

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative McClure offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 50-181 and insert:

7 hours contact information for emergencies, and license
8 information.

9 (3) Any partnership, corporation, or other business entity
10 that advertises dental services shall designate with the board a
11 dentist of record and provide each patient with the name,
12 contact telephone number, after-hours contact information for
13 emergencies, and, upon the patient's request, license
14 information of the dentist record. The designated dentist shall
15 have a full, active, and unencumbered license under this chapter
16 or a registration pursuant to s.456.47.

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17 Section 3. Section 466.019, Florida Statutes, is amended
18 to read:

19 466.019 Advertising by dentists.—

20 (1) As used in this section, the term "advertisement"
21 means a representation disseminated in any manner or by any
22 means to solicit patients including, but not limited to,
23 business cards, circulars, pamphlets, newspapers, websites, and
24 social media.

25 (2)~~(1)~~ The purpose of this section is to ensure that the
26 public has access to information which provides a sufficient
27 basis upon which to make an informed selection of dentists while
28 also ensuring that the public is protected from false or
29 misleading advertisements which would detract from a fair and
30 rational selection process. The board shall adopt rules to carry
31 out the intent of this section, the purpose of which shall be to
32 regulate the manner of such advertising in keeping with the
33 provisions hereof.

34 (3)~~(2)~~ An ~~No~~ advertisement by a licensed dentist may not
35 ~~shall~~ contain any false, fraudulent, misleading, or deceptive
36 statement or claim or any statement or claim which:

37 (a) Contains misrepresentations of fact;

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

40 (c) Contains laudatory statements about the dentist or
41 group of dentists;

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

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

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

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

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

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

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

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

66 (c) Placing an appliance or a structure in the human mouth

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67 or adjusting or attempting to adjust the appliance or structure.

68 (d) Correcting or attempting to correct malformations of
69 teeth or jaws.

70 (5)(3) For purposes of this section, D.D.S. or D.M.D. are
71 synonymous and may be used interchangeably by licensed dentists
72 who have graduated from an accredited American dental school
73 with a D.D.S. or D.M.D. degree, when advertising dental
74 services.

75 Section 4. Paragraph (mm) of subsection (1) of section
76 466.028, Florida Statutes, is redesignated as paragraph (pp) and
77 a new paragraph (mm) and paragraph (nn) ia added to subsection
78 (1) of that section, to read:

79 466.028 Grounds for disciplinary action; action by the
80 board.—

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

83 (mm) Failure by the dentist of record, before the initial
84 diagnosis and correction of a malposition of human teeth or
85 initial use of an orthodontic appliance, to perform an in-person
86 examination of the patient or obtain records from an in-person
87 examination within the last 12 months and to perform a review of
88 the patient's most recent diagnostic digital or conventional
89 radiographs or other equivalent bone imaging suitable for
90 orthodontia.

91 (nn) Failing to provide each patient with the name,

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92 contact telephone number, after-hours contact information for
93 emergencies, and the license information of each dentist who is
94 providing dental services to the patient.

95 Section 5. Section 466.0281, Florida Statutes, is created
96 to read:

97 466.0281 Initial Examination for Orthodontic Appliance.-
98 Before the initial diagnosis and correction of a
99 malposition of human teeth or initial use of an orthodontic
100 appliance, a dentist must perform an in-person examination of
101 the patient or obtain records from an in-person examination
102 within the last 12 months and to perform a review of the
103 patient's most recent diagnostic digital or conventional
104 radiographs or other equivalent bone imaging suitable for
105 orthodontia. The term "in-person examination" means an
106 examination conducted by a dentist while the dentist is
107 physically present in the same room as the patient.

109 -----
110 **T I T L E A M E N D M E N T**

111 Remove lines 5-19 and insert:
112 certain partnerships, corporations, or other entities to provide
113 specified information to certain patients; amending s. 466.019,
114 F.S.; defining the term "advertisement"; requiring
115 advertisements of dental services provided through telehealth to
116 include a specified disclaimer for certain dental services;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 855 (2024)

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117 | amending s. 466.028, F.S.; providing penalties for specified
118 | acts; creating s. 466.0281, F.S.; establishing requirements for
119 | initial examination for orthodontic appliances; providing an
120 | effective date.