

By Senator Richter

37-00509C-10

2010970__

1 A bill to be entitled
2 An act relating to the practice of dentistry;
3 requiring persons who apply for licensure renewal as a
4 dentist or dental hygienist to furnish certain
5 information to the Department of Health in a dental
6 workforce survey; requiring the Board of Dentistry to
7 issue a nondisciplinary citation and a notice for
8 failure to complete the survey within a specified
9 time; providing notification requirements for the
10 citation; requiring the department to serve as the
11 coordinating body for the purpose of collecting,
12 disseminating, and updating dental workforce data;
13 requiring the department to maintain a database
14 regarding the state's dental workforce; requiring the
15 department to develop strategies to maximize federal
16 and state programs and to work with an advisory body
17 to address matters relating to the state's dental
18 workforce; providing membership of the advisory body;
19 requiring the department to act as a clearinghouse for
20 collecting and disseminating information regarding the
21 dental workforce; requiring the department and the
22 board to adopt rules; providing legislative intent
23 regarding implementation of the act within existing
24 resources; amending s. 499.01, F.S.; authorizing
25 certain business entities to pay for prescription
26 drugs obtained by practitioners licensed under ch.
27 466, F.S.; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

37-00509C-10

2010970__

30
31 Section 1. Dental workforce survey.—

32 (1) Beginning in 2012, each person who applies for
33 licensure renewal as a dentist or dental hygienist under chapter
34 466, Florida Statutes, must, in conjunction with the renewal of
35 such license under procedures and forms adopted by the Board of
36 Dentistry and in addition to any other information that may be
37 required from the applicant, furnish the following information
38 to the Department of Health, working in conjunction with the
39 board, in a dental workforce survey:

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

41 1. The name of the dental school or dental hygiene program
42 that the dentist or dental hygienist graduated from and the year
43 of graduation.

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

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

48 4. For a dentist in private practice:

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

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

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

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

56 5. Anticipated plans of the dentist to change the status of
57 his or her license or practice.

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

37-00509C-10

2010970__

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

61 8. For a hygienist:

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

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

65 9. The dentist's or dental hygienist's memberships in
66 professional organizations.

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

69 (b) Information concerning the availability and trends
70 relating to critically needed services, including, but not
71 limited to, the following types of care provided by the dentist
72 or dental hygienist:

73 1. Dental care to children having special needs.

74 2. Geriatric dental care.

75 3. Dental services in emergency departments.

76 4. Medicaid services.

77 5. Other critically needed specialty areas, as determined
78 by the advisory body.

79 (2) The information furnished must include a statement
80 submitted by the dentist or dental hygienist that the
81 information provided is true and accurate to the best of his or
82 her knowledge and the submission does not contain any knowingly
83 false information.

84 (3) Beginning in 2012, renewal of a license by a dentist or
85 dental hygienist licensed under chapter 466, Florida Statutes,
86 is not contingent upon the completion and submission of the
87 dental workforce survey; however, for any subsequent license

37-00509C-10

2010970

88 renewal, the board may not renew the license of any dentist or
89 dental hygienist until the survey required under this section is
90 completed and submitted by the licensee.

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

96 (b) The citation must notify a dentist or dental hygienist
97 who fails to complete the survey required by this section that
98 his or her license will not be renewed for any subsequent
99 license renewal unless the dentist or dental hygienist completes
100 the survey.

101 (c) In conjunction with issuing the license renewal notice
102 required by s. 456.038, Florida Statutes, the board shall notify
103 each dentist or dental hygienist licensed under chapter 466,
104 Florida Statutes, who has failed to complete the survey at the
105 licensee's last known address of record with the board of the
106 requirement that the dentist survey be completed before the
107 subsequent license renewal.

108 Section 2. (1) The Department of Health shall serve as the
109 coordinating body for the purpose of collecting and regularly
110 updating and disseminating dental workforce data. The department
111 shall work with multiple stakeholders, including the Florida
112 Dental Association and the Florida Dental Hygiene Association,
113 to assess and share with all communities of interest all data
114 collected in a timely fashion.

115 (2) The Department of Health shall maintain a current
116 database to serve as a statewide source of data concerning the

37-00509C-10

2010970__

117 dental workforce. The department, in conjunction with the board,
118 shall also:

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

124 (b) Work in conjunction with an advisory body to address
125 matters relating to the state's dental workforce. The advisory
126 body shall provide input on developing questions for the dentist
127 workforce survey. An advisory body shall include, but need not
128 be limited to, the State Surgeon General or his or her designee,
129 the dean of each dental school accredited in the United States
130 and based in this state or his or her designee, a representative
131 from the Florida Dental Association, a representative from the
132 Florida Dental Hygiene Association, a representative from the
133 Florida Board of Dentistry, and a dentist from each of the
134 dental specialties recognized by the American Dental
135 Association's Commission on Dental Accreditation.

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

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

140 Section 3. It is the intent of the Legislature that the
141 Department of Health and the Board of Dentistry implement the
142 provisions of this act within existing resources.

143 Section 4. Paragraph (t) of subsection (2) of section
144 499.01, Florida Statutes, is amended to read:

145 499.01 Permits.-

37-00509C-10

2010970

146 (2) The following permits are established:

147 (t) *Health care clinic establishment permit.*—Effective
148 January 1, 2009, a health care clinic establishment permit is
149 required for the purchase of a prescription drug by a place of
150 business at one general physical location that provides health
151 care or veterinary services, which is owned and operated by a
152 business entity that has been issued a federal employer tax
153 identification number. For the purpose of this paragraph, the
154 term “qualifying practitioner” means a licensed health care
155 practitioner defined in s. 456.001, or a veterinarian licensed
156 under chapter 474, who is authorized under the appropriate
157 practice act to prescribe and administer a prescription drug.

158 1. An establishment must provide, as part of the
159 application required under s. 499.012, designation of a
160 qualifying practitioner who will be responsible for complying
161 with all legal and regulatory requirements related to the
162 purchase, recordkeeping, storage, and handling of the
163 prescription drugs. In addition, the designated qualifying
164 practitioner shall be the practitioner whose name, establishment
165 address, and license number is used on all distribution
166 documents for prescription drugs purchased or returned by the
167 health care clinic establishment. Upon initial appointment of a
168 qualifying practitioner, the qualifying practitioner and the
169 health care clinic establishment shall notify the department on
170 a form furnished by the department within 10 days after such
171 employment. In addition, the qualifying practitioner and health
172 care clinic establishment shall notify the department within 10
173 days after any subsequent change.

174 2. The health care clinic establishment must employ a

37-00509C-10

2010970__

175 qualifying practitioner at each establishment.

176 3. In addition to the remedies and penalties provided in
177 this part, a violation of this chapter by the health care clinic
178 establishment or qualifying practitioner constitutes grounds for
179 discipline of the qualifying practitioner by the appropriate
180 regulatory board.

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

184 5. A health care clinic establishment permit is not a
185 pharmacy permit or otherwise subject to chapter 465. A health
186 care clinic establishment that meets the criteria of a modified
187 Class II institutional pharmacy under s. 465.019 is not eligible
188 to be permitted under this paragraph.

189 6. This paragraph does not apply to the purchase of a
190 prescription drug by a licensed practitioner under his or her
191 license. A professional corporation or limited liability company
192 composed of dentists and operating as authorized in s. 466.0285
193 may pay for prescription drugs obtained by a practitioner
194 licensed under chapter 466, and the licensed practitioner is
195 deemed the purchaser and owner of the prescription drugs.

196 Section 5. This act shall take effect July 1, 2010.