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CHAMBER ACTION

The Committee on Health Care recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to dentistry; creating s. 466.005, F.S., the Board of Dentistry Empowerment Act; providing for the appointment of an executive director; providing for duties and board oversight; requiring director to oversee staff; requiring the department to contract for a dental intake officer and providing qualifications; requiring certain responsibilities of the officer; requiring the board to establish certain performance parameters for departmental handling of disciplinary cases and consequences; requiring the Testing Services office to report to the board if requested; requiring a board spending plan and its content; requiring board spending authority over discretionary budget items; requiring a department report of certain information; providing for a board response; providing an effective date.

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



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29 Section 1. Section 466.005, Florida Statutes, is created
30 to read:

31 466.005 Board of Dentistry Empowerment Act.--

32 (1) If the board so decides, it shall direct the
33 department whom to appoint as the executive director of the
34 board pursuant to the rules of the state personnel system. The
35 committee conducting interviews of candidates for executive
36 director shall consist of the board chair or her or his designee
37 and the secretary or her or his designee. A list of final
38 candidates shall be submitted to the board, which shall approve
39 the candidate to be hired. The approval process shall include
40 the right of the board to interview the list of submitted
41 candidates. The board may reject all the candidates on the
42 submitted list and request that a new list be submitted by the
43 interview committee. The executive director shall perform those
44 duties and responsibilities specific to the board and shall
45 exclusively serve the board. The board shall monitor the
46 performance of the executive director, based on established
47 performance standards, and if the board determines, by a
48 majority vote, that the performance of the executive director is
49 consistently below the performance standards of the board and
50 thus unacceptable, the board shall promptly notify the
51 department of its findings, in writing, and the department shall
52 take appropriate action to replace the executive director,
53 pursuant to the state personnel rules.

54 (2) The executive director shall be responsible for
55 overseeing the hiring of all other staff members who work



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56 directly for the executive director and who perform services for
57 the board.

58 (3) The department shall contract for a dental intake
59 officer when requested by the board in accordance with the state
60 personnel system and qualifications established for such
61 position by the board. The qualifications for the position shall
62 include a requirement that the candidate be a licensed Florida
63 dentist in good standing.

64 (4) The dental intake officer shall be responsible for
65 determining the legal sufficiency of all dental complaints
66 received by the department within 5 working days after the
67 complaint is filed, advising the board regarding dental health
68 regulation issues, and advising field investigators on dental
69 issues related to the complaints to ensure that complaints are
70 properly investigated in a timely and efficacious manner.

71 (5) The board, in consultation with the department, shall
72 establish reasonable and comprehensive performance parameters
73 for the prosecution of disciplinary cases by the department.
74 Such parameters shall reflect the quality and quantity of
75 services to be provided to the board, including, but not limited
76 to, the proportion of cases that are successfully prosecuted
77 through final hearing and appeal if such cases involve
78 irremediable harm or injury or the immediate threat of
79 irremediable harm or injury to the patient. The board shall
80 conduct an annual evaluation to determine if the department has
81 met the established performance parameters. A finding by the
82 board that the department has failed to meet established
83 parameters shall enable the board, by a majority vote, to



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84 instruct the department to retain sufficient outside contractual
85 prosecutorial services pursuant to s. 287.057(3) to fulfill the
86 immediate and foreseeable prosecutorial needs of the board.
87 Contract negotiations and vendor selection shall be conducted in
88 consultation with the chair of the board or her or his designee.
89 A contract for prosecutorial services may not be executed by the
90 department until the contract is approved by the board. The
91 board has the right to reject any proposed contract presented
92 pursuant to this section. Each contract for prosecutorial
93 services shall include, at a minimum, the performance parameters
94 developed by the board for its assessment of the department.

95 (6) If requested, a representative of the Testing Services
96 office of the department shall appear before the board, or a
97 committee of the board, following the completion of each
98 examination cycle to discuss examination issues. If the board
99 identifies issues to be addressed, the Testing Services office
100 shall report to the board, as requested at the next board
101 meeting, on its progress in addressing the issues identified by
102 the board.

103 (7)(a) In conjunction with each fiscal year budgetary
104 cycle, the department, in consultation with the board, shall
105 develop a board spending plan encompassing anticipated revenue
106 of all types along with all anticipated operating expenses of
107 the board and associated support services of the department,
108 which shall include all direct and allocated expenses necessary
109 to enable the board to fulfill its responsibilities. All
110 expenditure detail as provided in this paragraph shall reflect



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111 the methodology and calculations of the department in allocating
112 common expenses among all regulatory boards.

113 (b) The board shall have spending authority over
114 discretionary budgetary items, as determined by the department
115 and the board jointly. Discretionary budgetary items shall
116 include the selection of board meeting venue, hotel facilities,
117 and accommodations; travel of board members and necessary staff
118 to all meetings of the board; attendance by board members at
119 meetings and conferences deemed to be important by the board in
120 fulfilling its responsibilities, monitoring performance, and
121 confirming the accuracy of information provided to the board or
122 others which relates to the duties and responsibilities of the
123 board; and an operational contingency. The operational
124 contingency is that portion of cash on hand which exceeds that
125 required for the 5-year spending plan as described in s.
126 456.005. The operational contingency may be used for a special
127 project by the board in fulfilling its responsibilities if a
128 deficit does not or would not exist for the profession. In
129 exercising its spending authority over discretionary budget
130 items, the board must adhere to all applicable state laws and
131 directives, ensure that all meeting locations are accessible to
132 the public and licensees, ensure that board meetings are
133 conducted in an effective and efficient manner for the public
134 and licensees, ensure that the minimal number of board members
135 or staff attend any meeting or conference, and ensure the
136 maximum use of technology. When requested by the board, the
137 department shall provide timely procurement assistance to
138 facilitate all discretionary expenditures of the board.



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

143 1. The revenues, expenditures, and cash balances for the
 144 prior year and a review of the adequacy of existing revenues.

145 2. The nature and extent of all services provided to the
 146 board by the department.

147 3. The total cost allocated by the department for each
 148 service provided by the department to the board and the amount
 149 and percent by which each cost is appropriate to dentistry's pro
 150 rata share of the total cost of such services provided by the
 151 department to all affected boards, councils, and professions.

152 4. The number of licensure examinations taken, the fees
 153 collected for licensure examination, and the time from which a
 154 candidate for licensure completed the required examination to
 155 the time in which the candidate received the results.

156 5. The number of licenses issued, revoked, or suspended.

157 6. The number of disciplinary complaints received,
 158 determined to be legally sufficient, investigated, referred to
 159 the board's probable cause panel, prosecuted, subject to final
 160 board action, and appealed; the number and maximum and average
 161 duration of licenses suspended; the number of licenses revoked;
 162 the number of cases spanning more than 180, 270, and 365 days
 163 after receipt of complaint to submission to the board's probable
 164 cause panel; the proportion of cases which were eligible for and
 165 the number of cases actually resolved by citation; the
 166 proportion of cases where probable cause was found; the number



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167 of cases where probable cause was found that were not prosecuted
168 or that did not result in stipulated agreements; the number of
169 cases involving stipulated agreements; the number of cases
170 involving stipulated agreements that were changed by the board
171 and the number of cases involving stipulated agreements that
172 were rejected without modification by the board; the number of
173 cases taking in excess of 1 year after the date of receipt of a
174 complaint to final board action; the number of cases involving
175 formal hearings; the status of all cases appealed; the number of
176 cases where licensure suspension or revocation was stayed
177 pending appeal; the number of emergency suspension orders
178 issued; the average and maximum range of costs of complaint
179 investigations and prosecutions; and the amount of fines and
180 expenses collected by type of cases prosecuted.

181 7. The status of the development and implementation of
182 rules providing for disciplinary guidelines pursuant to s.
183 456.079.

184 8. Such recommendations for administrative and statutory
185 changes necessary to facilitate efficient and cost-effective
186 operation of the board and the department.

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

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