

## CHAPTER 2024-214

### Committee Substitute for House Bill No. 855

An act relating to dental services; amending s. 466.003, F.S.; revising and providing definitions; amending s. 466.016, F.S.; requiring every dentist and certain partnerships, corporations, or other business entities to designate with the board a dentist of record and provide specified information to certain patients; 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 penalties for specified acts; creating s. 466.0281, F.S.; providing requirements for initial examination for orthodontic appliances; defining the term “in-person examination”; providing an effective date.

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

Section 1. Subsections (8) through (15) of section 466.003, Florida Statutes, are renumbered as subsections (9) through (16) respectively, present subsection (15) is amended, and a new subsection (8) is created, 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)~~(15) “School-based prevention program” means preventive oral health services offered at a school by one of the entities defined in subsection ~~(15)~~ (14) 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 must ~~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 license information.

(3) Any partnership, corporation, or other business entity that advertises dental services shall designate with the board a dentist of record and provide each patient with the name, contact telephone number, after-hours contact information for emergencies, and, upon the patient's request, license information of the dentist record. The designated dentist shall have a full, active, and unencumbered license under this chapter or a registration pursuant to s. 456.47.

Section 3. 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.

(2)(1) The purpose of this section is to ensure that the public has access to information which 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 which 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 shall be to regulate the manner of such advertising in keeping with the provisions hereof.

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

- (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 of 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)(3) 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 4. Paragraph (mm) of subsection (1) of section 466.028, Florida Statutes, is redesignated as paragraph (pp) and new paragraphs (mm) and (nn) are added to subsection (1) of that section, 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 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.

(nn) 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.

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

466.0281 Initial examination for orthodontic appliance.—Before the initial diagnosis and correction of a malposition of human teeth or initial use of an orthodontic appliance, a dentist must perform an in-person examination of the patient or obtain records from an in-person examination

within the previous 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. The term "in-person examination" means an examination conducted by a dentist while the dentist is physically present in the same room as the patient.

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

Approved by the Governor May 29, 2024.

Filed in Office Secretary of State May 29, 2024.