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CS/HB 855

2024 Legislature

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 2 An act relating to dental services; amending s.
 3 466.003, F.S.; revising and providing definitions;
 4 amending s. 466.016, F.S.; requiring every dentist and
 5 certain partnerships, corporations, or other business
 6 entities to designate with the board a dentist of
 7 record and provide specified information to certain
 8 patients; amending s. 466.019, F.S.; defining the term
 9 "advertisement"; requiring advertisements of dental
 10 services provided through telehealth to include a
 11 specified disclaimer for certain dental services;
 12 amending s. 466.028, F.S.; providing penalties for
 13 specified acts; creating s. 466.0281, F.S.; providing
 14 requirements for initial examination for orthodontic
 15 appliances; defining the term "in-person examination";
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Subsections (8) through (15) of section
 21 466.003, Florida Statutes, are renumbered as subsections (9)
 22 through (16) respectively, present subsection (15) is amended,
 23 and a new subsection (8) is created, to read:

24 466.003 Definitions.—As used in this chapter:
 25 (8) "Digital scanning" means the use of digital technology

ENROLLED

CS/HB 855

2024 Legislature

26 that creates a computer-generated replica of the hard and soft
 27 tissue of the oral cavity using enhanced digital photography,
 28 lasers, or other optical scanning devices.

29 (16)~~(15)~~ "School-based prevention program" means
 30 preventive oral health services offered at a school by one of
 31 the entities defined in subsection (15) ~~(14)~~ or by a nonprofit
 32 organization that is exempt from federal income taxation under
 33 s. 501(a) of the Internal Revenue Code, and described in s.
 34 501(c)(3) of the Internal Revenue Code.

35 Section 2. Section 466.016, Florida Statutes, is amended
 36 to read:

37 466.016 License to be displayed.—

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

45 (2) Every dentist shall provide each of her or his
 46 patients with her or his name, contact telephone number, after-
 47 hours contact information for emergencies, and license
 48 information.

49 (3) Any partnership, corporation, or other business entity
 50 that advertises dental services shall designate with the board a

ENROLLED

CS/HB 855

2024 Legislature

51 dentist of record and provide each patient with the name,
 52 contact telephone number, after-hours contact information for
 53 emergencies, and, upon the patient's request, license
 54 information of the dentist record. The designated dentist shall
 55 have a full, active, and unencumbered license under this chapter
 56 or a registration pursuant to s. 456.47.

57 Section 3. Section 466.019, Florida Statutes, is amended
 58 to read:

59 466.019 Advertising by dentists.—

60 (1) As used in this section, the term "advertisement"
 61 means a representation disseminated in any manner or by any
 62 means to solicit patients, including, but not limited to,
 63 business cards, circulars, pamphlets, newspapers, websites, and
 64 social media.

65 (2)-(1) The purpose of this section is to ensure that the
 66 public has access to information which provides a sufficient
 67 basis upon which to make an informed selection of dentists while
 68 also ensuring that the public is protected from false or
 69 misleading advertisements which would detract from a fair and
 70 rational selection process. The board shall adopt rules to carry
 71 out the intent of this section, the purpose of which shall be to
 72 regulate the manner of such advertising in keeping with the
 73 provisions hereof.

74 (3)-(2) An ~~No~~ advertisement by a licensed dentist may not
 75 ~~shall~~ contain any false, fraudulent, misleading, or deceptive

ENROLLED

CS/HB 855

2024 Legislature

76 | statement or claim or any statement or claim which:

77 | (a) Contains misrepresentations of fact;

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

80 | (c) Contains laudatory statements about the dentist or
81 | group of dentists;

82 | (d) Is intended or is likely to create false, unjustified
83 | expectations of favorable results;

84 | (e) Relates to the quality of dental services provided as
85 | compared to other available dental services;

86 | (f) Is intended or is likely to appeal primarily to a
87 | layperson's fears;

88 | (g) Contains fee information without a disclaimer that
89 | such is a minimum fee only; or

90 | (h) Contains other representations or implications that in
91 | reasonable probability will cause an ordinary, prudent person to
92 | misunderstand or to be deceived.

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

100 | (a) The taking of an impression or the digital scanning of

ENROLLED

CS/HB 855

2024 Legislature

101 the human tooth, teeth, or jaws, directly or indirectly and by
 102 any means or method.

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

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

108 (d) Correcting or attempting to correct malformations of
 109 teeth or jaws.

110 (5)-(3) For purposes of this section, D.D.S. or D.M.D. are
 111 synonymous and may be used interchangeably by licensed dentists
 112 who have graduated from an accredited American dental school
 113 with a D.D.S. or D.M.D. degree, when advertising dental
 114 services.

115 Section 4. Paragraph (mm) of subsection (1) of section
 116 466.028, Florida Statutes, is redesignated as paragraph (pp) and
 117 new paragraphs (mm) and (nn) are added to subsection (1) of that
 118 section, to read:

119 466.028 Grounds for disciplinary action; action by the
 120 board.-

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

123 (mm) Failure by the dentist of record, before the initial
 124 diagnosis and correction of a malposition of human teeth or
 125 initial use of an orthodontic appliance, to perform an in-person

ENROLLED

CS/HB 855

2024 Legislature

126 examination of the patient or obtain records from an in-person
127 examination within the last 12 months and to perform a review of
128 the patient's most recent diagnostic digital or conventional
129 radiographs or other equivalent bone imaging suitable for
130 orthodontia.

131 (nn) Failing to provide each patient with the name,
132 contact telephone number, after-hours contact information for
133 emergencies, and the license information of each dentist who is
134 providing dental services to the patient.

135 Section 5. Section 466.0281, Florida Statutes, is created
136 to read:

137 466.0281 Initial examination for orthodontic appliance.—
138 Before the initial diagnosis and correction of a malposition of
139 human teeth or initial use of an orthodontic appliance, a
140 dentist must perform an in-person examination of the patient or
141 obtain records from an in-person examination within the previous
142 12 months and to perform a review of the patient's most recent
143 diagnostic digital or conventional radiographs or other
144 equivalent bone imaging suitable for orthodontia. The term "in-
145 person examination" means an examination conducted by a dentist
146 while the dentist is physically present in the same room as the
147 patient.

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