

By the Committees on Governmental Oversight and Accountability;
and Health Regulation; and Senators Richter, Gaetz, and Sobel

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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 providing for members of the advisory body to serve
20 without compensation; requiring the department to act
21 as a clearinghouse for collecting and disseminating
22 information regarding the dental workforce; requiring
23 the department and the board to adopt rules; providing
24 legislative intent regarding implementation of the act
25 within existing resources; amending s. 499.01, F.S.;
26 authorizing certain business entities to pay for
27 prescription drugs obtained by practitioners licensed
28 under ch. 466, F.S.; amending s. 499.01212, F.S.;
29 providing that a pedigree paper is not required for a

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30 wholesale distribution of prescription drugs within a
31 sealed medical convenience kit under certain
32 conditions; providing an exception; amending s.
33 624.91, F.S.; revising the membership of the board of
34 directors of the Florida Healthy Kids Corporation to
35 include a member nominated by the Florida Dental
36 Association and appointed by the Governor; providing
37 an effective date.

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

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41 Section 1. Dental workforce survey.—

42 (1) Beginning in 2012, each person who applies for
43 licensure renewal as a dentist or dental hygienist under chapter
44 466, Florida Statutes, must, in conjunction with the renewal of
45 such license under procedures and forms adopted by the Board of
46 Dentistry and in addition to any other information that may be
47 required from the applicant, furnish the following information
48 to the Department of Health, working in conjunction with the
49 board, in a dental workforce survey:

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

51 1. The name of the dental school or dental hygiene program
52 that the dentist or dental hygienist graduated from and the year
53 of graduation.

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

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

58 4. For a dentist in private practice:

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

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

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

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

66 5. Anticipated plans of the dentist to change the status of
67 his or her license or practice.

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

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

71 8. For a hygienist:

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

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

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

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

78 (b) Information concerning the availability and trends
79 relating to critically needed services, including, but not
80 limited to, the following types of care provided by the dentist
81 or dental hygienist:

82 1. Dental care to children having special needs.

83 2. Geriatric dental care.

84 3. Dental services in emergency departments.

85 4. Medicaid services.

86 5. Other critically needed specialty areas, as determined
87 by the advisory body.

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

92 (3) Beginning in 2012, renewal of a license by a dentist or
93 dental hygienist licensed under chapter 466, Florida Statutes,
94 is not contingent upon the completion and submission of the
95 dental workforce survey; however, for any subsequent license
96 renewal, the board may not renew the license of any dentist or
97 dental hygienist until the survey required under this section is
98 completed and submitted by the licensee.

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

104 (b) The citation must notify a dentist or dental hygienist
105 who fails to complete the survey required by this section that
106 his or her license will not be renewed for any subsequent
107 license renewal unless the dentist or dental hygienist completes
108 the survey.

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

114 Section 2. (1) The Department of Health shall serve as the
115 coordinating body for the purpose of collecting and regularly
116 updating and disseminating dental workforce data. The department

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117 shall work with multiple stakeholders, including the Florida
118 Dental Association and the Florida Dental Hygiene Association,
119 to assess and share with all communities of interest all data
120 collected in a timely fashion.

121 (2) The Department of Health shall maintain a current
122 database to serve as a statewide source of data concerning the
123 dental workforce. The department, in conjunction with the board,
124 shall also:

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

130 (b) Work in conjunction with an advisory body to address
131 matters relating to the state's dental workforce. The advisory
132 body shall provide input on developing questions for the dentist
133 workforce survey. An advisory body shall include, but need not
134 be limited to, the State Surgeon General or his or her designee,
135 the dean of each dental school accredited in the United States
136 and based in this state or his or her designee, a representative
137 from the Florida Dental Association, a representative from the
138 Florida Dental Hygiene Association, a representative from the
139 Florida Board of Dentistry, and a dentist from each of the
140 dental specialties recognized by the American Dental
141 Association's Commission on Dental Accreditation. Members of the
142 advisory body shall serve without compensation.

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

145 (3) The Department of Health and the Board of Dentistry

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146 shall adopt rules necessary to administer this section.

147 Section 3. It is the intent of the Legislature that the
148 Department of Health and the Board of Dentistry implement the
149 provisions of this act within existing resources.

150 Section 4. Paragraph (t) of subsection (2) of section
151 499.01, Florida Statutes, is amended to read:

152 499.01 Permits.—

153 (2) The following permits are established:

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

165 1. An establishment must provide, as part of the
166 application required under s. 499.012, designation of a
167 qualifying practitioner who will be responsible for complying
168 with all legal and regulatory requirements related to the
169 purchase, recordkeeping, storage, and handling of the
170 prescription drugs. In addition, the designated qualifying
171 practitioner shall be the practitioner whose name, establishment
172 address, and license number is used on all distribution
173 documents for prescription drugs purchased or returned by the
174 health care clinic establishment. Upon initial appointment of a

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175 qualifying practitioner, the qualifying practitioner and the
176 health care clinic establishment shall notify the department on
177 a form furnished by the department within 10 days after such
178 employment. In addition, the qualifying practitioner and health
179 care clinic establishment shall notify the department within 10
180 days after any subsequent change.

181 2. The health care clinic establishment must employ a
182 qualifying practitioner at each establishment.

183 3. In addition to the remedies and penalties provided in
184 this part, a violation of this chapter by the health care clinic
185 establishment or qualifying practitioner constitutes grounds for
186 discipline of the qualifying practitioner by the appropriate
187 regulatory board.

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

191 5. A health care clinic establishment permit is not a
192 pharmacy permit or otherwise subject to chapter 465. A health
193 care clinic establishment that meets the criteria of a modified
194 Class II institutional pharmacy under s. 465.019 is not eligible
195 to be permitted under this paragraph.

196 6. This paragraph does not apply to the purchase of a
197 prescription drug by a licensed practitioner under his or her
198 license. A professional corporation or limited liability company
199 composed of dentists and operating as authorized in s. 466.0285
200 may pay for prescription drugs obtained by a practitioner
201 licensed under chapter 466, and the licensed practitioner is
202 deemed the purchaser and owner of the prescription drugs.

203 Section 5. Paragraph (i) is added to subsection (3) of

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204 section 499.01212, Florida Statutes, to read:

205 499.01212 Pedigree paper.—

206 (3) EXCEPTIONS.—A pedigree paper is not required for:

207 (i) The wholesale distribution of prescription drugs within
208 a sealed medical convenience kit if:

209 1. The medical convenience kit is assembled in an
210 establishment that is registered with the United States Food and
211 Drug Administration as a medical device manufacturer;

212 2. The convenience kit manufacturer is an authorized
213 distributor of record, as defined by 21 C.F.R. s. 203.3, for the
214 manufacturer of the specific drugs contained within the kit; and

215 3. The drugs contained in the medical convenience kit are
216 intravenous products intended:

217 a. For the replenishment of fluids and electrolytes;

218 b. As anticoagulants;

219 c. For the maintenance of the equilibrium of water and
220 minerals in the body;

221 d. For irrigation or reconstruction;

222 e. For injection; or

223 f. As topical anesthetics.

224

225 This exemption does not apply to a convenience kit containing
226 any controlled substance that appears in a schedule contained in
227 or subject to chapter 893 or the federal Comprehensive Drug
228 Abuse Prevention and Control Act of 1970.

229 Section 6. Paragraph (a) of subsection (6) of section
230 624.91, Florida Statutes, is amended to read:

231 624.91 The Florida Healthy Kids Corporation Act.—

232 (6) BOARD OF DIRECTORS.—

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

238 1. The Secretary of Health Care Administration, or his or
239 her designee.

240 2. One member appointed by the Commissioner of Education
241 from the Office of School Health Programs of the Florida
242 Department of Education.

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

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

247 5. One member appointed by the Chief Financial Officer from
248 among three members nominated by the Florida Hospital
249 Association.

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

252 7. One member, appointed by the Chief Financial Officer,
253 from among three members nominated by the Florida Academy of
254 Family Physicians.

255 8. One member, appointed by the Governor, who represents
256 the state Medicaid program.

257 9. One member, appointed by the Chief Financial Officer,
258 from among three members nominated by the Florida Association of
259 Counties.

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

261 11. The Secretary of Children and Family Services, or his

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262 or her designee.

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

265 Section 7. This act shall take effect July 1, 2010.