

By the Committees on Governmental Oversight and Productivity;
Health, Aging, and Long-Term Care; and Senator Clary

302-2504-03

1 A bill to be entitled
2 An act creating the Board of Dentistry
3 Empowerment Act; creating s. 466.055, F.S.;
4 providing for the appointment of an executive
5 director; providing for duties, and board
6 oversight; requiring director to oversee staff;
7 requiring the department to contract for a
8 dental intake officer and providing
9 qualifications; requiring certain
10 responsibilities of the officer; requiring the
11 board to establish certain performance
12 parameters for departmental handling of
13 disciplinary cases, and consequences; requiring
14 testing services to report to the board if
15 requested; requiring a board spending plan and
16 its content; requiring board spending authority
17 over discretionary budget items; requiring a
18 department report of certain information;
19 providing for a board response; providing an
20 effective date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 466.055, Florida Statutes, is
25 created to read:

26 466.055 Board of Dentistry Empowerment Act.--
27 (1) If requested by the Board of Dentistry, it shall
28 direct the department whom to appoint as executive director
29 pursuant to the rules of the state personnel system. The
30 committee conducting interviews of candidates for executive
31 director shall consist of the board chairman or his designee

1 and the secretary or his or her designee. A list of final
2 candidates shall be submitted to the board, which shall
3 approve the candidate to be hired. The approval process shall
4 include the right of the board to interview the list of
5 submitted candidates. The board may reject all the candidates
6 on the submitted list and request that a new list be submitted
7 by the interview committee. The executive director shall
8 perform those duties and responsibilities specific to the
9 Board of Dentistry and shall exclusively serve the Board of
10 Dentistry. The board shall monitor the performance of the
11 executive director, based on established performance standards
12 and should the board determine, by a majority vote, that the
13 performance of the executive director is consistently below
14 the performance standards of the board and thus unacceptable,
15 the board shall promptly notify the department of its
16 findings, in writing, and the department shall take
17 appropriate action to replace the executive director, pursuant
18 to the state personnel rules.

19 (2) The executive director shall be responsible for
20 overseeing the hiring of all other staff members who work
21 directly for the executive director and who perform services
22 for the board.

23 (3) The department shall contract for a dental intake
24 officer when requested by the Board of Dentistry in accordance
25 with the state personnel system and qualifications established
26 for such position by the Board of Dentistry. The
27 qualifications for the position shall include a requirement
28 that the candidate be a licensed Florida dentist in good
29 standing.

30 (4) The dental intake officer shall be responsible for
31 determining the legal sufficiency of all dental complaints

1 received by the department within 5 working days after the
2 complaint is filed; advising the board regarding dental health
3 regulation issues; and advising field investigators on dental
4 issues related to the complaints to assure that complaints are
5 properly investigated in a timely and efficacious manner.

6 (5) The Board of Dentistry, in consultation with the
7 department, shall establish reasonable and comprehensive
8 performance parameters for the prosecution of disciplinary
9 cases by the department. Such parameters shall reflect the
10 quality and quantity of services to be provided to the board,
11 including, but not limited to, the proportion of cases that
12 are successfully prosecuted through final hearing and appeal
13 if such cases involve irremediable harm or injury or the
14 immediate threat of irremediable harm or injury to the
15 patient. The board shall conduct an annual evaluation to
16 determine if the department has met the established
17 performance parameters. A finding by the board that the
18 department has failed to meet established parameters shall
19 enable the board, by a majority vote, to instruct the
20 department to retain sufficient outside contractual
21 prosecutorial services pursuant to s. 287.057(3), to fulfill
22 the immediate and foreseeable prosecutorial needs of the board.
23 Contract negotiations and vendor selection shall be conducted
24 in consultation with the chairman of the board or his
25 designee. Each contract for prosecutorial services shall
26 include, at a minimum, the performance parameters developed by
27 the board for its assessment of the department.

28 (6) If requested, a representative of testing services
29 of the Department of Health shall appear before the board, or
30 a committee of the board, following the completion of each
31 examination cycle to discuss examination issues. If the board

1 identifies issues to be addressed, testing services shall
2 report to the board, as requested at the next board meeting,
3 on its progress in addressing the issues identified by the
4 board.

5 (7)(a) In conjunction with each fiscal year budgetary
6 cycle, the department, in consultation with the board, shall
7 develop a Board of Dentistry spending plan encompassing
8 anticipated revenue of all types along with all anticipated
9 operating expenses of the board and associated support
10 services of the department, which shall include all direct and
11 allocated expenses necessary to enable the board to fulfill
12 its responsibilities. All expenditure detail as provided
13 herein shall reflect the methodology and calculations of the
14 department in allocating common expenses among all regulatory
15 boards.

16 (b) The Board of Dentistry shall have spending
17 authority over discretionary budgetary items, as determined by
18 the department and the board jointly. Discretionary budgetary
19 items shall include the selection of board meeting venue,
20 hotel facilities, and accommodations; travel of board members
21 and necessary staff to all meetings of the board; attendance
22 by board members at meetings and conferences deemed to be
23 important by the board in fulfilling its responsibilities,
24 monitoring performance, and confirming the accuracy of
25 information provided to the board or others which relates to
26 the duties and responsibilities of the board; and an
27 operational contingency. Operational contingency is that
28 portion of cash on hand that exceeds that required for the
29 5-year spending plan as described in s. 456.005. The
30 operational contingency may be used for a special project by
31 the board in fulfilling its responsibilities if a deficit does

1 not or would not exist for the profession. In exercising its
2 spending authority over discretionary budget items, the board
3 must adhere to all applicable state laws and directives;
4 assure that all meeting locations are accessible to the public
5 and licensees; assure that board meetings are conducted in an
6 effective and efficient manner for the public and licensees;
7 assure that the minimal number of board members or staff
8 attend any meeting or conference; and assure the maximum use
9 of technology. When requested by the board, the department
10 shall provide timely procurement assistance to facilitate all
11 discretionary expenditures of the board.

12 (8)(a) The department shall submit a report to the
13 Governor, the President of the Senate, and the Speaker of the
14 House of Representatives by November 1 of each year on the
15 effectiveness and efficiency of this section, including:

16 1. The revenues, expenditures, and cash balances for
17 the prior year, and a review of the adequacy of existing
18 revenues;

19 2. The nature and extent of all services provided to
20 the board by the department;

21 3. The total cost allocated by the department for each
22 service provided by the department to the board and the amount
23 and percent by which each cost is appropriate to dentistry's
24 pro-rata share of the total cost of such services provided by
25 the department to all affected boards, councils, and
26 professions;

27 4. The number of licensure examinations taken, the
28 fees collected for licensure examination, and the time from
29 which a candidate for licensure completed the required
30 examination to the time in which the candidate received the
31 results;

1 5. The number of licenses issued, revoked, or
2 suspended;

3 6. The number of disciplinary complaints received,
4 determined to be legally sufficient, investigated, referred to
5 the board's probable cause panel, prosecuted, subject to final
6 board action, and appealed; the number, maximum, and average
7 duration of licenses suspended; the number of licenses
8 revoked; the number of cases spanning more than 180,270, and
9 365 days from receipt of complaints to submission to the
10 board's probable cause panel; the proportion of cases which
11 were eligible for and the number of cases actually resolved by
12 citation; the proportion of cases where probable cause was
13 found; the number of cases where probable cause was found that
14 were not prosecuted or that did not result in stipulated
15 agreements; the number of cases involving stipulated
16 agreements; the number of cases involving stipulated
17 agreements which were changed by the board and the number of
18 cases involving stipulated agreements that were rejected
19 without modification by the board; the number of cases taking
20 in excess of 1 year from the date of receipt of a complaint to
21 final board action; the number of cases involving formal
22 hearings; the status of all cases appealed; the number of
23 cases where licensure suspension or revocation was stayed
24 pending appeal; the number of emergency suspension orders
25 issued; the average and maximum range of costs of complaint
26 investigations and prosecutions; and the amount of fines and
27 expenses collected by type of cases prosecuted;

28 7. The status of the development and implementation of
29 rules providing for disciplinary guidelines pursuant to s.
30 456.079; and
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1 8. Such recommendations for administrative and
2 statutory changes necessary to facilitate efficient and
3 cost-effective operation of the board and the department.

4 (b) The department shall include in the report any
5 statement, comment, suggestion, recommendation, or objection
6 made by the board in response to the report.

7 Section 2. This act shall take effect July 1, 2003.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 CS/SB 2144

12 Removes a provision requiring approval by the board and the
13 secretary prior to execution of a contract for prosecutorial
14 services by the department.
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