25-1393-06

1	A bill to be entitled
2	An act relating to dental hygienists; creating
3	s. 466.0241, F.S.; authorizing a dental
4	hygienist to complete dental charting in
5	certain public or private facilities; requiring
6	a person who receives a dental charting to
7	acknowledge a written disclosure; providing for
8	the contents of the written disclosure;
9	defining the term "dental charting"; requiring
10	the Board of Dentistry to approve the content
11	of the charting and disclosure forms; requiring
12	a medical clearance by a physician or dentist
13	when a certain dental instrument is used;
14	providing that the act does not authorize
15	direct reimbursement by certain insurers for
16	dental charting; requiring referrals to be in
17	conformance with state and federal laws;
18	providing that a dental hygienist who performs
19	dental charting does not create a patient of
20	record; providing an effective date.
21	
22	Be It Enacted by the Legislature of the State of Florida:
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24	Section 1. Section 466.0241, Florida Statutes, is
25	created to read:
26	466.0241 Dental charting A dental hygienist may,
27	without supervision and within the lawful scope of his or her
28	duties as authorized by law, complete dental charting of hard
29	and soft tissues in public and private educational
30	institutions of the state and federal government, nursing
31	homes, assisted living and long-term care facilities,

community health centers, and mobile dental or health units. 2 Dental charting may also be performed on a volunteer basis at health fairs. Each person, or the parent or legal quardian of 3 4 that person, who receives a dental charting pursuant to this section must receive and acknowledge a written disclosure in 5 6 advance of the charting which states that the purpose of the 7 dental charting is to collect data for use by a dentist at a prompt subsequent examination. The disclosure form also must 8 emphasize that diagnosis of caries, soft-tissue disease, oral 9 10 cancer, temporomandibular joint syndrome, and dento-facial malocclusions can only be completed by a dentist in the 11 12 context of delivering a comprehensive dental examination. As 13 used in this section, the term "dental charting" means the recording of visual observations of clinical conditions of the 14 oral cavity without the use of Xrays, laboratory tests, or 15 other diagnostic methods or equipment, except the instruments 16 necessary to record visual restorations, missing teeth, 18 suspicious areas, and periodontal pockets. The Board of Dentistry shall approve the content of the charting and 19 disclosure forms to be used under this section. Both forms 2.0 21 must emphasize the inherent limitations of a dental charting 2.2 exercise, encourage complete examination by a dentist in 23 rendering a professional diagnosis of the patient's overall oral health needs, and state that dental charting should not 2.4 be substituted for a comprehensive dental examination. Medical 2.5 clearance by a physician or dentist is required in those cases 2.6 27 when a periodontal probe is used. This section does not 2.8 authorize direct reimbursement for dental charting by Medicaid, health insurers, health maintenance organizations, 29 prepaid dental plans, or other third-party payers beyond what 30 is otherwise allowed by law. Any referral made in conjunction 31

with providing dental charting services must comply with 2 federal and state laws governing patient referral, kickbacks, and patient brokering. The performance of dental charting 3 4 without supervision does not create a patient of record with 5 respect to the dental hygienist performing the procedure. 6 Section 2. This act shall take effect July 1, 2006. 7 ********** 8 9 SENATE SUMMARY 10 Authorizes a dental hygienist to complete dental charting in certain public or private facilities. Requires a person who receives a dental charting to acknowledge a 11 written disclosure. Provides for the contents of the written disclosure. Defines the term "dental charting." Requires the Board of Dentistry to approve the content of 12 13 the charting and disclosure forms. Requires a medical clearance by a physician or dentist when a dental instrument is used. Provides that the act does not 14 authorize direct reimbursement by certain insurers. 15 Requires referrals to be in conformance with certain laws. Provides that a dental hygienist that performs dental charting does not create a patient of record. 16 17 18 19 2.0 21 22 23 2.4 25 26 27 28 29 30 31