

By the Committees on Appropriations; and Health Policy; and
Senators Gaetz, Montford, Sobel, Hays, Soto, and Grimsley

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1 A bill to be entitled
2 An act relating to dental care; creating s. 381.4019,
3 F.S.; establishing a joint local and state dental care
4 access account initiative, subject to the availability
5 of funding; authorizing the creation of dental care
6 access accounts; specifying the purpose of the
7 initiative; defining terms; providing criteria for the
8 selection of dentists for participation in the
9 initiative; providing for the establishment of
10 accounts; requiring the Department of Health to
11 implement an electronic benefit transfer system;
12 providing for the use of funds deposited in the
13 accounts; authorizing the department to distribute
14 state funds to accounts subject to legislative
15 appropriations; authorizing the department to accept
16 contributions from local sources for deposit in
17 designated accounts; limiting the number of years that
18 an account may remain open; providing for the
19 immediate closure of accounts under certain
20 circumstances; authorizing the department to transfer
21 state funds remaining in a closed account at a
22 specified time and to return unspent funds from local
23 sources; requiring a dentist to repay funds in certain
24 circumstances; authorizing the department to pursue
25 disciplinary enforcement actions and to use other
26 legal means to recover funds; requiring the department
27 to establish by rule application procedures and a
28 process to verify the use of funds withdrawn from a
29 dental care access account; requiring the department

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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; requiring the Department of Health to
37 annually submit a report with certain information to
38 the Governor and the Legislature; providing rulemaking
39 authority to require the submission of information for
40 such reporting; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

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44 Section 1. Section 381.4019, Florida Statutes, is created
45 to read:

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

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59 children to improve in cognitive development.

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

61 (a) "Dental health professional shortage area" means a
62 geographic area so designated by the Health Resources and
63 Services Administration of the United States Department of
64 Health and Human Services.

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

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

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

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

78 (a) Active employment by a public health program located in
79 a dental health professional shortage area or a medically
80 underserved area; or

81 (b) A commitment to opening a private practice in a dental
82 health professional shortage area or a medically underserved
83 area evidenced by residing in the designated area, maintaining
84 an active Medicaid provider agreement, enrolling in one or more
85 Medicaid managed care plans, expending sufficient capital to
86 make substantial progress in opening a dental practice that is
87 capable of serving at least 1,200 patients, and obtaining

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88 financial support from the local community in which the dentist
89 is practicing or intending to open a practice.

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

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

100 (a) Repayment of dental school student loans.

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

104 (c) Payment of transitional expenses related to the
105 relocation or opening of a dental practice which are
106 specifically approved by the department.

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

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117 funds may not be included in a determination of the amount
118 contributed to an account from local sources.

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

122 (7) The department shall close an account no later than 5
123 years after the first deposit of state or local funds into that
124 account or immediately upon the occurrence of any of the
125 following:

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

130 (b) Termination of the dentist's practice in a designated
131 dental health professional shortage area or medically
132 underserved area.

133 (c) Termination of the dentist's participation in the
134 Florida Medicaid program.

135 (d) Participation by the dentist in any fraudulent
136 activity.

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

143 (9) If the department determines that a dentist has
144 withdrawn account funds after the occurrence of an event
145 specified in subsection (7), has used funds for purposes not

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146 authorized in subsection (4), or has not remained eligible for a
147 dental care access account for a minimum of 2 years, the dentist
148 shall repay the funds to his or her account. The department may
149 recover the withdrawn funds through disciplinary enforcement
150 actions and other methods authorized by law.

151 (10) The department shall establish by rule:

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

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

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

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175 impediment to development.

176 (12) The department shall develop a marketing plan for the
177 dental care access account initiative in cooperation with the
178 University of Florida College of Dentistry, the Nova
179 Southeastern University College of Dental Medicine, the Lake
180 Erie College of Osteopathic Medicine School of Dental Medicine,
181 and the Florida Dental Association.

182 (13) (a) By January 1 of each year, beginning in 2017, the
183 department shall issue a report to the Governor, the President
184 of the Senate, and the Speaker of the House of Representatives,
185 which must include:

186 1. The number of patients served by dentists receiving
187 funding under this section.

188 2. The number of Medicaid recipients served by dentists
189 receiving funding under this section.

190 3. The average number of hours worked and patients served
191 in a week by dentists receiving funding under this section.

192 4. The number of dentists in each dental health
193 professional shortage area or medically underserved area
194 receiving funding under this section.

195 5. The amount and source of local matching funds received
196 by the department.

197 6. The amount of state funds awarded to dentists under this
198 section.

199 7. A complete accounting of the use of funds, by categories
200 identified by the department, including, but not limited to,
201 loans, supplies, equipment, rental property payments, real
202 property purchases, and salary and wages.

203 (b) The department shall adopt rules to require dentists to

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204 report information to the department which is necessary for the
205 department to fulfill its reporting requirement under this
206 subsection.

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