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American  
Association of  
Orthodontists

AAOinfo.org

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May 13, 2019

Dear Florida Member,

Governor Ron DeSantis of Florida is considering signing a telehealth bill (HB 23 - <https://www.flsenate.gov/Session/Bill/2019/23/BillText/er/PDF>) that would allow out of state practitioners, who do not have a Florida license, to provide services to Florida patients entirely via telehealth. The AAO does not believe that this best protects patient health and safety. The Florida Legislature has already passed the bill so now it's up to Governor DeSantis to decide whether the bill becomes law. With that in mind, we would truly appreciate you PROMPTLY sending the Governor an email by going to <https://www.flgov.com/email-the-governor/>. Once you fill-in the required fields, please complete the highlighted areas in the message below, and copy your message in the message section. We cannot thank you enough for your time and energy in helping us with this, and please let us know if you send a message, so we can track the progress. In addition, we appreciate you respecting the fact this is an ongoing legislative matter.

Many thanks,

Sean Murphy

**Subject:** Please Veto HB 23

Dear Governor DeSantis,

I am a Florida orthodontist and have a practice located in CITY, employing NUMBER staff. I am writing to respectfully ask that you veto **HB 23**, which involves telehealth, <https://www.flsenate.gov/Session/Bill/2019/23/BillText/er/PDF>. I have concerns with the following language in HB 23:

- 456.47(1)(a) - defines telehealth as the use of technology by a telehealth provider to provide health care services, including, but not limited to, **assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration.**
  - *I am opposed to such broad language to the extent it would allow a Florida patient to receive assessments and treatment, which could go on for months or even years (i.e. orthodontic treatment), without ever seeing a Florida licensed doctor in-person. As a practicing Florida orthodontist, I believe there are certain diagnoses and evaluations that can only be performed in-person or are best performed in-person (x-rays, oral exams, etc.). If these evaluations are done only through teledentistry, there could be risks of misdiagnosis or underdiagnosis for the patient. There would also appear to be potential issues if dental treatment was not performed in-person, such as the possibility of not detecting certain issues (i.e. periodontal disease, decay, etc.) during treatment. If HB 23 becomes law, the risk of misdiagnosis and/or mistreatment is real, and Florida patients could potentially end up with serious complications, which none of us want.*
- 456.47(1)(b), (4) - permits out-of-state telehealth providers
  - *I am concerned about the proposal to permit telehealth services by out-of-state telehealth providers. First, the proposal would seem difficult to regulate and enforce (e.g. (4)(b)2. "Is licensed with an active, unencumbered license . . . by another state . . . that is **substantially similar** to a license issued to a Florida licensed provider..." (Emphasis added)). The proposed 456.47(1)(b)(4) also appears to circumvent Florida's stringent licensure standards and seems short sighted (i.e. (4)(b)3 "Has not been the subject of disciplinary action relating to his or her license during the **5-year** period immediately prior to the submission of the application;"*

*(Emphasis added)). The foregoing proposed language is not in the best interests of the health and safety of Florida's patients.*

- 456.47(2)(a) - states that a "telehealth provider has the duty to practice in a manner consistent with his or her scope of practice and the prevailing professional standard of practice for a health care professional who provides in-person health care services to patients in this state."
  - *This ambiguous language does not set forth what is specifically required by the provider and would be difficult to enforce until after a patient issue or injury has already occurred.*
- 456.47(2)(b) - states that a "telehealth provider may use telehealth to perform a patient evaluation. If a telehealth provider conducts a patient evaluation sufficient to diagnose and treat the patient, the telehealth provider is not required to research a patient's medical history or conduct a physical examination of the patient before using telehealth to provide health care services to the patient."
  - *I have serious concerns with permitting a telehealth provider to render health care services to a patient absent any research of a patient's medical history or a physical examination of the patient. I believe this would not be in the best interests of patients' health and safety. I believe understanding a patient's medical history and conducting a physical examination are vital components of providing safe and effective treatment, and the failure to do so could result in serious injury.*
- 456.47(2)(e) - permits nonphysician telehealth providers.
  - *If one of the purposes for HB 23 is to expand access to physicians, then 456.47(2)(e) appears to subvert that purpose.*
- 456.47(4)(f) - "A health care professional registered under this subsection may not open an office in this state and may not provide in-person health care services to patients located in this state."
  - *This section demonstrates why the scope of services suggested under 456.47(1)(a) is too broad. If an out-of-state health care professional cannot open an office or provide in-person health care services in Florida, then why should he or she be permitted to provide those same services via telehealth.*

Overall and as a practicing Florida orthodontist, I believe that there are certain diagnoses and evaluations that can only be performed in-person or are best performed in-person (x-rays, oral exams, etc.). If these evaluations are done only through telehealth, there could be risks of misdiagnosis or underdiagnosis for the patient. I also see potential issues if dental treatment was not performed in-person. If HB 23 becomes law, the risk of misdiagnosis and/or mistreatment is real, and Florida patients could potentially end up with serious complications, which none of us want. That is why I am respectfully asking you to veto HB 23.

Of course, please let me know if you have any questions or need more information regarding HB 23.

As always, thank you for your time, dedication, and service.

Your constituent,

[Name/contact information]

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