A bill to be entitled
An act relating to dental services; amending s. 466.003, F.S.; defining the term “digital scanning”; amending s. 466.016, F.S.; requiring every dentist and certain individuals, partnerships, corporations, and other entities to provide specified information to certain patients; amending s. 466.018, F.S.; requiring a dentist of record to remain primarily responsible for all dental treatments for a patient treated through telehealth; requiring any individual, partnership, corporation, or other entity that provides dental services through telehealth to make available specified information; providing construction; amending s. 466.019, F.S.; defining the term “advertisement”; requiring advertisements of dental services provided through telehealth to include a specified disclaimer for certain dental services; amending s. 466.028, F.S.; providing grounds for disciplinary action; providing applicability; providing an effective date.

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

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

466.003 Definitions.—As used in this chapter:
(8) "Digital scanning" means 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.

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

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

466.016 License to be displayed.—

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
information of each dentist who provides dental services through telehealth to that patient.

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

466.018 Dentist of record; patient records.—

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

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

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

Section 4. Section 466.019, Florida Statutes, is amended to
read:

466.019 Advertising by dentists.—

(1) As used in this section, the term “advertisement” means 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 platforms.

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

(3) An advertisement by a licensed dentist may not contain any false, fraudulent, misleading, or deceptive statement or claim or any statement or claim that:

(a) Contains misrepresentations of fact;

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

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

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

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

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

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

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

(4) An advertisement for dental services provided through telehealth as defined in s. 456.47(1) 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:

(a) 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.

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

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

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

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

Section 5. Present paragraph (mm) of subsection (1) of
section 466.028, Florida Statutes, is redesignated as paragraph (pp), and a new paragraph (mm) and paragraphs (nn) and (oo) are added to that subsection, to read:

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

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

(mm) 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 6 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. This paragraph does not apply to providing emergent care, to providing care in connection with a public health program, or to making an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance. Such an initial diagnosis and determination must be confirmed through an in-person examination and review of the patient’s most recent diagnostic digital or conventional radiographs before the patient begins using the orthodontic appliance.

(nn) For dental services provided in person or through telehealth by an individual, a partnership, a corporation, or any other entity, failing to provide each patient with the name, contact telephone number, after-hours contact information for emergencies, and, upon the patient’s request, the license information of each dentist who is providing dental services to
For dental services provided through telehealth by an individual, a partnership, a corporation, or any other entity, failing to designate a dentist of record and make available, before the rendering of such services and upon the patient’s request, the name, contact telephone number, practice address, and state license number for the dentist of record and any other dentist who will provide dental services to the patient through telehealth.

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