

1 A bill to be entitled

2 An act relating to dental charting; amending s. 466.023,
3 F.S.; expanding the scope and area of practice of dental
4 hygienists to include dental charting; creating s.
5 466.0235, F.S.; providing for regulation of dental
6 charting; providing a definition; authorizing dental
7 hygienists to perform dental charting under certain
8 conditions; regulating the use and content of disclosure
9 and charting forms; requiring the Board of Dentistry to
10 approve disclosure and charting forms; limiting the
11 applicability of dental charting; providing restrictions
12 on periodontal probe use in dental charting; providing
13 restrictions on dental charting reimbursement, referrals
14 made in conjunction with the provision of dental charting
15 services, and the provision of dental charting by a dental
16 hygienist without supervision; providing an effective
17 date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (5) of section 466.023, Florida
22 Statutes, is renumbered as subsection (6) and a new subsection
23 (5) is added to that section to read:

24 466.023 Dental hygienists; scope and area of practice.--
25 (5) Dental hygienists may, without supervision, perform
26 dental charting as provided in s. 466.0235.

27 Section 2. Section 466.0235, Florida Statutes, is created
28 to read:

29 466.0235 Dental charting.--

30 (1) For purposes of this section, the term "dental
31 charting" means a recording of visual observations of clinical
32 conditions of the oral cavity without the use of X rays,
33 laboratory tests, or other diagnostic methods or equipment,
34 except the instruments necessary to record visual restorations,
35 missing teeth, suspicious areas, and periodontal pockets.

36 (2) A dental hygienist may, without supervision and within
37 the lawful scope of his or her duties as authorized by law,
38 perform dental charting of hard and soft tissues in public and
39 private educational institutions of the state and Federal
40 Government, nursing homes, assisted living and long-term care
41 facilities, community health centers, county health departments,
42 mobile dental or health units, and epidemiological surveys for
43 public health. A dental hygienist may also perform dental
44 charting on a volunteer basis at health fairs.

45 (3) Each person who receives a dental charting pursuant to
46 this section, or the parent or legal guardian of the person,
47 shall receive and acknowledge a written disclosure form before
48 receiving the dental charting procedure that states that the
49 purpose of the dental charting is to collect data for use by a
50 dentist at a prompt subsequent examination. The disclosure form
51 shall also emphasize that diagnosis of caries, soft tissue
52 disease, oral cancer, temporomandibular joint disease (TMJ), and

53 dentofacial malocclusions can only be completed by a dentist in
54 the context of delivering a comprehensive dental examination.

55 (4) The board shall approve the content of charting and
56 disclosure forms to be used under this section. Both forms shall
57 emphasize the inherent limitations of dental charting and
58 encourage complete examination by a dentist in rendering a
59 professional diagnosis of the patient's overall oral health
60 needs.

61 (5) Dental charting performed under this section is not a
62 substitute for a comprehensive dental examination.

63 (6) Medical clearance by a physician or dentist is
64 required before a periodontal probe may be used on a person who
65 receives a dental charting.

66 (7) Nothing in this section shall be construed to permit
67 direct reimbursement for dental charting performed under this
68 section by Medicaid, health insurers, health maintenance
69 organizations, prepaid dental plans, or other third-party payors
70 beyond what is otherwise allowable by law.

71 (8) All referrals made in conjunction with the provision
72 of dental charting services under this section shall be in
73 strict conformance with federal and state patient referral,
74 anti-kickback, and patient brokering laws.

75 (9) A dental hygienist performing dental charting without
76 supervision shall not be deemed to have created either a patient
77 of record or a medical record.

78 Section 3. This act shall take effect July 1, 2006.