

STORAGE NAME: h0729z.hcl
DATE: May 8, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2000-115, Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
FINAL ANALYSIS**

BILL #: HB 729
RELATING TO: Board of Dentistry
SPONSOR(S): Representative Bense
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE LICENSING & REGULATION YEAS 12 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill removes the requirement that licensed dentists appointed to the Board of Dentistry derive their principal income from direct patient care. The bill also removes the provision that prohibits a licensed dentist, who earns more than 5% of her or his income from a dental college or community college, from being appointed to the Board of Dentistry. It requires any member of the board affiliated with a dental college or community college to be in compliance with s. 455.531, F.S., which prohibits a board member from earning her or his principal source of income from any medical, dental, or community college.

This bill has no significant fiscal impact on state or local revenues.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 466.04, F.S., requires the Board of Dentistry to consist of eleven members. Two members must be licensed dental hygienists, two members must be lay persons who have never been licensed dentists or dental hygienists, and the remaining seven must be licensed dentists actively engaged in the clinical practice of dentistry and whose principal source of income is derived from direct patient care.

Any member of the board who is connected with a dental college or community college cannot derive more than 5% of her or his income from that college.

According to the Florida Dental Association, many dentists who are actively involved in the clinical practice of dentistry derive their principal incomes from other investments, not from direct patient care. Current law precludes these individuals from becoming board members.

C. EFFECT OF PROPOSED CHANGES:

This bill requires that dentists who qualify to sit on the board must be actively engaged in the clinical practice of dentistry. It removes any restrictions on how they derive their income, unless they are affiliated with a dental college or community college. If a dentist is connected with a dental college or community college, he must be in compliance with s. 455.531, F.S., which prohibits a board member from earning his principal source of income from any medical, dental, or community college.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 466.04, F.S., to revise the qualifications for membership on the Board of Dentistry and to provide that the changes in the bill apply to appointments to the Board of Dentistry made on or after the effective date of the bill.

Section 2. Provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill has no significant impact on state or local governments. It does not provide any new sources of revenue nor does it require any new expenditures.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not grant any new rule making authority.

C. OTHER COMMENTS:

The Florida Dental Association and the Florida Board of Dentistry both support this legislation. One concern shared by both organizations that is addressed by this bill is the requirement that an appointee's primary income be derived from direct patient care. They feel that this may preclude qualified candidates whose primary source of income is from some other means, such as investments rather than direct patient care, from being considered for appointment.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Andrew "Andy" Palmer

Lucretia Shaw Collins

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Andrew "Andy" Palmer

Lucretia Shaw Collins