

Florida Introduces Shade Verification

After twenty years of tireless work by members of the dental laboratory industry spearheaded by past board presidents of the Florida Dental Laboratory Association, FDLA is pleased to announce that shade verification/selection in the dental laboratory setting is now legal in Florida. Government Affairs Committee Chair Phillip Moyer announced the development at the May conference of FDLA.

Dr. Hal Haering, the Rules Committee Chair and a member of the Florida Board of Dentistry introduced the rule change at the May 16th meeting of the Board of Dentistry. The board passed the rule change by a unanimous vote. The new rule was noticed prior to the Board's July 17-18 meeting in Orlando, Florida, and barring any requests from a rule hearing, the language of the rule was to stand as adopted at the May meeting. No changes or challenges were taken up at the July meetings, so the rule was made effective immediately.

For your files and information, below is a copy of the adopted rule reflecting the new language (which is reflected as underlined). You may wish to inform your dental clients of this new allowable procedure. Congratulations to all of those members of the industry who worked so long and so patiently to see shade verification become a legal procedure.

Unlicensed Practice of Dentistry

For the purpose of interpreting Sections 466.003(3), 466.026(1)(a), and 466.028(1)(g) and (bb), Florida Statutes, the Board shall not consider it to be the unlicensed practice of dentistry for an unlicensed person to furnish, supply, construct or reproduce an appliance to be worn in the human mouth or to verify the patient's shade-selection outside the dentist's direct supervision for fixed partial prosthesis only if:

- (1) The appliance is a removable mouth protection device that is inserted and removed by the user without adjustment by a licensed dentist (e.g., athletic mouth guards);
 - (2) A prescription or dentist's order is not required in order to obtain appliance;
 - (3) The appliance does not adjust or otherwise affect the natural features of the face or mouth or affect any appliance placed in the mouth by a licensed dentist; and
 - (4) The appliance or device does not have the potential to cause significant or irreparable damage to the dentition and/or oral tissue.
- (5) The request for the shade verification is accompanied by a prescription form or work order written by a licensed dentist to meet the requirements of Section 466.021, Florida Statutes.
- (6) The dentist has previously completed the initial shade selection.
- (7) The shade verification site is approved by the dentist and meets all requirements of Sections 466.028 (1) (u), 466.031(1) and 466.032 (1), Florida Statutes.
- (8) During shade verification, no appliances or prosthetic devices are to be placed, removed or seated in the oral cavity at the site except by a licensed dentist on a patient of record in accordance with the requirements of Sections 466.024 (5) and 466.028 (1) (m), Florida Statutes.
- (9) During shade verification, contact with the patient is limited to visual contact only.
- (10) During shade verification, soft or hard tissue shall not be manipulated.
- (11) During shade verification, the patient shall be instructed on how to retract his or her own lip, and the shade tab shall only be held in proximity, but without physical contact, to the patient's dentition.
- (12) During shade verification, photography shall be limited to the patient's visible dentition during smile and the patient's dentition with the patient retracting their lips.