

Committee on Health Policy

CS/HB 855 — Dental Services

by Health & Human Services Committee and Reps. McClure and Berfield (SB 302 by Senator Boyd)

The bill requires dentists to provide each of his or her patients with the dentist's name, contact telephone number, after-hours contact information for emergencies, and the dentist's license information.

The bill defines:

- “In-person examination” to mean an examination conducted by a dentist while the dentist is physically present in the same room as the patient.
- “Advertisement” to mean a representation disseminated in any manner or by any means to solicit patients, including, but not limited to, business cards, circulars, pamphlets, newspapers, websites, and social media.
- “Digital scanning” to mean the use of digital technology that creates a computer-generated replica of the hard and soft tissue of the oral cavity using enhanced digital photography, lasers, or other optical scanning devices.

The bill requires a partnership, corporation, or other business entity that advertises dental services to designate a dentist of record with the Board of Dentistry. Such partnership, corporation, or business entity must provide each patient with the name, contact phone number, after-hours emergency contact information, and upon request, the license information of the dentist of record. The bill requires the designated dentist of record to have a full, active, and unencumbered license to practice dentistry or be an out-of-state telehealth dentist registered with the Department of Health.

The bill creates s. 466.0281, F.S., to require that a dentist, before the initial diagnosis and correction of a malposition of human teeth or initial use of an orthodontic appliance, must:

- Perform an in-person examination of the patient; or
- Obtain records from an in-person examination within the previous 12 months and perform a review of the patient's most recent diagnostic digital or conventional radiographs or other equivalent bone imaging suitable for orthodontia.

The bill requires that an advertisement of dental services provided through telehealth must include a disclaimer that reads, in a clearly legible font and size, “An in-person examination with a dentist licensed under chapter 466, Florida Statutes, is recommended before beginning telehealth treatment in order to prevent injury or harm” for each of the following services, if advertised:

- The taking of an impression or the digital scanning of the human tooth, teeth, or jaws, directly or indirectly and by any means or method.
- Furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, or appliance or any other structure designed to be worn in the human mouth.
- Placing an appliance or a structure in the human mouth or adjusting or attempting to adjust the appliance or structure.
- Correcting or attempting to correct malformations of teeth or jaws.

The bill creates two new grounds for the Board of Dentistry to impose regulatory discipline against a dentist's license:

- Failure by the dentist of record, before the initial diagnosis and correction of a malposition of human teeth or initial use of an orthodontic appliance, to perform an in-person examination of the patient or obtain records from an in-person examination within the last 12 months and to perform a review of the patient's most recent diagnostic digital or conventional radiographs or other equivalent bone imaging suitable for orthodontia; and
- Failing to provide each patient with the name, contact telephone number, after-hours contact information for emergencies, and the license information of each dentist who is providing dental services to the patient.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 118-0