

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Health Policy

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BILL: SB 606

INTRODUCER: Senators Gaetz and Montford

SUBJECT: Dental Care

DATE: March 3, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	<b>Pre-meeting</b>
2.			AHS	
3.			AP	

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**I. Summary:**

SB 606 authorizes the creation of joint state and local dental care access accounts to promote local economic development and to encourage Florida-licensed dentists to practice in dental health professional shortage or medically underserved areas, subject to the availability of funds.

The Department of Health (department) is directed to create individual benefit accounts through an electronic benefits transfer system for each dentist who satisfies the requirements of participation. A qualifying dentist must be actively employed by a public health program in a targeted area or demonstrate a commitment to opening a dental practice that serves at least 1,200 patients and obtaining local financial support from the community where the dentist will practice in a targeted area.

Funds from the account may be used to repay dental school loans; purchase property, facilities, or equipment for a dental office; or pay for transitional expenses relating to relocating or opening a dental practice. A practitioner may receive funds for up to 5 years, subject to availability. An account will be closed if a practitioner fails to comply with program requirements and any unspent funds will be returned to the donor or re-distributed to available applicants or initiative participants.

The department estimates first year implementation expenditures of \$130,341 and on-going maintenance and support costs for the initiative of \$152,050.

**II. Present Situation:**

**Health Professional Shortage Areas**

Health Professional Shortage Areas (HPSAs) are designated by the U.S. Department of Health and Human Services, Health Resources and Services Administration according to criteria

developed in accordance with Section 332 of the Public Health Services Act. HPSA designations are used to identify areas and population groups within the United States that are experiencing a shortage of health professionals.

There are three categories of HPSA designation: 1) primary medical; 2) dental; and 3) mental health. For each discipline category, there are three types of HPSA designations based on the area or population group that is experiencing the shortage: 1) geographic area; 2) population group; and 3) facility.

A geographic HPSA indicates that the entire area may experience barriers in accessing care, while a population HPSA indicates that a particular subpopulation of an area (e.g., homeless or low-income) may be underserved. Finally, a facility HPSA is granted to a unique facility that primarily cares for an underserved population. The primary factor used to determine a HPSA designation is the number of health professionals relative to the population with consideration of high need. The threshold for a dental HPSA is a population-to-provider ratio of at least 5,000 to 1 (4,000 to 1 in high need communities).

### **Medically Underserved Area**

Medically Underserved Areas (MUA) are also designated by the U.S. Department of Health and Human Services. These areas are designated using one of three methods and can be a whole county or group of contiguous counties, or census tracts.<sup>1</sup> The first method, the Index of Medical Underservice (IMU), calculates a score based on the ratio of primary medical care physicians per 1,000 population, percentage of the population with incomes below the poverty level, infant mortality rate, and percentage of population age 65.

The second method, Medically Underserved Populations (MUP), builds off data collected under the MUA process, and reviews the ratio of primary care physicians serving the population seeking the designation. A MUP is a group of people who encounter economic or cultural barriers to primary health care services.

Finally, the third process, Exceptional MUP Designations, includes those population groups which do not meet the criteria of an IMU, but may be considered for designation because of unusual conditions with a request by the Governor or another senior executive level official and local state health official.<sup>2</sup>

### **The Dental Workforce**

Nationally, the pool of dentists to serve a growing population of Americans is shrinking. The American Dental Association has found that 6,000 dentists retire each year in the U.S., while there are only 4,000 dental school graduates each year to replace them. The projected shortage of dentists is even greater in rural America. Of the approximately 150,000 general dentists in

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<sup>1</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration, *Shortage Demonstration: Health Professional Areas & Medically Underserved Areas/Populations* <http://www.hrsa.gov/shortage/> (Last visited Mar. 2, 2015).

<sup>2</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration, *Medically Underserved Areas/Populations* <http://www.hrsa.gov/shortage/mua/index.html> (last visited Mar. 2, 2015).

practice in the U.S., only 14 percent practice in rural areas, 7.7 percent in large rural areas, 3.7 percent in small rural areas, and 2.2 percent in isolated rural areas. In 2003, there were 2,235 federally designated dental health professional shortage areas (HPSAs).<sup>3</sup> Today, the number of dental HPSAs has increased to over 4,900.

While the dental workforce is projected to grow from 2012 to 2025 by 6 percent, it is not expected to meet the overall national demand. States expected to have the greatest shortfall are California with the largest number (1,234 fewer FTE dentists than needed) followed by Florida (1,152 fewer dentists than needed).<sup>4</sup>

Similar to the national trend, most dentists in Florida are concentrated in the more populous areas of the state, while rural areas, especially the central Panhandle counties and interior counties of south Florida, have a noticeable dearth of dentists.<sup>5</sup> This is true for both general dentistry as well as for dental specialists. Over 20 percent of Florida licensed dentists that responded to the 2011-2012 *Florida Workforce Survey of Dentists* (survey) currently do not practice in this state.<sup>6</sup>

Most dentists, 77.8 percent, practice in general dentistry.<sup>7</sup> In many rural communities, the county health department may be the primary provider of health care services, including dental care. Florida currently has 220 designated dental HPSAs, which have only enough dentists to serve 17 percent of the population living within them. For 2012, HRSA estimated that 853 additional dentists were required to meet the total need. This puts Florida among the states with the highest proportion of their population that are deemed underserved. By 2025, the need grows to 1,152 dentists.<sup>8</sup>

The American Dental Association has also studied this issue and found that while there may be a sufficient number of dentists overall, there may be an inadequate number among certain populations or in certain geographic areas.<sup>9</sup> Children are acutely affected by the shortage of dentists to serve low income patients. In 2012, 26 percent of Medicaid-enrolled children in Florida received one or more dental care services according data from the Agency for Health

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<sup>3</sup>National Rural Health Association, *Issue Paper: Recruitment and Retention of a Quality Health Workforce in Rural Areas*, (November 2006) (on file with the Senate Committee on Health Policy).

<sup>4</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration, *National and State Level Projections of Dentists and Dental Hygienists in the U.S., 2012-2015*, (February 2015), pp.3-4, <http://bhpr.hrsa.gov/healthworkforce/supplydemand/dentistry/nationalstatelevelprojectionsdentists.pdf> (last visited Feb. 27, 2015).

<sup>5</sup> Florida Dept. of Health, *Report on the 2011-2012 Workforce Survey of Dentists*, p. 6 (April 2014) <http://www.floridahealth.gov/programs-and-services/community-health/dental-health/workforce-reports/florida-workforce-survey-of-dentists-2011-2012.pdf> (last visited Feb. 27, 2015). In 2009, the Department of Health developed this workforce survey for dentists. The survey was administered on a voluntary basis in conjunction with biennial renewal of dental licenses and 87 percent of dentists with an active Florida license responded to the survey; a drop of 2 percent points from the 2009-2010 survey.

<sup>6</sup> Id. at 46.

<sup>7</sup> Id.

<sup>8</sup> *Supra* note 4, at 9.

<sup>9</sup> Bradley Munson, B.A., and Marko Vujcic, Ph.D.: Health Policy Institute Research Brief, American Dental Association, *Supply of Dentists in the United States Likely to Grow*, p.2. [http://www.ada.org/~media/ADA/Science%20and%20Research/HPI/Files/HPIBrief\\_1014\\_1.ashx](http://www.ada.org/~media/ADA/Science%20and%20Research/HPI/Files/HPIBrief_1014_1.ashx) (last visited Feb. 27, 2015).

Care Administration (AHCA).<sup>10</sup> The survey noted a noticeable participation difference between private practice dentists and those who practice in a safety net setting. Of those in a private office setting only 13.7 percent report seeing Medicaid enrollees while over 60 percent of safety net providers report participation.<sup>11</sup>

In 2011, the Legislature passed HB 7107<sup>12</sup> creating the Statewide Medicaid Managed Care (SMMC) program as part IV of ch. 409, F.S. The program has two primary components: Managed Medical Assistance program (MMA) and Long Term Care program. To implement MMA, the law required the AHCA to create an integrated managed care program for Medicaid enrollees that incorporates all of the minimum benefits, for the delivery of primary and acute care, including dental. Medicaid recipients who are enrolled in the MMAP program receive their dental services through the fully integrated managed care plans. Although most dental services are designated as a minimum benefit only for Medicaid recipients under age 21, many of the managed care plans also provide, as an enhanced benefit, dental services for adults.

### **The Cost of Dental Education**

Among U.S. dental schools, the cost of a 4-year degree has risen dramatically over the last 10 years — by 93 percent for in-state residents (from about \$89,000 to \$171,000) and by 82 percent for out-of-state residents (from \$128,000 to \$234,000). Dental school debt has increased proportionately. The average debt for dental school graduates in 2011 was \$245,497.<sup>13</sup>

Of concern is whether such high debt loads limit a graduate's ability to choose from starting a private practice, entering the public practice, joining academic dentistry, or serving low-income patients. A second concern is whether rising costs and indebtedness discourage economically disadvantaged and minority students from pursuing dentistry as a career. Some studies suggest that minority dentists are more likely to provide care to minority patients. Thus, increased educational costs and indebtedness could further erode access to care for vulnerable, underserved populations.<sup>14</sup>

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<sup>10</sup> *Supra* note 5, at 8.

<sup>11</sup> *Supra* note 5, at 35

<sup>12</sup> See ch. 2011-134, Laws of Fla..

<sup>13</sup> *Supra* note 4, at 6.

<sup>14</sup> American Dental Education Association, *A Report of the ADEA Presidential Task Force on the Cost of Higher Education and Student Borrowing*, pp. 17-18 (March 2013)

[http://www.adea.org/uploadedFiles/ADEA/Content\\_Conversion\\_Final/publications/Documents/ADEACostandBorrowingReportMarch2013.pdf](http://www.adea.org/uploadedFiles/ADEA/Content_Conversion_Final/publications/Documents/ADEACostandBorrowingReportMarch2013.pdf) (last viewed Feb. 27, 2015). See also U.S. Dept. of Health and Human Services, Health Resources and Services Administration, *Financing Dental Education: Public Policy Interests, Issues and Strategic Considerations*, p. 39 (2005) <http://bhpr.hrsa.gov/healthworkforce1/reports/financedentaledu.pdf> (last visited Feb 27, 2015).

At least three studies, including a 2011 Florida Senate Report,<sup>15</sup> have recommended consideration of loan forgiveness programs as one strategy for addressing dental workforce shortage concerns.<sup>16</sup>

### Florida Health Services Corps

In 1992, the Legislature created the Florida Health Services Corps (FHSC), administered by the department, to encourage medical professionals to practice in locations that are underserved because of a shortage of qualified professionals.<sup>17</sup> The FHSC was defined<sup>18</sup> as a program that offered scholarships to allopathic, osteopathic, chiropractic, podiatric, dental, physician assistant, and nursing students, and loan repayment assistance and travel and relocation expenses to allopathic and osteopathic residents and physicians, chiropractic physicians, podiatric physicians, nurse practitioners, dentists, and physician assistants, in return for service in a public health care program<sup>19</sup> or in a medically underserved area.<sup>20</sup> Membership in the FHSC could be extended to any health care practitioner who provided uncompensated care to medically indigent patients.<sup>21</sup> All FHSC members were required to enroll in Medicaid and to accept all patients referred by the department pursuant to the program agreement.<sup>22</sup> In exchange for this service, an FHSC member was made an agent of the state and granted sovereign immunity under s. 768.28(9), F.S., when providing uncompensated care to medically indigent patients referred for treatment by the department.<sup>23</sup>

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<sup>15</sup> Comm. on Health Regulation, The Florida Senate, *Review Eligibility of Dentist Licensure in Florida and Other Jurisdictions*, p.15 (Interim Report 2012-127) (Sept. 2011) <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-127hr.pdf> (last visited Mar. 2, 2015). The report concluded, in part: “Florida may become more competitive in its recruitment of dentists in rural areas and may enhance Florida’s dental care for underserved populations if it offers a loan forgiveness program. The program could require dentists seeking loan assistance to serve in a rural area (the Panhandle or central, south Florida) and require dentists to serve a certain percentage of Medicaid recipients or participate in the provider network of managed care entities participating in the Medicaid program for a particular period of time. Considering the current lack of state resources, it may be beneficial to limit the number of dentists that may apply to the loan forgiveness program and target resources to areas with the most need for general dentists or specialists.” At the time, Florida was one of only eight states that did not have a state loan forgiveness program. According to the American Dental Association, it is one of only 11 states: Alabama, Arkansas, Connecticut, Florida, Georgia, Hawaii, Idaho, Indiana, Montana, Texas, and Utah as of July 2014. <http://www.ada.org/~media/ADA/Education%20and%20Careers/Files/dental-student-loan-repayment-resource.ashx> (Last visited Mar. 2, 2015).

<sup>16</sup>American Dental Education Association, *supra* note 14, at 26; *Financing Dental Education*, *supra* note 14, at 40.

<sup>17</sup> Ch. 92-33, s. 111, Laws of Fla. (creating s. 381.0302, F.S., effective July 1, 1992).

<sup>18</sup> Section 381.0302(2)(b)1., F.S. (2011).

<sup>19</sup> “Public health program” was defined to include a county health department, a children’s medical services program, a federally funded community health center, a federally funded migrant health center, or other publicly funded or nonprofit health care program designated by the department. Section 381.0302(2)(e), F.S. (2011).

<sup>20</sup> “Medically underserved area” was defined to include: a geographic area, a special population, or a facility that has a shortage of health professionals as defined by federal regulations; a county health department, community health center, or migrant health center; or a geographic area or facility designated by rule of the department that has a shortage of health care practitioners who serve Medicaid and other low-income patients. Section 381.0302(2)(c), F.S. (2011).

<sup>21</sup> “Medically indigent person” was defined as a person who lacks public or private health insurance, is unable to pay for care, and is a member of a family with income at or below 185 percent of the federal poverty level. Section 381.0302(2)(d), F.S. (2011).

<sup>22</sup> Section 381.0302(10), F.S. (2011).

<sup>23</sup> Section 381.0302(11), F.S. (2011).

The statute authorized the department to provide loan repayment assistance and travel and relocation reimbursement to allopathic and osteopathic medical residents with primary care specialties during their last 2 years of residency training or upon completion of residency training, and to physician assistants and nurse practitioners with primary care specialties, in return for an agreement to serve a minimum of 2 years in the FHSC. During the period of service, the maximum amount of annual financial payments was limited to no more than the annual total of loan repayment assistance and tax subsidies authorized by the National Health Services Corps loan repayment program.<sup>24</sup>

During the 20 years the program was in statute, it was funded only three times. A total of \$3,684,000 was appropriated in the 1994-1995 fiscal year, 1995-1996 fiscal year, and 1996-97 fiscal year for loan assistance payments to all categories of eligible health care practitioners. Of that amount, \$971,664 was directed to 18 dentists for an average award of \$25,570 per year of service in the program.<sup>25</sup> The 2007 Legislature attempted to reinvigorate the program by appropriating \$700,000 to fund loan repayment assistance for dentists, only.<sup>26</sup> However, the appropriation and a related substantive bill were vetoed by the Governor.<sup>27</sup> The Legislature repealed the program in 2012.<sup>28</sup>

### **National Health Service Corps**

The National Health Service Corps (NHSC) programs provide scholarships and educational loan repayment to primary care providers<sup>29</sup> who agree to practice in areas that are medically underserved. NHSC loan repayment program (LRP) participants fulfill their service requirement by working at NHSC-approved sites in HPSAs. The NHSC-approved sites are community-based health care facilities that provide comprehensive outpatient, ambulatory, primary health care services. Eligible dental facilities must be located in a dental HPSA and offer comprehensive primary dental health services. NHSC-approved sites (with the exception of correctional facilities and free clinics) are required to provide services for free or on a sliding fee scale (SFS) or discounted fee schedule for low-income individuals. The SFS or discounted fee schedule is based upon the Federal Poverty Guidelines, and patient eligibility is determined by annual income and family size.<sup>30</sup>

The LRP provides funds to participants to repay their outstanding qualifying educational loans. Maximum loan reimbursement under the program is \$50,000 for either a 2-year, full-time or 2-year, half-time clinical practice for up to \$15,000, although participants may be eligible to

<sup>24</sup> Section 381.0302(6), F.S. (2011).

<sup>25</sup> Email from Karen Lundberg, Florida Dept. of Health, to Joe Anne Hart, Florida Dental Association (Sept. 16, 2005) (on file with the Senate Committee on Health Policy).

<sup>26</sup> Ch. 2007-72, Laws of Fla. The funding was contained in Specific Appropriations 677A of the General Appropriation Act, but later vetoed pursuant to the Governor's line item veto authority.

<sup>27</sup> *Journal of the Florida Senate*, at 3 (June 12, 2007).

<sup>28</sup> Ch. 2012-184, s. 45, Laws of Fla.

<sup>29</sup> Primary care physicians, nurse practitioners, certified nurse midwives, physician assistants, dentists, dental hygienists, and behavioral and mental health providers, including health service psychologists, licensed clinical social workers, marriage and family therapists, psychiatrist nurse specialists, and licensed professional counselors.

<sup>30</sup> U.S. Dept. of Health and Human Services, Health Resources and Services Administration, *National Health Service Corps Site Reference Guide*, (April 14, 2014) <http://nhsc.hrsa.gov/downloads/sitereference.pdf> (last visited Mar. 2, 2015).

continue loan repayment beyond the initial term.<sup>31,32</sup> Participants who breach their LRP agreement are subject to monetary damages, which are the sum of the amount of assistance received by the participant representing any period of obligated service not completed, a penalty, and interest. Loan repayments are exempt from federal income and employment taxes and are not included as wages when determining benefits under the Social Security Act.<sup>33</sup> In 2013, there were 38.5 full time equivalent NHSC dentists in Florida.<sup>34</sup>

A second NHSC program, the State Loan Repayment Program (SLRP) offers cost-sharing grants to states to operate their own state educational loan repayment programs for primary care providers, including dental professionals, working in HPSAs within the state. The SLRP varies from state-to-state, and may differ in eligible categories of providers, practice sites, length of required service commitment, and the amount of loan repayment assistance offered. However, there are certain statutory requirements SLRP grantees must meet. There is a minimum 2-year service commitment with an additional 1 year commitment for each year of additional support requested. Any SLRP program participant must practice at an eligible site located in a federally-designated HPSA. Like the NHSC loan repayment program awards, assistance provided through a SLRP is not taxable.

In addition, the SLRP requires a \$1 state match for every \$1 provided under the federal grant. While the SLRP does not limit award amounts, the maximum award amount per provider that the federal government will support through its grant is \$50,000 per year, with a minimum service commitment of 2 years.

Currently, Florida does not participate in SLRP.

### III. Effect of Proposed Changes:

SB 606 creates the dental care access accounts initiative at the Department of Health. The initiative is conditioned on the availability of funds and is intended to encourage dentists to practice in dental health professional shortage areas or medically underserved areas. The bill defines several key terms:

- Dental health professional shortage area: A geographic area so designated by the Health Resources and Services Administration of the U.S. Department of Health and Human Services;
- Medically underserved area: A designated health professional shortage area that lacks an adequate number of dental health professionals to serve Medicaid and other low income patients; and

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<sup>31</sup> The definition of part-time and full-time vary by discipline. The guidelines for both can be found in the *Fiscal Year 2015 Application and Program Guidance* packet beginning on 19

<http://www.nhsc.hrsa.gov/loanrepayment/lrapapplicationguidance.pdf> (last viewed Feb, 27, 2015).

<sup>32</sup> U.S. Department of Health and Human Services, *Loan Repayment Program - Fiscal Year 2015 Application and Program Guidance*, pp. 4-5 (January 2015) <http://www.nhsc.hrsa.gov/loanrepayment/lrapapplicationguidance.pdf> (last viewed Feb. 27, 2015).

<sup>33</sup> U.S. Dept. of Health and Human Services, Health Resources and Services Administration, *National Health Service Corps 101* (on file in the Senate Health Policy Committee).

<sup>34</sup> Email from Philip Street, Senior Policy Coordinator, Health Statistics and Performance Management, Florida Dept. of Health (Nov. 19, 2013) (on file with the Senate Committee on Health Policy).

- Public health program: A county health department, the Children's Medical Services program, a federally funded community health center, a federally funded migrant health center, or other publicly funded or nonprofit health care program designated by the department.

The initiative will be developed by the department to benefit dentists licensed to practice in this state who demonstrate, as required by department rule:

- Active employment by a public health program in a dental health professional shortage area or a medically underserved area; or
- A commitment to opening a private practice in a dental health professional shortage area or medically underserved area by residing in the area, maintaining a Medicaid provider agreement, enrolling with one or more Medicaid managed care plans, expending capital to open an office to serve at least 1,200 patients and obtaining community financial support.

The department is required to establish dental access accounts for dentists who meet the requirements of SB 606 and to implement an electronic benefits transfer system. Funds from the account may be used only for specific purposes, such as payment of student loans; investment in property, facilities or equipment necessary to establish an office and payment of transitional expenses related to relocating or opening a dental practice.

Subject to available appropriations, the department shall distribute funds to the dental access accounts in amounts not to exceed \$100,000 and no less than \$10,000. No state award may exceed three times the amount contributed to an account in the same year from a local source. The department is authorized to accept funds for deposit from local sources.

Five years after the first deposit, SB 606 directs the department to close the account. Accounts may also be terminated if the dentist no longer works for a public health program, the dentist's practice is no longer located in a medically underserved area, the provider has been terminated from Medicaid or the provider has participated in any fraudulent activity. Any remaining funds after 5 years or from terminated accounts may be awarded to another account or returned to the donor. A dentist is required to repay any funds withdrawn from the account after the occurrence of an event which requires account closure. The department is authorized to recover the withdrawn fund through enforcement actions and other methods authorized by law.

The department is authorized to adopt rules for application procedures and may limit the number of applicants selected, giving priority to practitioners in areas ranked higher by the Department of Economic Opportunity. Additional criteria for selection may also be established by the department.

The Department of Economic Opportunity shall rank the dental professional shortage areas and medically underserved areas based on the extent to which limited access to dental care is impeding economic development.

The effective date is July 1, 2015.



**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Floridians living in those areas identified as medically underserved and have little to no access to dental care would benefit from this initiative as it would likely bring additional dental professionals to their community. The initiative also permits the grantees to utilize the funds to transition or relocate to new areas and to build or renovate office space in rural communities which would generate economic growth for small towns and cities.

The ability to maintain good oral health for adults and children enables workers to also be more productive and for children to participate more actively in school activities.

Additionally, dentists who qualify for loan repayment assistance will benefit from a reduction in their student loan debt.

## C. Government Sector Impact:

The department reports a fiscal impact to implement and manage the dental care access account initiative.

The initial cost for the electronic benefit transfer contract/vendor is unknown, but the department reported a nominal cost of approximately \$0.50 per participant per month as a maintenance fee. The program also anticipates a withdrawal fee of at least \$1 per transaction when a dentist makes a withdrawal from his or her account. The number of dentists qualifying for this initiative is unknown.<sup>35</sup>

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<sup>35</sup> Florida Department of Health, *Senate Bill 606 Analysis*, pp.4-5, (Feb. 6, 2015) (on file with the Senate Committee on Health Policy).

The department also reports a workload impact which current staff is unable to meet. Two additional staff members (2 FTEs) would be required to develop the application process and adopt rules, Staff will also be needed to monitor activity, dentist conduct, dentist membership status, and rulings by the Board of Dentistry on recipients.

The following are the estimated expenditures for the department:<sup>36</sup>

<b>Estimated Expenditures</b>	<b>1st Year</b>	<b>2nd Year Annualization/Recurring</b>
<b>SALARIES</b>		
1 FTE Health Care Program Analyst 40,948 - pay grade 24	\$41,460	\$55,280
1 FTE Senior Management Analyst II @46,381 - pay grade 26	\$46,961	\$62,614
<b>EXPENSES</b>		
2 FTEs Calculated with standard DOH professional package (limited travel @ 15,616)	\$31,232	\$23,468
<b>HUMAN RESOURCES SERVICES</b>		
2 FTEs Calculated with standard DOH Central Office package @344	\$688	\$688
<b>Operating Capital Outlay</b>		
Operating Capital Outlay	\$0.00	\$0.00
<b>Contractual Services</b>		
Contractual Services Estimate for the development, implementation and maintenance of an electronic benefit transfer (EBT) system	\$10,000	\$10,000
<b>TOTAL ESTIMATED EXPENDITURES:</b>	<b>\$130,341</b>	<b>\$152,050</b>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The method for determining the amount of unspent funds from local sources which is to be returned in lines 123-125 is not specified. One approach to address this is the following amendment. Delete line 123 and insert:

<sup>36</sup> Id.

for the initiative. The department shall return to the donor on a pro rata basis

The department noted that authority to oversee the use of the funds in compliance with the stated purposes in subsection (4) is not explicit.<sup>37</sup>

The department also noted two issues that may stimulate a rule challenge on the basis of the invalid exercise of delegated legislative authority:

- Lines 76-77. The requirement that an applicant dentist demonstrate a commitment to opening a private practice by expending “sufficient” capital to make “substantial” progress.”
- Lines 137-140. The authorization to the department to establish additional criteria in the selection of applicants which recognize the applicant’s active engagement with and commitment to the community providing a local match.<sup>38</sup>

### **VIII. Statutes Affected:**

This bill creates section 381.4019, Florida Statutes.

### **IX. Additional Information:**

#### **A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

#### **B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>37</sup> *Supra* note 35 at 6.

<sup>38</sup> *Id.*