

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	05/02/2003 11:58 AM	.	
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11	Senator Fasano moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 1, line 17,		
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16	insert:		
17	Section 1. Paragraph (a) of subsection (2) of section		
18	466.004, Florida Statutes, is amended to read:		
19	466.004 Board of Dentistry.--		
20	(2) To advise the board, it is the intent of the		
21	Legislature that councils be appointed as specified in		
22	paragraphs (a), (b), and (c). The department shall provide		
23	administrative support to the councils and shall provide		
24	public notice of meetings and agenda of the councils. Councils		
25	shall include at least one board member who shall chair the		
26	council and shall include nonboard members. All council		
27	members shall be appointed by the board chair. Council		
28	members shall be appointed for 4-year terms, and all members		
29	shall be eligible for reimbursement of expenses in the manner		
30	of board members.		
31	(a) A Council on Dental Hygiene shall be appointed by		

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

1 the board chair and shall include one dental hygienist member
2 of the board, who shall chair the council, one dental member
3 of the board, and three dental hygienists who are actively
4 engaged in the practice of dental hygiene in this state. The
5 council shall meet at the request of the board chair, a
6 majority of the members of the board, or the council chair, if
7 the council meets at least twice each year. The council is
8 charged with the responsibility of and shall meet for the
9 purpose of developing rules and policies for recommendation to
10 the board, ~~which the board shall consider~~, on matters
11 pertaining to that part of dentistry consisting of
12 educational, preventive, or therapeutic dental hygiene
13 services; dental hygiene licensure, discipline, or regulation;
14 and dental hygiene education. Rule and policy recommendations
15 of the council shall be considered by the board at its next
16 regularly scheduled meeting in the same manner it considers
17 rule and policy recommendations from designated subcommittees
18 of the board. Any rule or policy proposed by the board
19 pertaining to the specified part of dentistry defined by this
20 paragraph shall be referred to the council for a
21 recommendation prior to final action by the board.

22 Section 2. Section 466.055, Florida Statutes, is
23 created to read:

24 466.055 Board of Dentistry Empowerment Act.--

25 (1) If requested by the Board of Dentistry, it shall
26 direct the department whom to appoint as executive director
27 pursuant to the rules of the state personnel system. The
28 committee conducting interviews of candidates for executive
29 director shall consist of the board chairman or his designee
30 and the secretary or his or her designee. A list of final
31 candidates shall be submitted to the board, which shall

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

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

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

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

28 (4) The dental intake officer shall be responsible for
29 determining the legal sufficiency of all dental complaints
30 received by the department within 5 working days after the
31 complaint is filed; advising the board regarding dental health

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

1 regulation issues; and advising field investigators on dental
2 issues related to the complaints to assure that complaints are
3 properly investigated in a timely and efficacious manner.

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

26 (6) If requested, a representative of testing services
27 of the Department of Health shall appear before the board, or
28 a committee of the board, following the completion of each
29 examination cycle to discuss examination issues. If the board
30 identifies issues to be addressed, testing services shall
31 report to the board, as requested at the next board meeting,

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

1 on its progress in addressing the issues identified by the
 2 board.

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

14 (b) The Board of Dentistry shall have spending
 15 authority over discretionary budgetary items, as determined by
 16 the department and the board jointly. Discretionary budgetary
 17 items shall include the selection of board meeting venue,
 18 hotel facilities, and accommodations; travel of board members
 19 and necessary staff to all meetings of the board; attendance
 20 by board members at meetings and conferences deemed to be
 21 important by the board in fulfilling its responsibilities,
 22 monitoring performance, and confirming the accuracy of
 23 information provided to the board or others which relates to
 24 the duties and responsibilities of the board; and an
 25 operational contingency. Operational contingency is that
 26 portion of cash on hand that exceeds that required for the
 27 5-year spending plan as described in s. 456.005. The
 28 operational contingency may be used for a special project by
 29 the board in fulfilling its responsibilities if a deficit does
 30 not or would not exist for the profession. In exercising its
 31 spending authority over discretionary budget items, the board

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

1 must adhere to all applicable state laws and directives;
2 assure that all meeting locations are accessible to the public
3 and licensees; assure that board meetings are conducted in an
4 effective and efficient manner for the public and licensees;
5 assure that the minimal number of board members or staff
6 attend any meeting or conference; and assure the maximum use
7 of technology. When requested by the board, the department
8 shall provide timely procurement assistance to facilitate all
9 discretionary expenditures of the board.

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

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

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

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

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

30 5. The number of licenses issued, revoked, or
31 suspended;

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

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

26 7. The status of the development and implementation of
27 rules providing for disciplinary guidelines pursuant to s.
28 456.079; and

29 8. Such recommendations for administrative and
30 statutory changes necessary to facilitate efficient and
31 cost-effective operation of the board and the department.

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

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

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5 (Redesignate subsequent sections.)
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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 1, lines 2 and 3, delete those lines,
11
12 and insert:

13 An act relating to dentistry; amending s.
14 466.004, F.S.; requiring the Council on Dental
15 Hygiene to meet at least twice a year;
16 providing for consideration by the Board of
17 Dentistry of rule and policy recommendations of
18 the council; creating s. 466.055, F.S.;
19 providing for the appointment of an executive
20 director; providing for duties, and board
21 oversight; requiring director to oversee staff;
22 requiring the department to contract for a
23 dental intake officer and providing
24 qualifications; requiring certain
25 responsibilities of the officer; requiring the
26 board to establish certain performance
27 parameters for departmental handling of
28 disciplinary cases, and consequences; requiring
29 testing services to report to the board if
30 requested; requiring a board spending plan and
31 its content; requiring board spending authority

Bill No. CS for CS for SB 572

Amendment No. ____ Barcode 390928

1 over discretionary budget items; requiring a
2 department report of certain information;
3 providing for a board response; amending s.
4 466.006, F.S.;

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