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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2021	.	
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The Committee on Health Policy (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Between lines 662 and 663
insert:

Section 10. Paragraph (h) of subsection (1) of section 466.028, Florida Statutes, is amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):



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11 (h) Being employed by any corporation, organization, group,
12 or person other than a dentist, a hospital, or a professional
13 corporation or limited liability company composed of dentists to
14 practice dentistry.

15 Section 11. Section 466.0285, Florida Statutes, is amended
16 to read:

17 466.0285 Proprietorship by nondentists.—

18 (1) A person or an entity ~~No person~~ other than a dentist
19 licensed under pursuant to this chapter, a specialty-licensed
20 children's hospital licensed under chapter 395 as of January 1,
21 2021, or nor any entity other than a professional corporation or
22 limited liability company composed of dentists, may not:

23 (a) Employ a dentist or dental hygienist in the operation
24 of a dental office.

25 (b) Control the use of any dental equipment or material
26 while such equipment or material is being used for the provision
27 of dental services, whether those services are provided by a
28 dentist, a dental hygienist, or a dental assistant.

29 (c) Direct, control, or interfere with a dentist's clinical
30 judgment. To direct, control, or interfere with a dentist's
31 clinical judgment does not mean ~~may not be interpreted to mean~~
32 dental services contractually excluded, the application of
33 alternative benefits that may be appropriate given the dentist's
34 prescribed course of treatment, or the application of
35 contractual provisions and scope of coverage determinations in
36 comparison with a dentist's prescribed treatment on behalf of a
37 covered person by an insurer, health maintenance organization,
38 or a prepaid limited health service organization.

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40 Any lease agreement, rental agreement, or other arrangement
41 between a nondentist and a dentist whereby the nondentist
42 provides the dentist with dental equipment or dental materials
43 must ~~shall~~ contain a provision whereby the dentist expressly
44 maintains complete care, custody, and control of the equipment
45 or practice.

46 (2) The purpose of this section is to prevent a nondentist
47 from influencing or otherwise interfering with the exercise of a
48 dentist's independent professional judgment. In addition to the
49 acts specified in subsection (1), a ~~no~~ person or an entity that
50 ~~who~~ is not a dentist licensed under pursuant to this chapter, a
51 specialty-licensed children's hospital licensed under chapter
52 395 as of January 1, 2021, or ~~nor any entity that is not a~~
53 professional corporation or limited liability company composed
54 of dentists may not ~~shall~~ enter into a relationship with a
55 licensee pursuant to which such unlicensed person or such entity
56 exercises control over any of the following:

57 (a) The selection of a course of treatment for a patient,
58 the procedures or materials to be used as part of such course of
59 treatment, and the manner in which such course of treatment is
60 carried out by the licensee. ~~†~~

61 (b) The patient records of a dentist. ~~†~~

62 (c) Policies and decisions relating to pricing, credit,
63 refunds, warranties, and advertising. ~~† and~~

64 (d) Decisions relating to office personnel and hours of
65 practice.

66 (3) Any person who violates this section commits a felony
67 of the third degree, punishable as provided in s. 775.082, s.
68 775.083, or s. 775.084.



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69 (4) Any contract or arrangement entered into or undertaken
70 in violation of this section is ~~shall be~~ void as contrary to
71 public policy. This section applies to contracts entered into or
72 renewed on or after October 1, 1997.

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74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Between lines 49 and 50

77 insert:

78 amending s. 466.028, F.S.; revising grounds for
79 disciplinary action by the Board of Dentistry;
80 amending s. 466.0285, F.S.; exempting certain
81 specialty hospitals from prohibitions relating to the
82 employment of dentists and dental hygienists and the
83 control of dental equipment and materials by
84 nondentists; exempting such hospitals from a
85 prohibition on nondentists entering into certain
86 agreements with dentists or dental hygienists; making
87 technical changes;