



May 22, 2024

Hon. Ron DeSantis  
Governor of Florida  
Office of Governor Ron DeSantis  
State of Florida  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001

**RE: ATA ACTION REQUEST FOR A VETO OF HB 855**

Dear Governor DeSantis,

On behalf of ATA Action, I am writing to you to express our opposition to House Bill 855 related to teledentistry and request that you veto this legislation.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services – including teledentistry – across the care continuum. ATA Action supports the enactment of state and federal telehealth coverage and fair payment policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

ATA Action has objections to several of the provisions in House Bill 855 and believes this legislation would serve as a step back for a state that has otherwise prioritized access to quality telehealth options. HB 855 includes restrictive standards for teledentistry providers and creates requirements that would arbitrarily restrict patient access to care.

First, ATA Action has significant concerns with in-person care requirements in the legislation that would also apply to teledentistry care. HB 855 section 5 creates a new burdensome requirement for an in-person examination before any initial diagnosis or other tele-orthodontic service or treatment occurs (or obtain such records from another dentist who conducted an exam in the prior 12 months). ATA Action believes that patient care decisions, particularly the decision for when patients need in-person examinations under the standard of care, should be left in the hands of qualified Florida licensed providers based on individual patient needs and choice. Instead, HB 855 abrogates the ability of licensed Florida dentists and orthodontists to make these care decisions when using innovative new telehealth approaches to patient care.

Second, HB 855 would exacerbate the dental care shortage problem in Florida. A Florida Times-Union article from last year notes that Florida has the largest dental care provider shortage in the nation, with 66



out of 67 Florida counties having shortages affecting almost 6 million Floridians.<sup>1</sup> This means that getting to a dentist for an in-person examination can be difficult for those who live in these shortage areas and who are otherwise occupied with jobs, care for family members and other obligations. HB 855 would increase both the implicit cost of care on patients by making patients take time off work or away from families, and the nominal cost of actually providing services through teledentistry by increasing the number of in-person examinations by dentists and orthodontists needed to provide care, even when those examination are clinically unnecessary. In short, HB 855 means decreased access to services at higher cost.

Finally, ATA Action is troubled by provisions of the legislation that would mandate dental providers adopt clinical recommendations in advertising which they may feel are inaccurate. ATA Action is not aware of any other telehealth law in the nation that places such direct mandates limiting the speech of telehealth providers. Not only is this restriction on speech not based on clinical evidence, it is blatantly anticompetitive and protectionist in favor of traditional, dental operators who are wary of new innovative and cost-effective teledentistry applications. Florida providers should not have their free speech limited and Florida patients should not be subject to advertisements shaped by anti-competitive policies that could unduly influence how they seek the care that they want and need. In the best interest of patients and providers, Florida should avoid dictating what licensed doctors, dentists, and other professional health providers are allowed to say in advertising related to otherwise subjective clinical determinations.

Thank you for the opportunity to comment on this legislation. We encourage you to veto this legislation in the interest of patient access to and continued innovation in dental care in Florida. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in Florida. If you have any questions or would like to engage in additional discussion regarding the telehealth industry's perspective, please contact me at [kzebley@ataaction.org](mailto:kzebley@ataaction.org).

Kind regards,

A handwritten signature in black ink that reads "Kyle Zebley". The signature is fluid and cursive, with the first name "Kyle" and last name "Zebley" clearly distinguishable.

Kyle Zebley  
Executive Director  
ATA Action

---

<sup>1</sup> Roy Miller & Dr. Frank Catalanotto, *Lack of access: Nearly 6 million Floridians not smiling, due to scarcity of dental care*, Florida Times-Union (Mar. 5, 2023), <https://www.jacksonville.com/story/opinion/columns/guest/2023/03/05/shortage-of-dentists-puts-florida-kids-oral-health-most-at-risk/69949650007/>.