



WINTER 2013

# FLORIDA BOARD OF DENTISTRY

PROTECTING THE PUBLIC THROUGH LICENSURE,  
ENFORCEMENT AND INFORMATION



Dan Gesek, DMD  
Board Chair

Dear Colleagues,

Happy New Year from the Board of Dentistry. I want to thank my fellow Board members and staff for allowing me the opportunity to serve as Chairman of the Florida Board of Dentistry. I also want to thank all the current and past board members for giving their time and for their hard work to make sure we maintain a strong and effective Board of Dentistry.

The year 2013 brings many changes to the Board. There are currently two vacant seats on the Board, one dental hygienist and one consumer member position. Vicki Campbell, one of our consumer members, recently resigned to serve as Commissioner of the Emerald Coast Utility Authority Board in Escambia County. Congratulations to her and we wish her well in this new position. I respectfully request your assistance in identifying candidates to fill these positions. Please contact Board staff with questions regarding service on our Board.

The Anesthesia committee has made safety a priority this past year and there will be many upcoming changes to the rules. The Examination committee has been very active working with both ADEX and NERB to make sure that the Florida exam is the best in the country. A recent law change allows for the administration of local anesthesia by dental hygienists with proper recent credentialing.

I ask that you stay informed and monitor the Board of Dentistry website. This year will bring the launch of a new interactive website for our profession. Any new changes affecting you will be posted to our website. The Board website averages more than 500,000 hits per year. Finally, please make sure we have your email address so that we can stay connected to you.

Respectfully submitted,  
Daniel Gesek, DMD

## FLORIDA BOARD OF DENTISTRY

Department of Health  
4052 Bald Cypress Way Bin #C08  
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850.245.4474 office • 850.921.5389 fax  
[www.doh.state.fl.us/mqa/dentistry](http://www.doh.state.fl.us/mqa/dentistry)

### Using the phrase “sleep dentistry” in advertising

It is the rare individual who says “Yes! My dental appointment is today!” Far more frequently, patients feel distress over a dental visit, and others actually fear dental visits. Yet as a dentist you know that good oral hygiene, which includes regular dental checkups and treatment, is necessary to an individual’s overall health. So how do you educate the public and have them avail themselves of your services despite reluctance or fear?

In this age of the internet, it is a good business practice to advertise on a web page. If you hold a sedation dentistry permit, you are permitted to advertise that you offer sedation dentistry. But be advised that – “sleep dentistry” is a term of art that requires a valid general anesthesia permit issued by the Florida Board of Dentistry. Section 466.019, Florida Statutes, provides guidelines for advertising and rule 64B5-4.002, Florida Administrative Code, specifically addresses the use of the term “sleep dentistry” in advertising.

Unless you are a dentist *and* a web page designer, you probably delegate design of your web page to a professional, giving them information about your practice. Please note that you are legally accountable for the content. Before it is published, be sure your website comports with the rule and statute and is not in any way misleading.

### November 16, 2012 Board Meeting Recap

The Board meeting was held in Tampa. Dr. Lee Ann Podruch, North East Regional Board of Dental Examiners, addressed the Board regarding local anesthesia testing for dental hygienists. Drs. Eva Ackley and Guy Champaine discussed the AADB’s Post-Order Dentist Assessment and Remediation Program. The Board discussed the statutory change in Senate Bill 1040 which passed on March 23, 2012 affecting foreign trained dentists and the two year supplemental general dentistry requirement. Committee reports included Dr. Kochenour’s report on the Teaching Permit Committee and Dr. Gesek’s report on the October Rules Committee.

The Board reviewed 12 disciplinary cases, accepting nine settlement agreements and three voluntary relinquishments. The Board also took action on two petitions for variance or waiver, and several application reviews which included credentials reviews, requests for reinstatement and review of expanded duty programs.

The election of officers was held at the end of the meeting with Dr. Gesek elected as Chair and Dr. Perdomo elected as Vice-Chair for 2013.

For details of these minutes and the audio of this meeting, please visit the Board of Dentistry website at [www.doh.state.fl.us/mqa/dentistry](http://www.doh.state.fl.us/mqa/dentistry).

### Board of Dentistry Staff



From left: Sarah Shelton; Cindy Ritter, Program Administrator; Sue Foster, Executive Director; John Milton, Stephanie Robison, and Sarah Walls.

#### Reminder

Pursuant to section 456.072(1)(x), F.S., all licensees are required to self-report to the appropriate Board any crime for which the licensee has been convicted or found guilty. Please note, regardless of whether the licensee was “found guilty,” the licensee must also self-report the entering a plea of nolo contendere (no contest) even when adjudication has been withheld. For example, if you tender a plea of no contest to a charge of reckless driving in Florida, the law requires you to report this to the board. The appropriate board must receive the report in writing within 30 days of the conviction or plea.

### Patient Records

Dentists are required to furnish copies of patient records to include examination, treatment, and x-rays when requested. The furnishing of records cannot be conditioned upon payment of an unpaid or disputed fee for services. A dentist may charge a fee for copying not to exceed the cost per page charged by the Clerk of the County where the dentist practices. The fee for copies of x-rays should not exceed the actual cost of duplication. A dentist should comply with a patient’s request in a timely manner. Rule 64B5-17.009, F.A.C. requires less than 30 days.

Remember, patient records are confidential and may not be released unless authorized by the patient in writing. Records must be kept for four years after the patient’s last visit. See Rules 64B5-17.002, F.A.C. and 64B5 -17.003, F.A.C. on Patient Referrals and the rules on required availability of dental records upon relocation or termination of practice at 64B5- 17.001, F.A.C. These rules are available on the Board of Dentistry website.

#### Thank You!

A special thanks to Adrienne Rodgers and George Black, Assistant General Counsels in the Prosecution Services Unit for their articles on sleep dentistry and reporting requirements in this edition of our newsletter.

#### Dental Health Resource Listing

The Dental needs of disadvantaged persons in the State are great and public resources to meet these are limited. A resource listing by county is available at the following website: [www.doh.state.fl.us/family/dental/resources/index.html](http://www.doh.state.fl.us/family/dental/resources/index.html). Click on appropriate county for a listing of Medicaid area offices, county health departments, community health centers, dental schools, volunteer programs.