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1 A bill to be entitled  
2 An act relating to access to health care; creating s.  
3 381.00521, F.S.; establishing the Florida Dental Health  
4 Access Task Force for certain purposes; specifying  
5 membership of the task force; providing for appointments  
6 and meetings; providing for filling of vacancies;  
7 requiring the task force to develop recommendations and  
8 report to the Legislature; providing for termination;  
9 amending s. 624.91, F.S.; expanding the membership of the  
10 board of directors of the Florida Healthy Kids  
11 Corporation; amending s. 636.035, F.S.; specifying certain  
12 provider arrangement contract prohibitions or  
13 restrictions; prohibiting prepaid limited health service  
14 organizations from specifying certain contract  
15 continuation or renewal conditions; providing for voiding  
16 of certain contracts; specifying absence of liability for  
17 certain criminal penalties; amending s. 641.315, F.S.;  
18 providing for application to health maintenance  
19 organizations of the prohibition against specifying  
20 certain contract continuation or renewal conditions;  
21 amending s. 766.1116, F.S.; revising time requirements for  
22 a health care practitioner's waiver of license renewal  
23 fees and continuing education requirements; providing an  
24 effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
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28 Section 1. Section 381.00521, Florida Statutes, is created  
29 to read:

30 381.00521 Florida Dental Health Access Task Force.--

31 (1) The Florida Dental Health Access Task Force is  
32 established for the purpose of developing findings and issuing  
33 recommendations relating to and including, but not limited to,  
34 Medicaid dental reimbursement fees; alternative methods  
35 successfully implemented in other states that maximize dental  
36 funding in Medicaid, including, but not limited to, dental  
37 carve-outs; addressing the administrative process for dentists  
38 to become Medicaid dental providers; literature provided by the  
39 Agency for Health Care Administration summarizing the process of  
40 what to expect once a dentist becomes a Medicaid provider,  
41 including, but not limited to, how to process claims;  
42 establishment of providing temporary assistance to a dental  
43 office in cases in which the Medicaid dental provider dies  
44 unexpectedly; and a detailed process for addressing patient  
45 behavior and individual responsibility of Medicaid patients in  
46 dental offices.

47 (2) The membership of the task force shall consist of:

48 (a) A member of the House of Representatives, appointed by  
49 the Speaker of the House of Representatives as an ex officio,  
50 nonvoting member of the task force.

51 (b) A member of the Senate, appointed by the President of  
52 the Senate as an ex officio, nonvoting member of the task force.

53 (c) A member appointed by the Florida Dental Association.

54 (d) A member appointed by the Florida Academy of Pediatric  
55 Dentistry.

56 (e) A member appointed by the Florida Society of Oral and  
 57 Maxillofacial Surgeons.

58 (f) A member appointed by the Florida Society of  
 59 Orthodontists.

60 (g) A member appointed by the Florida Society of  
 61 Periodontists.

62 (h) A member appointed by the Florida Dental Hygiene  
 63 Association.

64 (i) A member appointed by the Florida Public Health  
 65 Association.

66 (j) The state's Medicaid director or the director's  
 67 designee.

68 (3) Each member shall serve at the pleasure of the  
 69 organization that appointed the member. A vacancy on the task  
 70 force shall be filled in the same manner as the original  
 71 appointment.

72 (4) All members of the task force must be appointed on or  
 73 before August 31, 2009, and the task force shall hold its first  
 74 meeting on or before September 15, 2009.

75 (5) The task force shall develop recommendations and  
 76 submit its findings to the President of the Senate and the  
 77 Speaker of the House of Representatives by February 1, 2011.

78 (6) The task force is terminated February 1, 2011.

79 Section 2. Paragraph (a) of subsection (6) of section  
 80 624.91, Florida Statutes, is amended to read:

81 624.91 The Florida Healthy Kids Corporation Act.--

82 (6) BOARD OF DIRECTORS.--

83 (a) The Florida Healthy Kids Corporation shall operate  
 84 subject to the supervision and approval of a board of directors  
 85 chaired by the Chief Financial Officer or her or his designee,  
 86 and composed of 11 ~~10~~ other members selected for 3-year terms of  
 87 office as follows:

88 1. The Secretary of Health Care Administration, or his or  
 89 her designee.~~†~~

90 2. One member appointed by the Commissioner of Education  
 91 from the Office of School Health Programs of the Florida  
 92 Department of Education.~~†~~

93 3. One member appointed by the Chief Financial Officer  
 94 from among three members nominated by the Florida Pediatric  
 95 Society.~~†~~

96 4. One member, appointed by the Governor, who represents  
 97 the Children's Medical Services Program.~~†~~

98 5. One member appointed by the Chief Financial Officer  
 99 from among three members nominated by the Florida Hospital  
 100 Association.~~†~~

101 6. One member, appointed by the Governor, who is an expert  
 102 on child health policy.~~†~~

103 7. One member, appointed by the Chief Financial Officer,  
 104 from among three members nominated by the Florida Academy of  
 105 Family Physicians.~~†~~

106 8. One member, appointed by the Governor, who represents  
 107 the state Medicaid program.~~†~~

108 9. One member, appointed by the Chief Financial Officer,  
 109 from among three members nominated by the Florida Association of  
 110 Counties.~~†~~~~and~~

111 10. The State Health Officer or her or his designee.

112 11. One member, appointed by the Governor, from among  
113 three members nominated by the Florida Dental Association.

114 Section 3. Subsections (11) and (12) are added to section  
115 636.035, Florida Statutes, to read:

116 636.035 Provider arrangements.--

117 (11) A contract between a prepaid limited health service  
118 organization and a provider of limited health services may not  
119 contain any provision that in any way prohibits or restricts the  
120 limited health service provider from entering into or renewing a  
121 contract with any other prepaid limited health service  
122 organization. This subsection applies to all contracts entered  
123 into or renewed on or after October 1, 2009.

124 (12) A prepaid limited health service organization may not  
125 require, as a condition of continuation or renewal of a  
126 contract, a contracted limited health service provider to accept  
127 the terms of other health care practitioner contracts with the  
128 prepaid limited health service organization or any insurer or  
129 other limited health service organization under common  
130 management and control with the prepaid limited health service  
131 organization, including, but not limited to, Medicare and  
132 Medicaid practitioner contracts and those authorized by s.  
133 627.6471, s. 627.6472, s. 641.315, or this section, except for a  
134 practitioner in a group practice as defined in s. 456.053 who  
135 must accept the terms of a contract negotiated for the  
136 practitioner by the group. Any contract provision that violates  
137 this subsection is void. A violation of this subsection is not  
138 subject to the criminal penalty specified in s. 624.15.

139 Section 4. Subsection (10) of section 641.315, Florida  
 140 Statutes, is amended to read:

141 641.315 Provider contracts.--

142 (10) A health maintenance organization shall not require a  
 143 contracted health care practitioner as defined in s. 456.001(4)  
 144 to accept the terms of other health care practitioner contracts  
 145 with the health maintenance organization or any insurer, or  
 146 other health maintenance organization, under common management  
 147 and control with the health maintenance organization, including  
 148 Medicare and Medicaid practitioner contracts and those  
 149 authorized by s. 627.6471, s. 627.6472, s. 636.035, or this  
 150 section ~~s. 641.315~~, except for a practitioner in a group  
 151 practice as defined in s. 456.053 who must accept the terms of a  
 152 contract negotiated for the practitioner by the group, as a  
 153 condition of continuation or renewal of the contract. Any  
 154 contract provision that violates this section is void. A  
 155 violation of this section is not subject to the criminal penalty  
 156 specified in s. 624.15.

157 Section 5. Subsection (2) of section 766.1116, Florida  
 158 Statutes, is amended to read:

159 766.1116 Health care practitioner; waiver of license  
 160 renewal fees and continuing education requirements.--

161 (2) Notwithstanding any provision of chapter 458, chapter  
 162 459, chapter 460, chapter 461, part I of chapter 464, chapter  
 163 466, or chapter 467 to the contrary, any health care  
 164 practitioner who participates as a health care provider under s.  
 165 766.1115 and thereby agrees with a governmental contractor to  
 166 provide his or her services without compensation and as an agent

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167 of the governmental contractor to low-income recipients in  
168 accordance with s. 766.1115 for at least 160 ~~80~~ hours ~~a year~~ for  
169 each ~~year during the~~ biennial licensure period, or, if the  
170 health care practitioner is retired, for at least 800 ~~400~~ hours  
171 ~~a year for each year~~ during the licensure period, upon providing  
172 sufficient proof from the applicable governmental contractor  
173 that the health care practitioner has completed the hours at the  
174 time of license renewal under procedures specified by the  
175 Department of Health, shall be eligible for:

176 (a) Waiver of the biennial license renewal fee for an  
177 active license; and

178 (b) Fulfillment of a maximum of 25 percent of the  
179 continuing education hours required for license renewal under s.  
180 456.013(9).

181 Section 6. This act shall take effect July 1, 2009.