

By Representative Morroni

1 A bill to be entitled
2 An act relating to dentistry; amending s.
3 466.004, F.S.; revising qualifications for
4 membership on the Board of Dentistry; providing
5 applicability; amending s. 466.021, F.S.;
6 revising requirements relating to dental work
7 orders; amending s. 466.0282, F.S.; revising
8 requirements relating to the recognition and
9 advertising of dental specialties; requiring
10 certain consumer notice; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. (1) Subsection (1) of section 466.004,
16 Florida Statutes, 1998 Supplement, is amended to read:

17 466.004 Board of Dentistry.--

18 (1) To carry out the provisions of this chapter, there
19 is created within the department the Board of Dentistry
20 consisting of 11 members who shall be appointed by the
21 Governor and subject to confirmation by the Senate. Seven
22 members of the board must be licensed dentists actively
23 engaged in the clinical practice of dentistry in this state
24 whose principal source of income is derived from direct
25 patient care; two members must be licensed dental hygienists
26 actively engaged in the practice of dental hygiene in this
27 state; and the remaining two members must be laypersons who
28 are not, and have never been, dentists, dental hygienists, or
29 members of any closely related profession or occupation. Each
30 ~~dental~~ member of the board who is a licensed dentist must have
31 been actively engaged in the practice of dentistry primarily

1 as a clinical practitioner ~~her or his respective profession~~
2 for at least 5 years immediately preceding the date of her or
3 his appointment to the board and must remain primarily in
4 clinical practice during all subsequent periods of appointment
5 to the board. Any person who is connected in any way with any
6 dental college or community college may be appointed to the
7 board so long as that connection does not result in a
8 relationship wherein such college provides more than 5 percent
9 of the person's income. At least one member of the board must
10 be 60 years of age or older. Members shall be appointed for
11 4-year terms.

12 (2) The amendment of subsection (1) of section
13 466.004, Florida Statutes, 1998 Supplement, by this section
14 applies to appointments to the Board of Dentistry made on or
15 after the effective date of this act.

16 Section 2. Section 466.021, Florida Statutes, is
17 amended to read:

18 466.021 Employment of unlicensed persons by dentist;
19 penalty.--Every duly licensed dentist who uses the services of
20 any unlicensed person for the purpose of constructing,
21 altering, repairing, or duplicating any denture, partial
22 denture, bridge splint, or orthodontic or prosthetic appliance
23 shall be required to furnish such unlicensed person with a
24 written work order in such form as prescribed ~~shall be~~
25 ~~approved by rule of the board department. This form shall be~~
26 ~~supplied to the dentist by the department at a cost not to~~
27 ~~exceed that of printing and handling. The work order blanks~~
28 ~~shall be assigned to individual dentists and are not~~
29 ~~transferable.~~ This form shall be dated and signed by such
30 dentist and shall include the patient's name or number with
31 sufficient descriptive information to clearly identify the

1 case for each separate and individual piece of work. †A ~~said~~
2 ~~work order shall be made in duplicate form, the duplicate copy~~
3 of such work order shall ~~to~~ be retained in a permanent file in
4 the dentist's office for a period of 2 years, and the original
5 work order shall ~~to~~ be retained in a permanent file for a
6 period of 2 years by such ~~said~~ unlicensed person in her or his
7 place of business. Such permanent file of work orders to be
8 kept by such dentist or by such unlicensed person shall be
9 open to inspection at any reasonable time by the department or
10 its duly constituted agent. Failure of the dentist to keep
11 such permanent records of such ~~said~~ work orders shall subject
12 the dentist to suspension or revocation of her or his license
13 to practice dentistry. Failure of such unlicensed person to
14 have in her or his possession a work order as required by this
15 section ~~above defined~~ shall be admissible evidence of a
16 violation of this chapter and shall constitute a misdemeanor
17 of the second degree, punishable as provided in s. 775.082 or
18 s. 775.083. Nothing in this section shall preclude a
19 registered dental laboratory from working for another
20 registered dental laboratory, provided that such work is
21 performed pursuant to written authorization, in a form to be
22 prescribed by rule of the board ~~department~~, which evidences
23 that the originating laboratory has obtained a valid work
24 order and which sets forth the work to be performed.
25 Furthermore, nothing in this section shall preclude a
26 registered laboratory from providing its services to dentists
27 licensed and practicing in another state, provided that such
28 work is requested or otherwise authorized in written form
29 which clearly identifies the name and address of the
30 requesting dentist and which sets forth the work to be
31 performed.

1 Section 3. Section 466.0282, Florida Statutes, is
2 amended to read:

3 466.0282 Specialties.--

4 (1) A dentist licensed under this chapter may not hold
5 himself or herself out as a specialist, or advertise
6 membership in or specialty recognition by an accrediting
7 organization, ~~or advertise that his or her practice is limited~~
8 ~~to a specific area of dentistry,~~ unless the dentist:

9 (a) Has completed a specialty education program
10 approved by the American Dental Association and the Commission
11 on Dental Accreditation and:

12 1. ~~(b)~~ Is eligible for examination by a national
13 specialty board recognized by the American Dental Association;
14 or

15 2. ~~(c)~~ Is a diplomate of a national specialty board
16 recognized by the American Dental Association; or

17 (b) ~~(d)~~ Has continuously held himself or herself out as
18 a specialist since December 31, 1964, in a specialty
19 recognized by the American Dental Association.

20 (2) A dentist licensed under this chapter may not
21 represent to the public without appropriate disclosure that
22 his or her practice is limited to a specific area of dentistry
23 other than a specialty area of dentistry authorized under
24 subsection (1), unless the dentist has attained membership in
25 or has otherwise been credentialed by an accrediting
26 organization which is recognized by the board as a bona fide
27 organization for such an area of dental practice. In order to
28 be recognized by the board as a bona fide accrediting
29 organization for a specific area of dental practice other than
30 a specialty area of dentistry authorized under subsection (1),
31

1 the organization must condition membership or credentialing of
2 its members upon all of the following:
3 (a) Successful completion of a formal, full-time
4 advanced education program that is affiliated with or
5 sponsored by a university-based dental school and is:
6 1. Beyond the dental degree;
7 2. At the graduate or postgraduate level; and
8 3. Of at least 12 months in duration.
9 (b) Prior didactic training and clinical experience in
10 the specific area of dentistry which is greater than that of
11 other dentists.
12 (c) Successful completion of oral and written
13 examinations based on psychometric principles.
14 (3) Notwithstanding the requirements of subsections
15 (1) and (2), a dentist who lacks membership in or
16 certification, diplomate status, or other similar credentials
17 from an accrediting organization approved as bona fide by
18 either the American Dental Association or the board may
19 announce a practice emphasis in any other area of dental
20 practice if the dentist incorporates in capital letters or
21 some other manner clearly distinguishable from the rest of the
22 announcement, solicitation, or advertisement the following
23 statement: "... (NAME OF ANNOUNCED AREA OF DENTAL PRACTICE) ...
24 IS NOT RECOGNIZED AS A SPECIALTY AREA BY THE AMERICAN DENTAL
25 ASSOCIATION OR THE FLORIDA BOARD OF DENTISTRY." If such an
26 area of dental practice is officially recognized by an
27 organization which the dentist desires to acknowledge or
28 otherwise reference in the dentist's announcement,
29 solicitation, or advertisement, the same announcement,
30 solicitation, or advertisement shall also state prominently:
31 "... (NAME OF REFERENCED ORGANIZATION) ... IS NOT RECOGNIZED AS

1 A BONA FIDE SPECIALTY ACCREDITING ORGANIZATION BY THE AMERICAN
2 DENTAL ASSOCIATION OR THE FLORIDA BOARD OF DENTISTRY."

3 ~~(4)(2)~~ The purpose of this section is to prevent a
4 dentist from advertising without appropriate disclosure
5 membership in an organization which may be perceived by the
6 public as recognizing or accrediting specialization or other
7 unique competencies in an area of dentistry that is not
8 recognized or accredited by the American Dental Association or
9 the board in accordance with this section. The purpose of this
10 section is also to prohibit a dentist from advertising a
11 specialty or other area of dental practice without appropriate
12 disclosure unless the special competencies held by the dentist
13 satisfy the requirements of subsection (1) or subsection (2)
14 ~~that the dentist's practice is limited to an area of dentistry~~
15 ~~that is not recognized as a specialty by the American Dental~~
16 ~~Association~~. The Legislature finds that dental consumers can
17 reasonably rely on these requirements as satisfactory evidence
18 of a dentist's attainment of meaningful competencies in the
19 specialty or other bona fide area of dental practice
20 advertised recognition by the American Dental Association as
21 proof that an area of dentistry is recognized as a legitimate
22 dental specialty by other dentists and that the accrediting or
23 recognizing organization of that specialty is bona fide. The
24 Legislature also finds that this process for the recognition
25 of dental specialties and other bona fide areas of dental
26 practice is the least restrictive means available to ensure
27 that consumers are not misled about a dentist's unique
28 credentials ~~not only that the American Dental Association,~~
29 ~~unlike the board, has the administrative staff and financial~~
30 ~~resources necessary to investigate and thoroughly evaluate~~
31 ~~whether an accrediting or recognizing organization is capable~~

1 ~~of accurately determining whether an area of dentistry is~~
2 ~~uniquely defined and educationally disciplined so as to meet a~~
3 ~~substantial public need for clinical treatment, but also that~~
4 ~~this accreditation process is the least restrictive means~~
5 ~~available to ensure that consumers are not misled about~~
6 ~~whether an area of dentistry is a legitimate specialty.~~
7 ~~Therefore, it is the intent of the Legislature that the~~
8 ~~findings of the American Dental Association's accreditation~~
9 ~~process for dental specialties be relied on by the board.~~

10 ~~(3) Nothing in this section shall be construed to~~
11 ~~allow the board to recognize any specialty that is not~~
12 ~~recognized by the American Dental Association.~~

13 Section 4. This act shall take effect July 1, 1999.

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15 HOUSE SUMMARY

16
17 Requires members of the Board of Dentistry who are
18 licensed dentists to be actively engaged in clinical
19 practice, to derive their principal source of income from
20 direct patient care, and to remain primarily in clinical
21 practice during all subsequent periods of appointment to
22 the board. Authorizes appointment of persons to the board
23 who are connected with a dental college or community
college if no more than 5 percent of the person's income
is provided by such college. Provides that such
provisions shall apply only to new appointments to the
board.

24 Requires work orders of unlicensed persons and registered
25 dental laboratories providing services to licensed
dentists or other registered dental laboratories to be in
26 a form prescribed by rule of the board rather than the
Department of Health, and eliminates requirements that
27 such form be supplied by the department and assigned to
individual dentists.

28 Revises requirements relating to the recognition and
29 advertising of dental specialties. Requires notice to
30 consumers of specialty areas and organizations which are
not recognized by the American Dental Association or the
31 board.