

A bill to be entitled

An act relating to dental charting; amending s. 466.023, F.S.; expanding the scope and area of practice of dental hygienists to include dental charting; creating s. 466.0235, F.S.; providing for regulation of dental charting; providing a definition; authorizing dental hygienists to perform dental charting under certain conditions; regulating the use and content of disclosure and charting forms; requiring the Board of Dentistry to approve disclosure and charting forms; limiting the applicability of dental charting; providing restrictions on dental charting reimbursement, referrals made in conjunction with the provision of dental charting services, and the provision of dental charting by a dental hygienist without supervision; providing an effective date.

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

Section 1. Subsection (5) of section 466.023, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section to read:

466.023 Dental hygienists; scope and area of practice.--

(5) Dental hygienists may, without supervision, perform dental charting as provided in s. 466.0235.

Section 2. Section 466.0235, Florida Statutes, is created to read:

466.0235 Dental charting.--

HB 1157

2006

29 (1) For purposes of this section, the term "dental
30 charting" means a recording of visual observations of clinical
31 conditions of the oral cavity without the use of X rays,
32 laboratory tests, or other diagnostic methods or equipment,
33 except the instruments necessary to record visual restorations,
34 missing teeth, suspicious areas, and periodontal pockets.

35 (2) A dental hygienist may, without supervision and within
36 the lawful scope of his or her duties as authorized by law,
37 perform dental charting of hard and soft tissues in public and
38 private educational institutions of the state and Federal
39 Government, nursing homes, assisted living and long-term care
40 facilities, community health centers, and mobile dental or
41 health units. A dental hygienist may also perform dental
42 charting on a volunteer basis at health fairs.

43 (3) Each person who receives a dental charting pursuant to
44 this section, or the parent or legal guardian of the person,
45 shall receive and sign a written disclosure form before
46 receiving the dental charting procedure that states that the
47 purpose of the dental charting is to collect data for use by a
48 dentist at a prompt subsequent examination. The disclosure form
49 shall also emphasize that diagnosis of caries, soft tissue
50 disease, oral cancer, temporomandibular joint disease (TMJ), and
51 dentofacial malocclusions can only be completed by a dentist in
52 the context of delivering a comprehensive dental examination.

53 (4) The board shall approve the content of charting and
54 disclosure forms to be used under this section. Both forms shall
55 emphasize the inherent limitations of dental charting and
56 encourage complete examination by a dentist in rendering a

HB 1157

2006

57 professional diagnosis of the patient's overall oral health
58 needs.

59 (5) Dental charting performed under this section is not a
60 substitute for a comprehensive dental examination.

61 (6) Nothing in this section shall be construed to permit
62 direct reimbursement for dental charting performed under this
63 section by Medicaid, health insurers, health maintenance
64 organizations, prepaid dental plans, or other third-party payors
65 beyond what is otherwise allowable by law.

66 (7) All referrals made in conjunction with the provision
67 of dental charting services under this section shall be in
68 strict conformance with federal and state patient referral,
69 anti-kickback, and patient brokering laws.

70 (8) A dental hygienist performing dental charting without
71 supervision shall not be deemed to have created either a patient
72 of record or a medical record.

73 Section 3. This act shall take effect July 1, 2006.