

HB 923

2008

1 A bill to be entitled
2 An act relating to dental laboratories; amending s.
3 466.021, F.S.; revising requirements relating to retention
4 of dental laboratories by dentists; changing terminology
5 to reflect employment of dental laboratories and to change
6 references to work orders to prescriptions; requiring a
7 dental laboratory to keep the original or electronic copy
8 of prescriptions; amending s. 466.032, F.S.; requiring
9 specified continuing education for renewal of registration
10 of a dental laboratory by a time certain; providing a
11 listing of agencies or organizations authorized to develop
12 and offer continuing education; requiring a dental
13 laboratory owner to submit a sworn statement attesting to
14 compliance with continuing education requirements and
15 providing specified information; providing that the
16 Department of Health may request documentation of
17 continuing education with cause; providing that the
18 department may request such documentation at random
19 without cause; providing exemptions from continuing
20 education requirements; providing for voluntary compliance
21 by certain dental laboratories; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 466.021, Florida Statutes, is amended
27 to read:

28 466.021 Retention ~~Employment~~ of dental laboratories
 29 ~~unlicensed persons~~ by dentist; penalty.--~~Each~~ Every ~~duly~~
 30 licensed dentist who uses the services of any dental laboratory
 31 ~~unlicensed person~~ for the purpose of constructing, altering,
 32 repairing, or duplicating any denture, implant, veneer, partial
 33 denture, bridge splint, or orthodontic or other prosthetic
 34 appliance, or other suitable form of artificial oral restorative
 35 device shall be required to furnish the dental laboratory ~~such~~
 36 ~~unlicensed person~~ with a written prescription ~~work order~~ in a
 37 ~~such~~ form as prescribed by rule of the board. This prescription
 38 ~~form~~ shall be dated and signed by the ~~such~~ dentist and shall
 39 include the license number of the dentist, the patient's name or
 40 number with sufficient descriptive information to clearly
 41 identify the case for each separate and individual piece of work
 42 to be performed by the dental laboratory, and a specification of
 43 materials to be contained in each work product. A copy of the
 44 prescription ~~such work order~~ shall be retained in a file in the
 45 prescribing dentist's office for a period of 4 years from the
 46 date the prescription was issued, and the original prescription
 47 ~~work order~~ shall be retained in a file by the dental laboratory
 48 for a period of 4 years by such unlicensed person in her or his
 49 ~~place of business.~~ A registered dental laboratory shall disclose
 50 in writing at the time of delivery of the final restoration to
 51 the prescribing dentist both the materials and all certificates
 52 of authenticity that constitute each product manufactured and
 53 the point of origin of manufacture of each restoration,
 54 including the address and contact information of the dental
 55 laboratory. ~~The~~ ~~Such~~ file of prescriptions ~~work orders~~ to be

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56 kept by the ~~such~~ dentist and the dental laboratory ~~or by such~~
 57 ~~unlicensed person~~ shall be open to inspection at any reasonable
 58 time by the department or its duly constituted agent. Failure of
 59 the dentist to keep records of each prescription ~~such work~~
 60 ~~orders~~ shall subject the dentist to suspension or revocation of
 61 her or his license to practice dentistry. Failure of a dental
 62 laboratory that has accepted a prescription to have the original
 63 or electronic copy of each prescription and to ensure the
 64 accuracy of each product's material disclosure at the time it is
 65 delivered to the prescribing dentist ~~such unlicensed person to~~
 66 ~~have in her or his possession a work order~~ as required by this
 67 section is ~~shall be~~ admissible evidence of a violation of this
 68 chapter and constitutes ~~shall constitute~~ a misdemeanor of the
 69 second degree, punishable as provided in s. 775.082 or s.
 70 775.083. This section does not preclude a registered dental
 71 laboratory from working for another registered dental laboratory
 72 if, ~~provided~~ that ~~such~~ work is performed pursuant to written
 73 authorization, in a form to be prescribed by rule of the board,
 74 that ~~which~~ evidences that the originating laboratory has
 75 obtained a valid prescription ~~work order~~ and that ~~which~~ sets
 76 forth the work to be performed and the resulting material
 77 certifications to be provided. A dental laboratory accepting
 78 prescriptions from dentists shall be liable for damages caused
 79 by inaccuracies in the material disclosure, certificates of
 80 authenticity, or point of origin provided by the dental
 81 laboratory to the prescribing dentist. This section does not
 82 preclude a registered laboratory from providing its services to
 83 dentists licensed and practicing in another state if, ~~provided~~

84 that ~~such~~ work is requested or otherwise authorized in written
 85 form that ~~which~~ clearly identifies the name and address of the
 86 requesting dentist and ~~which~~ sets forth the work to be performed
 87 and otherwise complies with all applicable laws and treaties.

88 Section 2. Subsection (5) is added to section 466.032,
 89 Florida Statutes, to read:

90 466.032 Registration.--

91 (5) Either the dental laboratory owner or at least one
 92 employee of any dental laboratory renewing registration on or
 93 after July 1, 2010, shall be required to have completed 18 hours
 94 of continuing education biennially. Programs of continuing
 95 education shall be programs of learning that contribute directly
 96 to the education of the dental technician and may include, but
 97 shall not be limited to, attendance at lectures, study clubs,
 98 college courses, or scientific sessions of conventions; and
 99 research.

100 (a) The aim of continuing education for dental technicians
 101 is to improve dental health care delivery to the public as such
 102 is impacted through the design, manufacture, and use of
 103 artificial human oral prosthetics and related restorative
 104 appliances.

105 (b) Continuing education courses shall address one or more
 106 of the following areas of professional development, including,
 107 but not limited to:

108 1. Laboratory and technological subjects, including, but
 109 not limited to, laboratory techniques and procedures, materials,
 110 and equipment; and

111 2. Subjects pertinent to oral health, infection control,
112 and safety.

113 (c) Programs meeting the general requirements of
114 continuing education may be developed and offered to dental
115 technicians by the Florida Dental Laboratory Association and the
116 Florida Dental Association. Other organizations, schools, or
117 agencies may also be approved to develop and offer continuing
118 education in accordance with specific criteria established by
119 the department.

120 (d) Any dental laboratory renewing a registration on or
121 after July 1, 2010, shall submit a sworn affidavit, on a form
122 acceptable to the department, attesting that either the dental
123 laboratory owner or one dental technician employed by the
124 registered dental laboratory has completed the continuing
125 education required in this subsection in accordance with the
126 guidelines and provisions of this subsection and listing the
127 date, location, sponsor, subject matter, and hours of completed
128 continuing education courses. The dental laboratory shall retain
129 in its records such receipts, vouchers, or certificates as may
130 be necessary to document completion of the continuing education
131 courses listed in accordance with this subsection. With cause,
132 the department may request that the documentation be provided by
133 the applicant. The department may also request the documentation
134 from applicants selected at random without cause.

135 (e)1. This subsection does not apply to a dental
136 laboratory that is physically located within a dental practice
137 operated by a dentist licensed under this chapter.

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138 2. A dental laboratory in another state or country that
139 provides service to a dentist licensed under this chapter is not
140 required to register with the state and may continue to provide
141 services to such dentist with a proper prescription. A dental
142 laboratory in another state or country, however, may voluntarily
143 comply with this subsection.

144 Section 3. This act shall take effect January 1, 2009.