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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2023	.	
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The Committee on Banking and Insurance (Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 257

and insert:

Section 1. Present subsections (7) through (15) of section 466.003, Florida Statutes, are redesignated as subsections (9) through (17), respectively, new subsections (7) and (8) are added to that section, and present subsection (15) of that section is amended, to read:

466.003 Definitions.—As used in this chapter:



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11 (7) "Dental laboratory technician" means a person, other
12 than a dental hygienist or dental assistant, who is under the
13 direct supervision of a dentist, and pursuant to a prescription
14 from a dentist, designs, makes, repairs, or alters artificial
15 dental restorations for the correction of disease, loss,
16 deformity, malposition, dislocation, fracture, or injury to the
17 jaws, teeth, lips, gums, cheeks, palate, or associated tissues
18 or parts.

19 (8) "Digital scanning" means the use of digital technology
20 that creates a computer-generated replica of the hard and soft
21 tissue of the oral cavity using enhanced digital photography,
22 lasers, or other optical scanning devices.

23 (17)~~(15)~~ "School-based prevention program" means preventive
24 oral health services offered at a school by one of the entities
25 defined in subsection (16) ~~(14)~~ or by a nonprofit organization
26 that is exempt from federal income taxation under s. 501(a) of
27 the Internal Revenue Code, and described in s. 501(c)(3) of the
28 Internal Revenue Code.

29 Section 2. Section 466.016, Florida Statutes, is amended to
30 read:

31 466.016 License to be displayed.—

32 (1) Every practitioner of dentistry or dental hygiene
33 within the meaning of this chapter shall post and keep
34 conspicuously displayed her or his license in the office wherein
35 she or he practices, in plain sight of the practitioner's
36 patients. Any dentist or dental hygienist who practices at more
37 than one location must ~~shall be required to~~ display a copy of
38 her or his license in each office where she or he practices.

39 (2) Every dentist shall provide each of her or his patients



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40 with the dentist's name, contact telephone number, after-hours
41 contact information for emergencies, and, upon the patient's
42 request, license information.

43 (3) Any individual, partnership, corporation, or other
44 entity that provides dental services through telehealth as
45 defined in s. 456.47 shall provide each patient with the name,
46 contact telephone number, after-hours contact information for
47 emergencies, and, upon the patient's request, license
48 information of each dentist who provides dental services to the
49 patient through telehealth.

50 Section 3. Subsection (6) is added to section 466.018,
51 Florida Statutes, to read:

52 466.018 Dentist of record; patient records.—

53 (6) For any patient treated through telehealth as defined
54 in s. 456.47, there must be a dentist of record who remains
55 primarily responsible for all dental treatment on the patient
56 regardless of whether the treatment is rendered by the dentist
57 of record or by another dentist, dental hygienist, or dental
58 assistant rendering such treatment in conjunction with, at the
59 direction or request of, or under the supervision of such
60 dentist of record. A dentist of record for a patient treated
61 through telehealth is subject to all of the requirements of this
62 section applicable to dentists of record.

63 (a) Any individual, partnership, corporation, or other
64 entity that provides dental services through telehealth shall
65 make available the name, telephone number, practice address, and
66 state license number for the dentist of record and any other
67 dentist who will be involved in the provision of services to a
68 patient before the rendering of such services and at any time



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69 requested by a patient.

70 (b) This subsection may not be construed to assign any
71 responsibility to a dentist of record for treatment rendered
72 pursuant to a proper referral to another dentist who is not in
73 the same practice with the dentist of record or to prohibit a
74 patient from voluntarily selecting a new dentist without
75 permission of the dentist of record.

76 Section 4. Section 466.019, Florida Statutes, is amended to
77 read:

78 466.019 Advertising by dentists.—

79 (1) As used in this section, the term "advertisement" means
80 a representation disseminated in any manner or by any means to
81 solicit patients and includes, but is not limited to, business
82 cards, circulars, pamphlets, newspapers, websites, and social
83 media.

84 (2) The purpose of this section is to ensure that the
85 public has access to information which provides a sufficient
86 basis upon which to make an informed selection of dentists while
87 also ensuring that the public is protected from false or
88 misleading advertisements which would detract from a fair and
89 rational selection process. The board shall adopt rules to carry
90 out the intent of this section, the purpose of which shall be to
91 regulate the manner of such advertising in keeping with the
92 provisions hereof.

93 (3) ~~(2)~~ An ~~no~~ advertisement by a licensed dentist may not

94 shall contain any false, fraudulent, misleading, or deceptive

95 statement or claim or any statement or claim which:

96 (a) Contains misrepresentations of fact;

97 (b) Is likely to mislead or deceive because in context it



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98 makes only a partial disclosure of relevant facts;

99 (c) Contains laudatory statements about the dentist or
100 group of dentists;

101 (d) Is intended or is likely to create false, unjustified
102 expectations of favorable results;

103 (e) Relates to the quality of dental services provided as
104 compared to other available dental services;

105 (f) Is intended or is likely to appeal primarily to a
106 layperson's fears;

107 (g) Contains fee information without a disclaimer that such
108 is a minimum fee only; or

109 (h) Contains other representations or implications that in
110 reasonable probability will cause an ordinary, prudent person to
111 misunderstand or to be deceived.

112 (4) An advertisement of dental services provided through
113 telehealth as defined in s. 456.47 must include a disclaimer
114 that reads, in a clearly legible font and size, "An in-person
115 examination with a dentist licensed under chapter 466, Florida
116 Statutes, is recommended before beginning telehealth treatment
117 in order to prevent injury or harm" for each of the following
118 services, if advertised:

119 (a) The taking of an impression or the digital scanning of
120 the human tooth, teeth, or jaws by any means or method, directly
121 or indirectly.

122 (b) Furnishing, supplying, constructing, reproducing, or
123 repairing any prosthetic denture, bridge, or appliance or any
124 other structure designed to be worn in the human mouth.

125 (c) Placing an appliance or a structure in the human mouth
126 or adjusting or attempting to adjust the appliance or structure.



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127 (d) Correcting or attempting to correct malformations of
128 teeth or jaws.

129 (5)~~(3)~~ For purposes of this section, D.D.S. or D.M.D. are
130 synonymous and may be used interchangeably by licensed dentists
131 who have graduated from an accredited American dental school
132 with a D.D.S. or D.M.D. degree, when advertising dental
133 services.

134 Section 5. Present subsections (2) through (10) of section
135 466.024, Florida Statutes, are redesignated as subsections (4)
136 through (12), respectively, new subsections (2) and (3) are
137 added to that section, and present subsections (3), (5), (6),
138 and (8) are amended, to read:

139 466.024 Delegation of duties; expanded functions.—

140 (2) Only a licensed dentist, a dental hygienist under
141 general supervision, or a dental assistant under direct
142 supervision may take an impression of the human tooth, teeth, or
143 jaws, directly or indirectly and by any means or method, for the
144 purpose of the practice of dentistry.

145 (3) Only a licensed dentist, a dental hygienist under
146 general supervision, or a dental assistant or dental laboratory
147 technician under direct supervision may perform digital scanning
148 of the human tooth, teeth, or jaws, directly or indirectly and
149 by any means or method, for the purpose of the practice of
150 dentistry.

151 (5)~~(3)~~ For all remediable tasks listed in subsection (4)
152 ~~(2)~~, the following disclaimer must be provided to the patient in
153 writing before any procedure is performed:

154 (a) The services being offered are not a substitute for a
155 comprehensive dental exam by a dentist.



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156 (b) The diagnosis of caries, soft tissue disease, oral
157 cancer, temporomandibular joint disease (TMJ), and dentofacial
158 malocclusions will be completed only by a dentist in the context
159 of delivering a comprehensive dental exam.

160 ~~(7)(5)~~ A dental hygienist who performs, without
161 supervision, the remediable tasks listed in subsection (4) ~~(2)~~
162 shall:

163 (a) Provide a dental referral in strict compliance with
164 federal and state patient referral, anti-kickback, and patient
165 brokering laws.

166 (b) Encourage the establishment of a dental home.

167 (c) Maintain professional malpractice insurance coverage
168 that has minimum limits of \$100,000 per occurrence and \$300,000
169 in the aggregate through the employing health access setting or
170 individual policy.

171 ~~(8)(6)~~ Notwithstanding subsection (1) or subsection (4)
172 ~~(2)~~, a dentist may delegate the tasks of gingival curettage and
173 root planing to a dental hygienist but not to a dental
174 assistant.

175 ~~(10)(8)~~ Notwithstanding subsection (1) or subsection (4)
176 ~~(2)~~, a dentist may not delegate to anyone other than another
177 licensed dentist:

178 (a) Any prescription of drugs or medications requiring the
179 written order or prescription of a licensed dentist or
180 physician.

181 (b) Any diagnosis for treatment or treatment planning.

182 Section 6. Present paragraph (mm) of subsection (1) of
183 section 466.028, Florida Statutes, is redesignated as paragraph
184 (pp), and a new paragraph (mm) and paragraphs (nn) and (oo) are



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185 added to that subsection, to read:

186 466.028 Grounds for disciplinary action; action by the
187 board.—

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

190 (mm) Failure by the dentist of record, before the initial
191 diagnosis and correction of a malposition of human teeth or
192 initial use of an orthodontic appliance, to perform an in-person
193 examination of the patient or obtain records from an in-person
194 examination within the last 6 months and to perform a review of
195 the patient's most recent diagnostic digital or conventional
196 radiographs or other equivalent bone imaging suitable for
197 orthodontia.

198 (nn) For dental services provided in-person or through
199 telehealth by an individual, a partnership, a corporation, or
200 any other entity, failing to provide each patient with the name,
201 contact telephone number, after-hours contact information for
202 emergencies, and, upon the patient's request, the license
203 information of each dentist who is providing dental services to
204 the patient.

205 (oo) For dental services provided through telehealth by an
206 individual, a partnership, a corporation, or any other entity,
207 failing to designate a dentist of record and make available,
208 before the rendering of such services and upon the patient's
209 request, the name, telephone number, practice address, and state
210 license number for the dentist of record and any other dentist
211 who will be involved in the provision of dental services to the
212 patient through telehealth.

213 Section 7. Subsection (6) of section 409.906, Florida



214 Statutes, is amended to read:

215 409.906 Optional Medicaid services.—Subject to specific
216 appropriations, the agency may make payments for services which
217 are optional to the state under Title XIX of the Social Security
218 Act and are furnished by Medicaid providers to recipients who
219 are determined to be eligible on the dates on which the services
220 were provided. Any optional service that is provided shall be
221 provided only when medically necessary and in accordance with
222 state and federal law. Optional services rendered by providers
223 in mobile units to Medicaid recipients may be restricted or
224 prohibited by the agency. Nothing in this section shall be
225 construed to prevent or limit the agency from adjusting fees,
226 reimbursement rates, lengths of stay, number of visits, or
227 number of services, or making any other adjustments necessary to
228 comply with the availability of moneys and any limitations or
229 directions provided for in the General Appropriations Act or
230 chapter 216. If necessary to safeguard the state's systems of
231 providing services to elderly and disabled persons and subject
232 to the notice and review provisions of s. 216.177, the Governor
233 may direct the Agency for Health Care Administration to amend
234 the Medicaid state plan to delete the optional Medicaid service
235 known as "Intermediate Care Facilities for the Developmentally
236 Disabled." Optional services may include:

237 (6) CHILDREN'S DENTAL SERVICES.—The agency may pay for
238 diagnostic, preventive, or corrective procedures, including
239 orthodontia in severe cases, provided to a recipient under age
240 21, by or under the supervision of a licensed dentist. The
241 agency may also reimburse a health access setting as defined in
242 s. 466.003 for the remediable tasks that a licensed dental



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243 hygienist is authorized to perform under s. 466.024(4) ~~s.~~
244 ~~466.024(2)~~. Services provided under this program include

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

247 And the title is amended as follows:

248 Delete lines 3 - 4

249 and insert:

250 s. 466.003, F.S.; defining the terms "dental
251 laboratory technician" and "digital scanning";
252 amending s. 466.016, F.S.; requiring