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LEGISLATIVE ACTION

Senate

House

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Floor: 14/AD/2R

04/29/2010 11:55 AM

Senator Gaetz moved the following:

Senate Amendment (with title amendment)

Between lines 663 and 664

insert:

Section 18. Dental workforce survey.-

(1) Beginning in 2012, each person who applies for licensure renewal as a dentist or dental hygienist under chapter 466, Florida Statutes, must, in conjunction with the renewal of such license under procedures and forms adopted by the Board of Dentistry and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health, working in conjunction with the board, in a dental workforce survey:



280486

14 (a) Licensee information, including, but not limited to:

15 1. The name of the dental school or dental hygiene program
16 that the dentist or dental hygienist graduated from and the year
17 of graduation.

18 2. The year that the dentist or dental hygienist began
19 practicing or working in this state.

20 3. The geographic location of the dentist's or dental
21 hygienist's practice or address within the state.

22 4. For a dentist in private practice:

23 a. The number of full-time dental hygienists employed by
24 the dentist during the reporting period.

25 b. The number of full-time dental assistants employed by
26 the dentist during the reporting period.

27 c. The average number of patients treated per week by the
28 dentist during the reporting period.

29 d. The settings where the dental care was delivered.

30 5. Anticipated plans of the dentist to change the status of
31 his or her license or practice.

32 6. The dentist's areas of specialty or certification.

33 7. The year that the dentist completed a specialty program
34 recognized by the American Dental Association.

35 8. For a hygienist:

36 a. The average number of patients treated per week by the
37 hygienist during the reporting period.

38 b. The settings where the dental care was delivered.

39 9. The dentist's memberships in professional organizations.

40 10. The number of pro bono hours provided by the dentist or
41 dental hygienist during the last biennium.

42 (b) Information concerning the availability and trends



280486

43 relating to critically needed services, including, but not
44 limited to, the following types of care provided by the dentist
45 or dental hygienist:

- 46 1. Dental care to children having special needs.
47 2. Geriatric dental care.
48 3. Dental services in emergency departments.
49 4. Medicaid services.
50 5. Other critically needed specialty areas, as determined
51 by the advisory body.

52 (2) In addition to the completed survey, the dentist or
53 dental hygienist must submit a statement that the information
54 provided is true and accurate to the best of his or her
55 knowledge and belief.

56 (3) Beginning in 2012, renewal of a license by a dentist or
57 dental hygienist licensed under chapter 466, Florida Statutes,
58 is not contingent upon the completion and submission of the
59 dental workforce survey; however, for any subsequent license
60 renewal, the board may not renew the license of any dentist or
61 dental hygienist until the survey required under this section is
62 completed and submitted by the licensee.

63 (4) (a) Beginning in 2012, the Board of Dentistry shall
64 issue a nondisciplinary citation to any dentist or dental
65 hygienist licensed under chapter 466, Florida Statutes, who
66 fails to complete the survey within 90 days after the renewal of
67 his or her license to practice as a dentist or dental hygienist.

68 (b) The citation must notify a dentist or dental hygienist
69 who fails to complete the survey required by this section that
70 his or her license will not be renewed for any subsequent
71 license renewal unless the dentist or dental hygienist completes



280486

72 the survey.

73 (c) In conjunction with issuing the license renewal notice
74 required by s. 456.038, Florida Statutes, the board shall notify
75 each dentist or dental hygienist licensed under chapter 466,
76 Florida Statutes, who fails to complete the survey that the
77 survey must be completed before the subsequent license renewal.

78 Section 19. (1) The Department of Health shall serve as the
79 coordinating body for the purpose of collecting and regularly
80 updating and disseminating dental workforce data. The department
81 shall work with multiple stakeholders, including the Florida
82 Dental Association and the Florida Dental Hygiene Association,
83 to assess and share with all communities of interest all data
84 collected in a timely fashion.

85 (2) The Department of Health shall maintain a current
86 database to serve as a statewide source of data concerning the
87 dental workforce. The department, in conjunction with the board,
88 shall also:

89 (a) Develop strategies to maximize federal and state
90 programs that provide incentives for dentists to practice in
91 shortage areas that are federally designated. Strategies shall
92 include programs such as the Florida Health Services Corps
93 established under s. 381.0302, Florida Statutes.

94 (b) Work in conjunction with an advisory body to address
95 matters relating to the state's dental workforce. The advisory
96 body shall provide input on developing questions for the dentist
97 workforce survey. An advisory body shall include, but need not
98 be limited to, the State Surgeon General or his or her designee,
99 the dean of each dental school accredited in the United States
100 and based in this state or his or her designee, a representative



280486

101 from the Florida Dental Association, a representative from the
102 Florida Dental Hygiene Association, a representative from the
103 Florida Board of Dentistry, and a dentist from each of the
104 dental specialties recognized by the American Dental
105 Association's Commission on Dental Accreditation. Members of the
106 advisory body shall serve without compensation.

107 (c) Act as a clearinghouse for collecting and disseminating
108 information concerning the dental workforce.

109 (3) The Department of Health and the Board of Dentistry
110 shall adopt rules necessary to administer this section.

111 Section 20. It is the intent of the Legislature that the
112 Department of Health and the Board of Dentistry implement the
113 provisions of this act within existing resources.

114 Section 21. Paragraph (t) of subsection (2) of section
115 499.01, Florida Statutes, is amended to read:

116 499.01 Permits.—

117 (2) The following permits are established:

118 (t) *Health care clinic establishment permit.*—Effective
119 January 1, 2009, a health care clinic establishment permit is
120 required for the purchase of a prescription drug by a place of
121 business at one general physical location that provides health
122 care or veterinary services, which is owned and operated by a
123 business entity that has been issued a federal employer tax
124 identification number. For the purpose of this paragraph, the
125 term "qualifying practitioner" means a licensed health care
126 practitioner defined in s. 456.001, or a veterinarian licensed
127 under chapter 474, who is authorized under the appropriate
128 practice act to prescribe and administer a prescription drug.

129 1. An establishment must provide, as part of the



280486

130 application required under s. 499.012, designation of a
131 qualifying practitioner who will be responsible for complying
132 with all legal and regulatory requirements related to the
133 purchase, recordkeeping, storage, and handling of the
134 prescription drugs. In addition, the designated qualifying
135 practitioner shall be the practitioner whose name, establishment
136 address, and license number is used on all distribution
137 documents for prescription drugs purchased or returned by the
138 health care clinic establishment. Upon initial appointment of a
139 qualifying practitioner, the qualifying practitioner and the
140 health care clinic establishment shall notify the department on
141 a form furnished by the department within 10 days after such
142 employment. In addition, the qualifying practitioner and health
143 care clinic establishment shall notify the department within 10
144 days after any subsequent change.

145 2. The health care clinic establishment must employ a
146 qualifying practitioner at each establishment.

147 3. In addition to the remedies and penalties provided in
148 this part, a violation of this chapter by the health care clinic
149 establishment or qualifying practitioner constitutes grounds for
150 discipline of the qualifying practitioner by the appropriate
151 regulatory board.

152 4. The purchase of prescription drugs by the health care
153 clinic establishment is prohibited during any period of time
154 when the establishment does not comply with this paragraph.

155 5. A health care clinic establishment permit is not a
156 pharmacy permit or otherwise subject to chapter 465. A health
157 care clinic establishment that meets the criteria of a modified
158 Class II institutional pharmacy under s. 465.019 is not eligible



280486

159 to be permitted under this paragraph.

160 6. This paragraph does not apply to the purchase of a
161 prescription drug by a licensed practitioner under his or her
162 license. A professional corporation or limited liability company
163 composed of dentists and operating as authorized in s. 466.0285
164 may pay for prescription drugs obtained by a practitioner
165 licensed under chapter 466, and the licensed practitioner is
166 deemed the purchaser and owner of the prescription drugs.

167 Section 22. Paragraph (a) of subsection (6) of section
168 624.91, Florida Statutes, is amended to read:

169 624.91 The Florida Healthy Kids Corporation Act.—

170 (6) BOARD OF DIRECTORS.—

171 (a) The Florida Healthy Kids Corporation shall operate
172 subject to the supervision and approval of a board of directors
173 chaired by the Chief Financial Officer or her or his designee,
174 and composed of 12 ~~11~~ other members selected for 3-year terms of
175 office as follows:

176 1. The Secretary of Health Care Administration, or his or
177 her designee.

178 2. One member appointed by the Commissioner of Education
179 from the Office of School Health Programs of the Florida
180 Department of Education.

181 3. One member appointed by the Chief Financial Officer from
182 among three members nominated by the Florida Pediatric Society.

183 4. One member, appointed by the Governor, who represents
184 the Children's Medical Services Program.

185 5. One member appointed by the Chief Financial Officer from
186 among three members nominated by the Florida Hospital
187 Association.



280486

188 6. One member, appointed by the Governor, who is an expert
189 on child health policy.

190 7. One member, appointed by the Chief Financial Officer,
191 from among three members nominated by the Florida Academy of
192 Family Physicians.

193 8. One member, appointed by the Governor, who represents
194 the state Medicaid program.

195 9. One member, appointed by the Chief Financial Officer,
196 from among three members nominated by the Florida Association of
197 Counties.

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

199 11. The Secretary of Children and Family Services, or his
200 or her designee.

201 12. One member, appointed by the Governor, from among three
202 members nominated by the Florida Dental Association.

203
204 ===== T I T L E A M E N D M E N T =====

205 And the title is amended as follows:

206 Between lines 95 and 96

207 insert:

208 requiring persons who apply for licensure renewal as a
209 dentist or dental hygienist to furnish certain
210 information to the Department of Health in a dental
211 workforce survey; requiring the Board of Dentistry to
212 issue a nondisciplinary citation and a notice for
213 failure to complete the survey within a specified
214 time; providing notification requirements for the
215 citation; requiring the department to serve as the
216 coordinating body for the purpose of collecting,



280486

217 disseminating, and updating dental workforce data;
218 requiring the department to maintain a database
219 regarding the state's dental workforce; requiring the
220 department to develop strategies to maximize federal
221 and state programs and to work with an advisory body
222 to address matters relating to the state's dental
223 workforce; providing membership of the advisory body;
224 providing for members of the advisory body to serve
225 without compensation; requiring the department to act
226 as a clearinghouse for collecting and disseminating
227 information regarding the dental workforce; requiring
228 the department and the board to adopt rules; providing
229 legislative intent regarding implementation of the act
230 within existing resources; amending s. 499.01, F.S.;
231 authorizing certain business entities to pay for
232 prescription drugs obtained by practitioners licensed
233 under ch. 466, F.S.; amending s. 624.91, F.S.;
234 revising the membership of the board of directors of
235 the Florida Healthy Kids Corporation to include a
236 member nominated by the Florida Dental Association and
237 appointed by the Governor;