow board counsel to provide response with amended changes proposed on the record

Second: Dr. White

Vote: Unanimous

The Board found there was no economic impact, that no part of this rule or a violation of this rule should be designated as a minor violation, that this rule shall not include a sunset provision. and that a Statement of Regulatory Cost was not necessary and will not need legislative ratification.

64B5-14.002 Prohibitions.

(1) No change.

(2) Nitrous-oxide inhalation analgesia. No dentists or dental hygienist licensed in this State shall assist the dentist in initiating ~~administer~~ nitrous-oxide inhalation analgesia in the practice of dentistry until they have complied with the provisions of this rule chapter, nor shall a hygienist assist the dentist in initiating ~~administer~~ nitrous-oxide inhalation analgesia to a patient previously sedated. No agents other than nitrous-oxide and oxygen shall be used for

inhalation analgesia pursuant to Rule 64B5-14.003, F.A.C.

(3) through (5) No change.

(6) A hygienist certified by the board to administer local anesthesia shall not administer local anesthesia to a patient sedated by general anesthesia, deep sedation, moderate sedation, or pediatric moderate sedation. If a dentist or dental hygienist has assisted the dentist in initiating administered nitrous-oxide inhalation analgesia to the patient, the certified dental hygienist may administer local anesthesia under the direct supervision of the supervising dentist. A patient who has been prescribed a medical drug by their licensed health care provider for the purposes of life functions may be administered local anesthesia by the certified dental hygienist under the direct supervision of the supervising dentist. If, however, the medical drug is prescribed or administered for the purposes of a dental procedure which is intended to induce minimal sedation, the hygienist may not administer local anesthesia to the patient.

(7) though (8) No change.

Rulemaking Authority 466.004(4), 466.017(3), 466.017(6) FS. Law Implemented 466.017(3), 466.017(5) FS. History--New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.02, 21G-14.002, Amended 12-20-93, Formerly 61F5-14.002, Amended 8-8-96, Formerly 59Q-14.002, Amended 3-9-03, 11-4-03, 6-15-06, 12-25-06, 12-11-11, 8-5-12, 12-15-14, 7-14-16, 11-13-17, 3-10-20,_____.

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

(1) through (3) No change.

(4) Nitrous-Oxide Inhalation Analgesia.

(a) A dentist may ~~employ or use, or employ and authorize a dental hygienist to assist the dentist in initiating administer~~ under indirect supervision, as specified by Rule 64B5-16.006, nitrous-oxide inhalation analgesia on an outpatient basis for dental patients provided such dentist and dental hygienist have:

1. ~~Has~~ Completed no less than a two-day course of training as described in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students (eff. 10/16), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11670> or available at <http://www.floridadentistry.gov>, or its equivalent, or

2. ~~Has~~ Training equivalent to that described above while a student in an accredited school of dentistry or dental hygiene; and,

3. ~~Has a~~ A dental nitrous-oxide delivery system with fail-safe features and a 30% minimum oxygen flow.

(b) A dentist utilizing nitrous-oxide inhalation analgesia and such dentist's assistants and ~~and~~ dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent Agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one man CPR, two man CPR, infant resuscitation and obstructed airway with a periodic update not to exceed two years. A dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing pediatric moderate sedation must be currently trained in PALS (Pediatric Advanced Life Support).

(c) through (d) No change.

(e) Dental assistants ~~and dental hygienists~~ may monitor nitrous-oxide inhalation analgesia under the indirect supervision of a dentist if the dental assistant ~~or dental hygienist~~ has complied with the training requirements in paragraph 64B5-14.003(4)(b), F.A.C., and has completed, at a minimum, a two-day course of training as described in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students" or its equivalent. After the dentist or dental hygienist has induced a patient and established the maintenance level, the assistant ~~or hygienist~~ may monitor the administration of the nitrous-oxide oxygen making only diminishing adjustments during this administration and turning it off at the completion of the dental procedure.

(5) No change.

Rulemaking Authority 466.004(4), 466.017(3), (6) FS. Law Implemented 466.017(3), (4), (5), (6) FS. History–New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, 6-23-04, 6-11-07, 2-8-12, 8-16-12 (1)(a)-(f), 8-16-12 (5), 8-19-13, 12-16-13, 3-9-14, 7-14-16, 11-13-17, 3-10-20, 8-5-21,_____.

b. Rules 64B5-14.002 and 14.003, F.A.C.

After discussion, the following action was taken:

Motion: by Ms. Johnson to allow board counsel to provide response changing the language from “administer to “assist the dentist in the initiation of nitrous oxide”.

Second: Dr. Cherry

Vote: Unanimous

c. Rule 64B5-16.006, F.A.C.

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) No change.

(2) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training as defined by Rule 64B5-16.002, F.A.C., and who performs the tasks under Direct supervision:

(a) through (h) No change.

(i) Assist the dentist in the initiation of Administer nitrous-oxide inhalation analgesia-oxygen to a special needs or American Society of Anesthesiologists (ASA) Category IV dental patients provided the patient has not been previously sedated and the Dental Hygienist is in full compliance with the requirements of Rule 64B5-14.003(4)(b), F.A.C.

(3) through (5) No change.

(6) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training as defined by Rule 64B5-16.002, F.A.C., and who performs the tasks under Indirect supervision:

(a) through (f) No change.

(g) Assist the dentist in the initiation of Administer Monitor the administration of the nitrous-oxide inhalation analgesia oxygen to American Society of Anesthesiologists (ASA) Category I – III dental patients provided the Dental Hygienist is in full compliance with the requirements of Rule 64B5-14.003(4)(b), F.A.C. making adjustments only during this administration and turning it off at the completion of the dental procedure; and,

(h) No change.

(7) through (11) No change.

Rulemaking Authority 466.004(4), 466.017(6), 466.023, 466.024 FS. Law Implemented 466.017(6), 466.023, 466.024 FS. History–New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00, 9-27-01, 7-13-05, 2-14-06, 3-24-08, 7-20-09, 10-17-10, 8-5-12, 6-28-17, 8-29-17, 2-27-18, 12-9-18, 3-25-20, 3-30-21_____.

After discussion, the following action was taken:

Motion: by Ms. Johnson to allow board counsel to provide response changing the language from “Administer to “assist the dentist in the initiation of nitrous oxide”

Second: Dr. Cherry

Vote: Unanimous

B. Executive Director

i. Financial Reports

Ms. Sapp provided the financial reports to the Board for informational purposes

C. Chair

D. Board Members

E. Inspection Report

i. Ron Dilworth

Mr. Dilworth provided the Board with an update on the inspection program and the inspector training held on May 9 – 12, 2022. As of January 1, 2022, they have completed 292 inspections. Twenty-one (21) of those inspections were initial inspections.

IX. RULES DISCUSSION

A. Rule 64B5-1.002, F.A.C.

64B5-1.002 Unexcused Absences of Board Members.

(1) A Board member's absence from a Board meeting shall be considered unexcused if the Board member had not received approval of the Chair or the Chair's designee prior to missing the meeting.

(2) Arriving late for a Board meeting or leaving early from a Board meeting without prior approval of the Chair or the Chair's designee shall be considered an unexcused absence.

After discussion, the following action was taken:

Motion: by Dr. Miro to accept the proposed language

Second: Dr. McCawley

Vote: Unanimous

The Board found there was no economic impact, that no part of this rule or a violation of this rule should be designated as a minor violation, that this rule shall not include a sunset provision. and that a Statement of Regulatory Cost was not necessary and will not need legislative ratification.

B. Rules 64B5-2.013 and 2.0135, F.A.C

64B5-2.013 Dental Examination.

Each applicant applying for a Florida dental license is required to complete the examinations as provided for in Section 466.006, F.S. The Florida examinations for dentistry shall consist of a Written Examination, a Practical or Clinical Examination and a Diagnostic Skills Examination. All three examinations will be conducted in English. Applicants for examination or re-examination must have taken and successfully completed of the National Board of Dental Examiners dental examination.

(1) Practical or Clinical Examination:

(a) Effective October 1, 2011, the Florida Practical or Clinical Examination and the Diagnostic Skills Examination is currently the American Dental Licensing Examination (ADLEX) developed by the American Board of Dental Examiners, Inc., or its successor entity if the successor entity is determined by the Board of Dentistry to comply with

the provision of Section 466.006, F.S. The ADLEX is inclusive of a comprehensive diagnostic skills examination covering the full scope of the practice of dentistry.

(b) All parts of the ADEX shall be completed within eighteen (18) months from the initial start of any portion of the examination. A failure to complete all parts of the examination within eighteen (18) months will require the applicant to retake the entire examination.

(c) Each part of the ADEX shall be completed with a grade of at least seventy-five (75%) percent.

(d) Provided the Board of Dentistry maintains representation on the Board of Directors of the American Board of Dental Examiners, Inc., and the Examination Development Committee of the American Board of Dental Examiners Inc., the practical or clinical examination procedures, standards, and criteria of the ADEX are approved.

(e) If any portion of the clinical or practical portion of the ADEX exam was completed in a jurisdiction other than Florida, applicants must comply with the applicable provisions of Sections 466.006(4)(b)3. and 466.006(6), F.S., Rules 64B5-2.0150 and 64B5-2.0152, F.A.C.

~~(f) Candidates for the dental examination may only assess patients for suitability as exam patients at a dental office under the direct supervision of a Florida licensed dentist, or at an accredited dental program under the direct supervision of a program faculty member.~~

(2) Written Examination:

(a) The Written Examination for dental licensure shall consist of the laws and rules of the State of Florida regulating the practice of dentistry and dental hygiene.

(b) A final grade of seventy-five (75%) percent or better is required to pass the Written Examination.

Rulemaking Authority 456.017(1)(b), 466.004(4), 466.006(5)(a) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.006(5)(a), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08, 6-28-09, 8-25-10, 5-8-12, 2-25-15, 6-24-21.

64B5-2.0135 Dental Hygiene Examination.

(1) Practical or Clinical Examination:

(a) Currently, the Florida practical or clinical examination is the Dental Hygiene Examination developed by the American Board of Dental Examiners, Inc. (ADEX) and administered by the Commission on Dental Competency Assessments (CDCA). Any ADEX Dental Hygiene Examination administered after June 1, 2010, will meet the clinical or practical examination requirement, regardless of the jurisdiction in which the exam was administered.

(b) Any dental hygiene applicant, who fails to pass the Practical or Clinical Examination in three (3) attempts, shall not be eligible for reexamination until the successful completion of one academic semester of clinical course work at the senior clinical practice level at a dental hygiene school approved by the American Dental Association Commission on Accreditation. A failure to comply with the remedial course work in this paragraph will result in a denial of licensure or a denial to sit for reexamination.

(c) The Board of Dentistry hereby approves the practical or clinical Dental Hygiene Examination developed by ADEX. All ADEX clinical or practical examination procedures, standards, and criteria are approved and shall remain approved contingent on the Board of Dentistry maintaining representation on the ADEX House of Representatives and the ADEX Dental Hygiene Examination Development Committee.

~~(d) Candidates for the dental hygiene examination may only assess patients for suitability as exam patients at a dental office under the direct supervision of a Florida licensed dentist, or at an accredited dental hygiene program, or an accredited dental school under the direct supervision of a program faculty member.~~

(2) Laws and Rules Examination:

(a) The written examination shall be an examination covering the laws and rules applicable to the practice of a health care profession, the practice of dentistry and the practice of dental hygiene in the State of Florida.

(b) The examination shall, at a minimum, cover the following subject areas:

1. The provisions of chapter 466, F.S.,
2. The provisions of chapter 456, F.S.; and,

3. The provisions of chapter 64B5, F.A.C.

(c) No more than three percent (3%) of the examination shall cover the topic of chapter 456, F.S.

(3) All parts of the ADEX shall be completed within eighteen (18) months from the initial start of any portion of the examination. A failure to complete all parts of the examination within eighteen (18) months will require the applicant to retake the entire examination.

(4) Grading, Passing Results, and Time Requirements:

(a) The practical or clinical examination must be completed with a score of seventy-five (75) points or greater on both portions of the examinations, whether administered in Florida or another jurisdiction.

(b) The written examination shall be completed with a seventy-five percent (75%) or greater.

(5) Historical Note Florida Dental Hygiene Exam:

(a) On March 23, 2012, legislation became effective, SB 1040, which amended section 466.007, F.S. Beginning July 1, 2012, the amendment made the Florida Dental Hygiene Exam the hygiene examination developed by ADEX.

(b) Prior to the legislative change, the Board voted and implemented the Dental Hygiene Exam developed by ADEX and set June 1, 2010, as the controlling date for acceptance of this exam. Preceding June 1, 2010, the hygiene examination was an independent administered state exam.

(c) In accordance with the applicable rules and statutes, June 1, 2010, is the earliest date the Board shall accept for a valid Dental Hygiene Exam developed by ADEX, as this is the earliest date the Board and Council found the ADEX exam met the requirements of section 466.007, F.S.

Rulemaking Authority 466.004(4) FS. Law Implemented 466.007 FS. History—New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended 10-31-01, 7-6-05, 12-31-09, 10-10-10, 12-28-11, 8-8-12, 1-27-15, 9-1-15, 5-3-21.

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept the proposed changes

Second: Mr. Andrade

Vote: Unanimous

The Board found there was no economic impact, that no part of this rule or a violation of this rule should be designated as a minor violation, that this rule shall not include a sunset provision. and that a Statement of Regulatory Cost was not necessary and will not need legislative ratification.

C. Rule 64B5-9.011, F.A.C.

i. Application

The application has been updated to incorporate changes to Rule 64B5-9.011, F.A.C. that became effective on April 3, 2022.

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept the proposed changes to the application

Second: Mr. Andrade

Vote: Unanimous

The Board found there was no economic impact, that no part of this rule or a violation of this rule should be designated as a minor violation, that this rule shall not include a sunset provision. and that a Statement of Regulatory Cost was not necessary and will not need legislative ratification.

X. DISCUSSION

A. Sedation of Special Needs Patients – Kent Weitzel, DMD

Dr. Weitzel addressed the board regarding the lack of access to dental care for adult special needs patients. Dr. Weitzel referenced the Pennsylvania model which is made up of education in the dental schools, clinical facilities in the dental schools, and treating special needs patients with the combined efforts of a dental anesthesiologist and a general dentist. He also referenced the Pennsylvania anesthesia dental law which allows non-sedation permitted dentists to bring in a mobile anesthesiologist for treatment of adult special needs patients. He noted that Ohio, Arizona, Texas, Colorado, and California have adopted similar models in their respective states. Allison Seaman and Robert McLean also addressed the board regarding difficulties they have personally encountered in obtaining dental care for their special needs children. The Board thanked Dr. Weitzel for his presentation and thanked Ms. Seaman and Mr. McLean for sharing their concerns but believe that making a change to our anesthesia rule would not increase access to care and could compromise patient safety.

Casey Stoutamire spoke on behalf of the Florida Dental Association (FDA) regarding the access to care and stated that the FDA will continue to work on this issue.

XI. FOR YOUR INFORMATION

A. Florida Prescription Drug Monitoring Program (PDMP) Monthly Report

XII. NEW BUSINESS

A. Licensure Ratification Lists

After discussion, the following action was taken:

Motion: by Dr. White to approve the licensure ratification list

Second: Ms. Hill

Vote: Unanimous

B. Anesthesia Ratification List

After discussion, the following action was taken:

Motion: by Dr. White to approve the anesthesia ratification list

Second: Ms. Hill

Vote: Unanimous

XIII. OLD BUSINESS

A. Approval of Board Meeting Minutes – February 18, 2022

Motion: by Dr. White to approve the minutes

Second: Ms. Hill

Vote: Unanimous

XIV. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:30 p.m.

