

By Senator Boyd

20-00342-24

2024302\_\_

1                   A bill to be entitled  
2       An act relating to dental services; amending s.  
3       466.003, F.S.; defining the term "digital scanning";  
4       amending s. 466.016, F.S.; requiring every dentist and  
5       certain individuals, partnerships, corporations, and  
6       other entities to provide specified information to  
7       certain patients; amending s. 466.018, F.S.; requiring  
8       a dentist of record to remain primarily responsible  
9       for all dental treatments for a patient treated  
10      through telehealth; requiring any individual,  
11      partnership, corporation, or other entity that  
12      provides dental services through telehealth to make  
13      available specified information; providing  
14      construction; amending s. 466.019, F.S.; defining the  
15      term "advertisement"; requiring advertisements of  
16      dental services provided through telehealth to include  
17      a specified disclaimer for certain dental services;  
18      amending s. 466.028, F.S.; providing grounds for  
19      disciplinary action; providing applicability;  
20      providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Present subsections (8) through (15) of section  
25   466.003, Florida Statutes, are redesignated as subsections (9)  
26   through (16), respectively, a new subsection (8) is added to  
27   that section, and present subsection (15) of that section is  
28   amended, to read:

29       466.003 Definitions.—As used in this chapter:

20-00342-24

2024302\_\_

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

34       (16)~~(15)~~ "School-based prevention program" means preventive  
35 oral health services offered at a school by one of the entities  
36 defined in subsection (15) ~~(14)~~ or by a nonprofit organization  
37 that is exempt from federal income taxation under s. 501(a) of  
38 the Internal Revenue Code, and described in s. 501(c)(3) of the  
39 Internal Revenue Code.

40       Section 2. Section 466.016, Florida Statutes, is amended to  
41 read:

42       466.016 License to be displayed.—

43       (1) Every practitioner of dentistry or dental hygiene  
44 within the meaning of this chapter shall post and keep  
45 conspicuously displayed her or his license in the office wherein  
46 she or he practices, in plain sight of the practitioner's  
47 patients. Any dentist or dental hygienist who practices at more  
48 than one location shall be required to display a copy of her or  
49 his license in each office where she or he practices.

50       (2) Every dentist shall provide each of her or his patients  
51 with her or his name, contact telephone number, after-hours  
52 contact information for emergencies, and, upon the patient's  
53 request, license information.

54       (3) Any individual, partnership, corporation, or other  
55 entity that provides dental services through telehealth as  
56 defined in s. 456.47(1) shall provide each patient with the  
57 name, contact telephone number, after-hours contact information  
58 for emergencies, and, upon the patient's request, license

20-00342-24

2024302\_\_

59 information of each dentist who provides dental services through  
60 telehealth to that patient.

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

63 466.018 Dentist of record; patient records.—

64 (6) For any patient treated through telehealth as defined  
65 in s. 456.47(1), there must be a dentist of record who remains  
66 primarily responsible for all dental treatments on the patient,  
67 regardless of whether the treatment is rendered by the dentist  
68 of record or by another dentist, dental hygienist, or dental  
69 assistant rendering such treatment in conjunction with, at the  
70 direction or request of, or under the supervision of such  
71 dentist of record. A dentist of record for a patient treated  
72 through telehealth is subject to all of the requirements of this  
73 section applicable to dentists of record.

74 (a) Any individual, partnership, corporation, or other  
75 entity that provides dental services through telehealth shall  
76 make available the name, contact telephone number, practice  
77 address, and state license number for the dentist of record and  
78 any other dentist who provides dental services to a patient  
79 before the rendering of such services and at any time such  
80 information is requested by a patient.

81 (b) This subsection may not be construed to assign any  
82 responsibility to a dentist of record for treatment rendered  
83 pursuant to a proper referral to another dentist who is not in  
84 the same practice with the dentist of record or to prohibit a  
85 patient from voluntarily selecting a new dentist without  
86 permission of the dentist of record.

87 Section 4. Section 466.019, Florida Statutes, is amended to

20-00342-24

2024302\_\_

88 read:

89 466.019 Advertising by dentists.-

90 (1) As used in this section, the term "advertisement" means  
91 a representation disseminated in any manner or by any means to  
92 solicit patients, including, but not limited to, business cards,  
93 circulars, pamphlets, newspapers, websites, and social media  
94 platforms.

95 (2) The purpose of this section is to ensure that the  
96 public has access to information that ~~which~~ provides a  
97 sufficient basis upon which to make an informed selection of  
98 dentists while also ensuring that the public is protected from  
99 false or misleading advertisements that ~~which~~ would detract from  
100 a fair and rational selection process. The board shall adopt  
101 rules to carry out the intent of this section, the purpose of  
102 which is ~~shall be~~ to regulate the manner of such advertising in  
103 keeping with the provisions hereof.

104 (3) ~~(2)~~ An ~~No~~ advertisement by a licensed dentist may not  
105 ~~shall~~ contain any false, fraudulent, misleading, or deceptive  
106 statement or claim or any statement or claim that ~~which~~:

107 (a) Contains misrepresentations of fact;

108 (b) Is likely to mislead or deceive because in context it  
109 makes only a partial disclosure of relevant facts;

110 (c) Contains laudatory statements about the dentist or  
111 group of dentists;

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

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

116 (f) Is intended or is likely to appeal primarily to a

20-00342-24

2024302\_\_

117 layperson's fears;

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

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

123 (4) An advertisement for dental services provided through  
124 telehealth as defined in s. 456.47(1) must include a disclaimer  
125 that reads, in a clearly legible font and size, "An in-person  
126 examination with a dentist licensed under chapter 466, Florida  
127 Statutes, is recommended before beginning telehealth treatment  
128 in order to prevent injury or harm" for each of the following  
129 services, if advertised:

130 (a) The taking of an impression or the digital scanning of  
131 the human tooth, teeth, or jaws, directly or indirectly and by  
132 any means or method.

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

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

138 (d) Correcting or attempting to correct malformations of  
139 teeth or jaws.

140 (5)~~(3)~~ For purposes of this section, D.D.S. or D.M.D. are  
141 synonymous and may be used interchangeably by licensed dentists  
142 who have graduated from an accredited American dental school  
143 with a D.D.S. or D.M.D. degree, when advertising dental  
144 services.

145 Section 5. Present paragraph (mm) of subsection (1) of

20-00342-24

2024302\_\_

146 section 466.028, Florida Statutes, is redesignated as paragraph  
147 (pp), and a new paragraph (mm) and paragraphs (nn) and (oo) are  
148 added to that subsection, to read:

149 466.028 Grounds for disciplinary action; action by the  
150 board.—

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

153 (mm) Failure by the dentist of record, before the initial  
154 diagnosis and correction of a malposition of human teeth or  
155 initial use of an orthodontic appliance, to perform an in-person  
156 examination of the patient or obtain records from an in-person  
157 examination within the last 6 months and to perform a review of  
158 the patient's most recent diagnostic digital or conventional  
159 radiographs or other equivalent bone imaging suitable for  
160 orthodontia. This paragraph does not apply to providing emergent  
161 care, to providing care in connection with a public health  
162 program, or to making an initial diagnosis of a malposition of  
163 teeth and a determination of the need for an orthodontic  
164 appliance. Such an initial diagnosis and determination must be  
165 confirmed through an in-person examination and review of the  
166 patient's most recent diagnostic digital or conventional  
167 radiographs before the patient begins using the orthodontic  
168 appliance.

169 (nn) For dental services provided in person or through  
170 telehealth by an individual, a partnership, a corporation, or  
171 any other entity, failing to provide each patient with the name,  
172 contact telephone number, after-hours contact information for  
173 emergencies, and, upon the patient's request, the license  
174 information of each dentist who is providing dental services to

20-00342-24

2024302\_\_

175 the patient.

176 (oo) For dental services provided through telehealth by an  
177 individual, a partnership, a corporation, or any other entity,  
178 failing to designate a dentist of record and make available,  
179 before the rendering of such services and upon the patient's  
180 request, the name, contact telephone number, practice address,  
181 and state license number for the dentist of record and any other  
182 dentist who will provide dental services to the patient through  
183 telehealth.

184 Section 6. This act shall take effect July 1, 2024.