

A bill to be entitled

An act relating to dentistry; amending s. 466.018, F.S.; requiring a dentist to provide specified information to a patient relating to restorative or cosmetic cases; amending s. 466.021, F.S.; providing that requirements relating to certain dental work apply to registered dental laboratories in lieu of "any unlicensed person"; revising the procedure by which a dentist may outsource certain dental work; amending s. 466.032, F.S.; revising provisions relating to dental laboratory registration; requiring certain dental laboratories to submit specified information to the Department of Health; amending s. 466.036, F.S.; requiring registered dental laboratories to ship or deliver cases or materials to dental offices in a specified bag; providing that the department shall not be required to conduct inspections of certain dental laboratories; providing an effective date.

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

Section 1. Present subsection (5) of section 466.018, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section to read:

466.018 Dentist of record; patient records; disclosure.--  
(5) Upon final delivery of a restorative or cosmetic case to a patient, such as crowns, bridges, implants, veneers, orthodontic appliances, complete or partial dentures, or other prosthetic devices, the dentist shall provide to the patient a

29 list of the materials used in the case, along with the chemical  
 30 composition and any contraindications of the materials, and  
 31 shall disclose the name and address of the dental laboratory at  
 32 which the case was manufactured.

33 Section 2. Section 466.021, Florida Statutes, is amended  
 34 to read:

35 466.021 Employment of registered dental laboratories  
 36 ~~unlicensed persons~~ by dentist; penalty.--Every duly licensed  
 37 dentist who uses the services of any registered dental  
 38 laboratory ~~unlicensed person~~ for the purpose of constructing,  
 39 altering, repairing, or duplicating any denture, implant,  
 40 veneer, partial denture, bridge splint, or orthodontic or other  
 41 prosthetic appliance shall be required to furnish the registered  
 42 dental laboratory ~~such unlicensed person~~ with a written  
 43 prescription ~~work order~~ in a ~~such~~ form as prescribed by rule of  
 44 the board. This prescription ~~form~~ shall be dated and signed by  
 45 the ~~such~~ dentist and shall include the license number of the  
 46 dentist, the patient's name or number with sufficient  
 47 descriptive information to clearly identify the case for each  
 48 separate and individual piece of work, the registration number  
 49 of the registered dental laboratory performing the work, and a  
 50 specification of materials desired. Additionally, materials such  
 51 as dental impressions shipped or delivered to a registered  
 52 dental laboratory by a dental office shall be shipped in a bag  
 53 that meets Occupational Safety and Health Administration  
 54 standards. A copy of the prescription ~~such work order~~ shall be  
 55 retained in a file in the dentist's office for a period of 4  
 56 years, and the original prescription ~~work order~~ shall be

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57 retained in a file by the registered dental laboratory for a  
58 period of 4 years ~~by such unlicensed person in her or his place~~  
59 ~~of business.~~ The ~~Such~~ file of prescriptions ~~work orders~~ to be  
60 kept by the ~~such~~ dentist and the registered dental laboratory ~~or~~  
61 ~~by such unlicensed person~~ shall be open to inspection at any  
62 reasonable time by the department or its duly constituted agent.  
63 Failure of the dentist to keep records of the prescriptions ~~such~~  
64 ~~work orders~~ shall subject the dentist to suspension or  
65 revocation of her or his license to practice dentistry. Failure  
66 of a registered dental laboratory to have the original or  
67 electronic copy of the prescriptions ~~such unlicensed person to~~  
68 ~~have in her or his possession a work order~~ as required by this  
69 section is ~~shall be~~ admissible evidence of a violation of this  
70 chapter and constitutes ~~shall constitute~~ a misdemeanor of the  
71 second degree, punishable as provided in s. 775.082 or s.  
72 775.083. This section does not preclude a registered dental  
73 laboratory from working for another registered dental laboratory  
74 ~~if, provided~~ that ~~such~~ work is performed pursuant to written  
75 authorization, in a form to be prescribed by rule of the board,  
76 that ~~which~~ evidences that the originating laboratory has  
77 obtained a valid prescription ~~work order~~ and that ~~which~~ sets  
78 forth the work to be performed. This section does not preclude a  
79 registered laboratory from providing its services to dentists  
80 licensed and practicing in another state ~~if, provided~~ that ~~such~~  
81 work is requested or otherwise authorized in written form that  
82 ~~which~~ clearly identifies the name and address of the requesting  
83 dentist and ~~which~~ sets forth the work to be performed.

84 Section 3. Section 466.032, Florida Statutes, is amended

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85 to read:

86 466.032 Registration.--

87 (1) Every person, firm, or corporation operating a dental  
88 laboratory in this state shall register biennially with the  
89 department on forms to be provided by the department and, at the  
90 same time, pay to the department a registration fee not to  
91 exceed \$300 for which the department shall issue a registration  
92 certificate entitling the holder to operate a dental laboratory  
93 for a period of 2 years.

94 (2) Any business that registers or renews registration as  
95 a dental laboratory on or after October 1, 2010, shall as part  
96 of establishing its eligibility to register provide to the  
97 department proof that either the owner of the dental laboratory  
98 or a dental technician who is employed full time by the dental  
99 laboratory has been designated as a Certified Dental Technician  
100 by the National Board for Certification in Dental Laboratory  
101 Technology. This requirement does not apply to a dental  
102 laboratory that is physically located within a dental practice  
103 operated by a licensed dentist as defined in this chapter.

104 (3) Each registered dental laboratory shall provide the  
105 number of technician employees and nontechnician employees  
106 employed by the laboratory both on its initial registration  
107 application and subsequent registration renewals with the  
108 department.

109 (4)~~(2)~~ Upon the failure of any dental laboratory operator  
110 to comply with subsection (1), the department shall notify her  
111 or him by registered mail, within 1 month after the registration  
112 renewal date, return receipt requested, at her or his last known

113 address, of the ~~such~~ failure and inform her or him of the  
 114 provisions of subsections ~~(5)(3)~~ and ~~(6)(4)~~.

115 ~~(5)(3)~~ Any dental laboratory operator who has not complied  
 116 with subsection (1) within 3 months after the registration  
 117 renewal date shall be required to pay a delinquency fee of \$40  
 118 in addition to the regular registration fee.

119 ~~(6)(4)~~ The department is authorized to commence and  
 120 maintain proceedings to enjoin the operator of any dental  
 121 laboratory who has not complied with this section from operating  
 122 a dental laboratory in this state until she or he has obtained a  
 123 registration certificate and paid the required fees.

124 Section 4. Section 466.036, Florida Statutes, is amended  
 125 to read:

126 466.036 Information; periodic inspections; equipment and  
 127 supplies; infection control.--The department may require from  
 128 the applicant for a registration certificate to operate a dental  
 129 laboratory any information necessary to carry out the purpose of  
 130 this chapter, including proof that the applicant has the  
 131 equipment and supplies necessary to operate as determined by  
 132 rule of the department, and shall require periodic inspection of  
 133 all dental laboratories operating in this state. Such  
 134 inspections shall include, but not be limited to, inspection of  
 135 sanitary conditions, equipment, supplies, and facilities on the  
 136 premises. The department shall specify dental equipment and  
 137 supplies that are not permitted in a registered dental  
 138 laboratory. Cases or materials shipped or delivered to a dental  
 139 office by a registered dental laboratory shall be shipped in a  
 140 bag that meets Occupational Safety and Health Administration

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141 standards. The department is not required to conduct inspections  
142 of any registered dental laboratory in another state or country.

143 Section 5. This act shall take effect July 1, 2007.