



26 and a new subsection (8) is created, to read:

27 466.003 Definitions.—As used in this chapter:

28 (8) "Digital scanning" means the use of digital technology  
 29 that creates a computer-generated replica of the hard and soft  
 30 tissue of the oral cavity using enhanced digital photography,  
 31 lasers, or other optical scanning devices.

32 ~~(16)~~~~(15)~~ "School-based prevention program" means  
 33 preventive oral health services offered at a school by one of  
 34 the entities defined in subsection (15) ~~(14)~~ or by a nonprofit  
 35 organization that is exempt from federal income taxation under  
 36 s. 501(a) of the Internal Revenue Code, and described in s.  
 37 501(c)(3) of the Internal Revenue Code.

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

40 466.016 License to be displayed.—

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

48 (2) Every dentist shall provide each of her or his  
 49 patients with her or his name, contact telephone number, after-  
 50 hours contact information for emergencies, and, upon the

51 patient's request, license information.

52 (3) Any individual, partnership, corporation, or other  
53 entity that provides dental services through telehealth as  
54 defined in s. 456.47(1) shall provide each patient with the  
55 name, contact telephone number, after-hours contact information  
56 for emergencies, and, upon the patient's request, license  
57 information of each dentist who provides dental services through  
58 telehealth to the patient.

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

61 466.018 Dentist of record; patient records.—

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

72 (a) Any individual, partnership, corporation, or other  
73 entity that provides dental services through telehealth shall  
74 make available the name, telephone number, practice address, and  
75 state license number for the dentist of record and any other

76 dentist who provides dental services to a patient before the  
 77 rendering of such services and at any time requested by a  
 78 patient.

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

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

87 466.019 Advertising by dentists.—

88 (1) As used in this section, the term "advertisement"  
 89 means a representation disseminated in any manner or by any  
 90 means to solicit patients including, but not limited to,  
 91 business cards, circulars, pamphlets, newspapers, websites, and  
 92 social media.

93 (2)-(1) The purpose of this section is to ensure that the  
 94 public has access to information which provides a sufficient  
 95 basis upon which to make an informed selection of dentists while  
 96 also ensuring that the public is protected from false or  
 97 misleading advertisements which would detract from a fair and  
 98 rational selection process. The board shall adopt rules to carry  
 99 out the intent of this section, the purpose of which shall be to  
 100 regulate the manner of such advertising in keeping with the

101 provisions hereof.

102 (3)~~(2)~~ An ~~No~~ advertisement by a licensed dentist may not  
 103 ~~shall~~ contain any false, fraudulent, misleading, or deceptive  
 104 statement or claim or any statement or claim which:

- 105 (a) Contains misrepresentations of fact;
- 106 (b) Is likely to mislead or deceive because in context it  
 107 makes only a partial disclosure of relevant facts;
- 108 (c) Contains laudatory statements about the dentist or  
 109 group of dentists;
- 110 (d) Is intended or is likely to create false, unjustified  
 111 expectations of favorable results;
- 112 (e) Relates to the quality of dental services provided as  
 113 compared to other available dental services;
- 114 (f) Is intended or is likely to appeal primarily to a  
 115 layperson's fears;
- 116 (g) Contains fee information without a disclaimer that  
 117 such is a minimum fee only; or
- 118 (h) Contains other representations or implications that in  
 119 reasonable probability will cause an ordinary, prudent person to  
 120 misunderstand or to be deceived.

121 (4) An advertisement of dental services provided through  
 122 telehealth as defined in s. 456.47(1) must include a disclaimer  
 123 that reads, in a clearly legible font and size, "An in-person  
 124 examination with a dentist licensed under chapter 466, Florida  
 125 Statutes, is recommended before beginning telehealth treatment

126 in order to prevent injury or harm" for each of the following  
 127 services, if advertised:

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

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

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

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

138 (5)~~(3)~~ For purposes of this section, D.D.S. or D.M.D. are  
 139 synonymous and may be used interchangeably by licensed dentists  
 140 who have graduated from an accredited American dental school  
 141 with a D.D.S. or D.M.D. degree, when advertising dental  
 142 services.

143 Section 5. Paragraph (mm) of subsection (1) of section  
 144 466.028, Florida Statutes, is redesignated as paragraph (pp) and  
 145 a new paragraph (mm) and paragraphs (nn) and (oo) are added to  
 146 subsection (1) of that section, to read:

147 466.028 Grounds for disciplinary action; action by the  
 148 board.—

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

151 (mm) Failure by the dentist of record, before the initial  
152 diagnosis and correction of a malposition of human teeth or  
153 initial use of an orthodontic appliance, to perform an in-person  
154 examination of the patient or obtain records from an in-person  
155 examination within the last 6 months and to perform a review of  
156 the patient's most recent diagnostic digital or conventional  
157 radiographs or other equivalent bone imaging suitable for  
158 orthodontia. This subsection does not apply to providing  
159 emergent care, to care provided in connection with a public  
160 health program, or to make an initial diagnosis of a malposition  
161 of teeth and a determination of the need for an orthodontic  
162 appliance. Such an initial diagnosis and determination must be  
163 confirmed through an in-person examination and review of the  
164 patient's most recent diagnostic digital or conventional  
165 radiographs before the patient begins using the orthodontic  
166 appliance.

167 (nn) For dental services provided in person or through  
168 telehealth by an individual, a partnership, a corporation, or  
169 any other entity, failing to provide each patient with the name,  
170 contact telephone number, after-hours contact information for  
171 emergencies, and, upon the patient's request, the license  
172 information of each dentist who is providing dental services to  
173 the patient.

174 (oo) For dental services provided through telehealth by an  
175 individual, a partnership, a corporation, or any other entity,

HB 855

2024

176 | failing to designate a dentist of record and make available,  
177 | before the rendering of such services and upon the patient's  
178 | request, the name, telephone number, practice address, and state  
179 | license number for the dentist of record and any other dentist  
180 | who will provide dental services to the patient through  
181 | telehealth.

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