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576-02551-15

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to dental care; creating s. 381.4019, F.S.; establishing a joint local and state dental care access account initiative, subject to the availability of funding; authorizing the creation of dental care access accounts; specifying the purpose of the initiative; defining terms; providing criteria for the selection of dentists for participation in the initiative; providing for the establishment of accounts; requiring the Department of Health to implement an electronic benefit transfer system; providing for the use of funds deposited in the accounts; authorizing the department to distribute state funds to accounts subject to legislative appropriations; authorizing the department to accept contributions from local sources for deposit in designated accounts; limiting the number of years that an account may remain open; providing for the immediate closure of accounts under certain circumstances; authorizing the department to transfer state funds remaining in a closed account at a specified time and to return unspent funds from local sources; requiring a dentist to repay funds in certain circumstances; authorizing the department to pursue disciplinary enforcement actions and to use other legal means to recover funds; requiring the department to establish by rule application procedures and a



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28 process to verify the use of funds withdrawn from a
29 dental care access account; requiring the department
30 to give priority to applications from dentists
31 practicing in certain areas; requiring the Department
32 of Economic Opportunity to rank shortage areas and
33 medically underserved areas; requiring the Department
34 of Health to develop a marketing plan in cooperation
35 with certain dental colleges and the Florida Dental
36 Association; providing an effective date.

37

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

39

40 Section 1. Section 381.4019, Florida Statutes, is created
41 to read:

42 381.4019 Dental care access accounts.—Subject to the
43 availability of funds, the Legislature establishes a joint local
44 and state dental care access account initiative and authorizes
45 the creation of dental care access accounts to promote economic
46 development by supporting qualified dentists who practice in
47 dental health professional shortage areas or medically
48 underserved areas or who treat a medically underserved
49 population. The Legislature recognizes that maintaining good
50 oral health is integral to overall health status and that the
51 good health of residents of this state is an important
52 contributing factor in economic development. Better health,
53 including better oral health, enables workers to be more
54 productive, reduces the burden of health care costs, and enables
55 children to improve in cognitive development.

56 (1) As used in this section, the term:



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57 (a) "Dental health professional shortage area" means a
58 geographic area so designated by the Health Resources and
59 Services Administration of the United States Department of
60 Health and Human Services.

61 (b) "Department" means the Department of Health.

62 (c) "Medically underserved area" means a geographic area so
63 designated by the Health Resources and Services Administration
64 of the United States Department of Health and Human Services.

65 (d) "Public health program" means a county health
66 department, the Children's Medical Services program, a federally
67 qualified community health center, a federally funded migrant
68 health center, or other publicly funded or nonprofit health care
69 program as designated by the department.

70 (2) The department shall develop and implement a dental
71 care access account initiative to benefit dentists licensed to
72 practice in this state who demonstrate, as required by the
73 department by rule:

74 (a) Active employment by a public health program located in
75 a dental health professional shortage area or a medically
76 underserved area; or

77 (b) A commitment to opening a private practice in a dental
78 health professional shortage area or a medically underserved
79 area evidenced by residing in the designated area, maintaining
80 an active Medicaid provider agreement, enrolling in one or more
81 Medicaid managed care plans, expending sufficient capital to
82 make substantial progress in opening a dental practice that is
83 capable of serving at least 1,200 patients, and obtaining
84 financial support from the local community in which the dentist
85 is practicing or intending to open a practice.



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86 (3) The department shall establish dental care access
87 accounts as individual benefit accounts for each dentist who
88 satisfies the requirements of subsection (2) and is selected by
89 the department for participation. The department shall implement
90 an electronic benefit transfer system that enables each dentist
91 to spend funds from his or her account for the purposes
92 described in subsection (4).

93 (4) Funds contributed from state and local sources to a
94 dental care access account may be used for one or more of the
95 following purposes:

96 (a) Repayment of dental school student loans.

97 (b) Investment in property, facilities, or equipment
98 necessary to establish and operate a dental office consisting of
99 no fewer than two operatories.

100 (c) Payment of transitional expenses related to the
101 relocation or opening of a dental practice which are
102 specifically approved by the department.

103 (5) Subject to legislative appropriation, the department
104 shall distribute state funds as an award to each dental care
105 access account. Such awards must be in an amount not more than
106 \$100,000 and not less than \$10,000, except that a state award
107 may not exceed 3 times the amount contributed to an account in
108 the same year from local sources. If a dentist qualifies for a
109 dental care access account under paragraph (2)(a), the dentist's
110 salary and associated employer expenditures constitute a local
111 match and qualify the account for a state award if the salary
112 and associated expenditures do not come from state funds. State
113 funds may not be included in a determination of the amount
114 contributed to an account from local sources.



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115 (6) The department may accept contributions of funds from
116 local sources for deposit in the account of a dentist designated
117 by the donor.

118 (7) The department shall close an account no later than 5
119 years after the first deposit of state or local funds into that
120 account or immediately upon the occurrence of any of the
121 following:

122 (a) Termination of the dentist's employment with a public
123 health program, unless, within 30 days of such termination, the
124 dentist opens a private practice in a dental health professional
125 shortage area or medically underserved area.

126 (b) Termination of the dentist's practice in a designated
127 dental health professional shortage area or medically
128 underserved area.

129 (c) Termination of the dentist's participation in the
130 Florida Medicaid program.

131 (d) Participation by the dentist in any fraudulent
132 activity.

133 (8) Any state funds remaining in a closed account may be
134 awarded and transferred to another account concurrent with the
135 distribution of funds under the next legislative appropriation
136 for the initiative. The department shall return to the donor on
137 a pro rata basis unspent funds from local sources which remain
138 in a closed account.

139 (9) If the department determines that a dentist has
140 withdrawn account funds after the occurrence of an event
141 specified in subsection (7), has used funds for purposes not
142 authorized in subsection (4), or has not remained eligible for a
143 dental care access account for a minimum of 2 years, the dentist



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144 shall repay the funds to his or her account. The department may
145 recover the withdrawn funds through disciplinary enforcement
146 actions and other methods authorized by law.

147 (10) The department shall establish by rule:

148 (a) Application procedures for dentists who wish to apply
149 for a dental care access account. An applicant may demonstrate
150 that he or she has expended sufficient capital to make
151 substantial progress in opening a dental practice that is
152 capable of serving at least 1,200 patients by documenting
153 contracts for the purchase or lease of a practice location and
154 providing executed obligations for the purchase or other
155 acquisition of at least 30 percent of the value of equipment or
156 supplies necessary to operate a dental practice. The department
157 may limit the number of applicants selected and shall give
158 priority to those applicants practicing in the areas receiving
159 higher rankings pursuant to subsection (11). The department may
160 establish additional criteria for selection which recognize an
161 applicant's active engagement with and commitment to the
162 community providing a local match.

163 (b) A process to verify that funds withdrawn from a dental
164 care access account have been used solely for the purposes
165 described in subsection (4).

166 (11) The Department of Economic Opportunity shall rank the
167 dental health professional shortage areas and medically
168 underserved areas of the state based on the extent to which
169 limited access to dental care is impeding the area's economic
170 development, with a higher ranking indicating a greater
171 impediment to development.

172 (12) The department shall develop a marketing plan for the



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173 dental care access account initiative in cooperation with the
174 University of Florida College of Dentistry, the Nova
175 Southeastern University College of Dental Medicine, the Lake
176 Erie College of Osteopathic Medicine School of Dental Medicine,
177 and the Florida Dental Association.

178 Section 2. This act shall take effect July 1, 2015.