

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 28 process to verify the use of funds withdrawn from a  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  
 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 Legislature; providing rulemaking  
 39 authority for such reporting; providing an effective  
 40 date.

41

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

43

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  
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  
67 so designated by the Health Resources and Services  
68 Administration of the United States Department of Health and  
69 Human Services.

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

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

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

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

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

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

101 (a) Repayment of dental school student loans.

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

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

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

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

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

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

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

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

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

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

144 (9) If the department determines that a dentist has  
145 withdrawn account funds after the occurrence of an event  
146 specified in subsection (7), has used funds for purposes not  
147 authorized in subsection (4), or has not remained eligible for a  
148 dental care access account for at least 2 years, the dentist  
149 shall repay the funds to his or her account. The department may  
150 recover the withdrawn funds through disciplinary enforcement  
151 actions and other methods authorized by law.

152 (10) The department shall establish by rule:

153 (a) Application procedures for dentists who wish to apply  
154 for a dental care access account. An applicant may demonstrate  
155 that he or she has expended sufficient capital to make  
156 substantial progress in opening a dental practice that is

157 capable of serving at least 1,200 patients by documenting  
158 contracts for the purchase or lease of a practice location and  
159 providing executed obligations for the purchase or other  
160 acquisition of at least 30 percent of the value of equipment or  
161 supplies necessary to operate a dental practice. The department  
162 may limit the number of applicants selected and shall give  
163 priority to those applicants practicing in the areas receiving  
164 higher rankings pursuant to subsection (11). The department may  
165 establish additional criteria for selection which recognize an  
166 applicant's active engagement with and commitment to the  
167 community providing a local match.

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

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

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

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

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

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

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

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

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

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

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

204 (b) The department shall adopt rules to require dentists  
 205 to report information to the department that is necessary for  
 206 the department to fulfill its reporting requirement under this  
 207 subsection.

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