

1                   A bill to be entitled  
2           An act relating to the practice of dentistry; requiring  
3           persons who apply for licensure renewal as a dentist or  
4           dental hygienist to furnish certain information to the  
5           Department of Health in a dental workforce survey;  
6           requiring the Board of Dentistry to issue a  
7           nondisciplinary citation and a notice for failure to  
8           complete the survey within a specified time; providing  
9           notification requirements for the citation; requiring the  
10          department to serve as the coordinating body for the  
11          purpose of collecting, disseminating, and updating dental  
12          workforce data; requiring the department to maintain a  
13          database regarding the state's dental workforce; requiring  
14          the department to develop strategies to maximize federal  
15          and state programs and to work with an advisory body to  
16          address matters relating to the state's dental workforce;  
17          providing membership of the advisory body; providing for  
18          members of the advisory body to serve without  
19          compensation; requiring the department to act as a  
20          clearinghouse for collecting and disseminating information  
21          regarding the dental workforce; requiring the department  
22          and the board to adopt rules; providing legislative intent  
23          regarding implementation of the act within existing  
24          resources; amending s. 499.01, F.S.; authorizing certain  
25          business entities to pay for prescription drugs obtained  
26          by practitioners licensed under ch. 466, F.S.; amending s.  
27          624.91, F.S.; revising the membership of the board of  
28          directors of the Florida Healthy Kids Corporation to

29 include a member nominated by the Florida Dental  
 30 Association and appointed by the Governor; providing an  
 31 effective date.

32  
 33 Be It Enacted by the Legislature of the State of Florida:

34  
 35 Section 1. Dental workforce survey.—

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

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

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

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

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

52 4. For a dentist in private practice:

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

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

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

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

60 5. Anticipated plans of the dentist to change the status  
 61 of his or her license or practice.

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

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

65 8. For a hygienist:

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

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

69 9. The dentist's memberships in professional  
 70 organizations.

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

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

77 1. Dental care to children having special needs.

78 2. Geriatric dental care.

79 3. Dental services in emergency departments.

80 4. Medicaid services.

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

83 (2) In addition to the completed survey, the dentist or  
 84 dental hygienist must submit a statement that the information

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85 provided is true and accurate to the best of his or her  
86 knowledge and belief.

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

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

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

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

109 Section 2. (1) The Department of Health shall serve as  
110 the coordinating body for the purpose of collecting and  
111 regularly updating and disseminating dental workforce data. The  
112 department shall work with multiple stakeholders, including the

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113 Florida Dental Association and the Florida Dental Hygiene  
 114 Association, to assess and share with all communities of  
 115 interest all data collected in a timely fashion.

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

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

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

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

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

141 shall adopt rules necessary to administer this section.

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

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

147 499.01 Permits.—

148 (2) The following permits are established:

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

160 1. An establishment must provide, as part of the  
 161 application required under s. 499.012, designation of a  
 162 qualifying practitioner who will be responsible for complying  
 163 with all legal and regulatory requirements related to the  
 164 purchase, recordkeeping, storage, and handling of the  
 165 prescription drugs. In addition, the designated qualifying  
 166 practitioner shall be the practitioner whose name, establishment  
 167 address, and license number is used on all distribution  
 168 documents for prescription drugs purchased or returned by the

169 health care clinic establishment. Upon initial appointment of a  
 170 qualifying practitioner, the qualifying practitioner and the  
 171 health care clinic establishment shall notify the department on  
 172 a form furnished by the department within 10 days after such  
 173 employment. In addition, the qualifying practitioner and health  
 174 care clinic establishment shall notify the department within 10  
 175 days after any subsequent change.

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

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

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

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

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

197 deemed the purchaser and owner of the prescription drugs.  
 198 Section 5. Paragraph (a) of subsection (6) of section  
 199 624.91, Florida Statutes, is amended to read:  
 200 624.91 The Florida Healthy Kids Corporation Act.—  
 201 (6) BOARD OF DIRECTORS.—  
 202 (a) The Florida Healthy Kids Corporation shall operate  
 203 subject to the supervision and approval of a board of directors  
 204 chaired by the Chief Financial Officer or her or his designee,  
 205 and composed of 12 ~~11~~ other members selected for 3-year terms of  
 206 office as follows:  
 207 1. The Secretary of Health Care Administration, or his or  
 208 her designee.  
 209 2. One member appointed by the Commissioner of Education  
 210 from the Office of School Health Programs of the Florida  
 211 Department of Education.  
 212 3. One member appointed by the Chief Financial Officer  
 213 from among three members nominated by the Florida Pediatric  
 214 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  
 218 from 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.



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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.

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

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