

By the Committee on Banking and Insurance; and Senators  
Atwater, Rich and Lawson

597-2448-06

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.

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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,

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

1 allowed by law. Any referral made in conjunction with  
2 providing dental charting services must comply with federal  
3 and state laws governing patient referral, kickbacks, and  
4 patient brokering. The performance of dental charting without  
5 supervision does not create a patient of record with respect  
6 to the dental hygienist performing the procedure.

7 Section 2. This act shall take effect July 1, 2006.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10 COMMITTEE SUBSTITUTE FOR  
11 Senate Bill 2178

12 Technical corrections were made to the bill.  
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