

By the Committee on Health Regulation; and Senator Richter

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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. 624.91, F.S.;
29 revising the membership of the board of directors of

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30 the Florida Healthy Kids Corporation to include a
31 member nominated by the Florida Dental Association and
32 appointed by the Governor; providing an effective
33 date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Dental workforce survey.—

38 (1) Beginning in 2012, each person who applies for
39 licensure renewal as a dentist or dental hygienist under chapter
40 466, Florida Statutes, must, in conjunction with the renewal of
41 such license under procedures and forms adopted by the Board of
42 Dentistry and in addition to any other information that may be
43 required from the applicant, furnish the following information
44 to the Department of Health, working in conjunction with the
45 board, in a dental workforce survey:

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

47 1. The name of the dental school or dental hygiene program
48 that the dentist or dental hygienist graduated from and the year
49 of graduation.

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

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

54 4. For a dentist in private practice:

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

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

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

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

62 5. Anticipated plans of the dentist to change the status of
63 his or her license or practice.

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

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

67 8. For a hygienist:

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

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

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

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

74 (b) Information concerning the availability and trends
75 relating to critically needed services, including, but not
76 limited to, the following types of care provided by the dentist
77 or dental hygienist:

78 1. Dental care to children having special needs.

79 2. Geriatric dental care.

80 3. Dental services in emergency departments.

81 4. Medicaid services.

82 5. Other critically needed specialty areas, as determined
83 by the advisory body.

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

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

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

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

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

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

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117 (2) The Department of Health shall maintain a current
118 database to serve as a statewide source of data concerning the
119 dental workforce. The department, in conjunction with the board,
120 shall also:

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

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

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

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

143 Section 3. It is the intent of the Legislature that the
144 Department of Health and the Board of Dentistry implement the
145 provisions of this act within existing resources.

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146 Section 4. Paragraph (t) of subsection (2) of section
147 499.01, Florida Statutes, is amended to read:

148 499.01 Permits.—

149 (2) The following permits are established:

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

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

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175 care clinic establishment shall notify the department within 10
176 days after any subsequent change.

177 2. The health care clinic establishment must employ a
178 qualifying practitioner at each establishment.

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

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

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

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

199 Section 5. Paragraph (a) of subsection (6) of section
200 624.91, Florida Statutes, is amended to read:

201 624.91 The Florida Healthy Kids Corporation Act.—

202 (6) BOARD OF DIRECTORS.—

203 (a) The Florida Healthy Kids Corporation shall operate

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204 subject to the supervision and approval of a board of directors
205 chaired by the Chief Financial Officer or her or his designee,
206 and composed of 12 ~~11~~ other members selected for 3-year terms of
207 office as follows:

208 1. The Secretary of Health Care Administration, or his or
209 her designee.

210 2. One member appointed by the Commissioner of Education
211 from the Office of School Health Programs of the Florida
212 Department of Education.

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

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

217 5. One member appointed by the Chief Financial Officer from
218 among three members nominated by the Florida Hospital
219 Association.

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

222 7. One member, appointed by the Chief Financial Officer,
223 from among three members nominated by the Florida Academy of
224 Family Physicians.

225 8. One member, appointed by the Governor, who represents
226 the state Medicaid program.

227 9. One member, appointed by the Chief Financial Officer,
228 from among three members nominated by the Florida Association of
229 Counties.

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

231 11. The Secretary of Children and Family Services, or his
232 or her designee.

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

235 Section 6. This act shall take effect July 1, 2011.