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CS/CS/HB 139

2016 Legislature

1
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; providing definitions; providing criteria
8 for the selection of dentists for participation in the
9 initiative; providing for the establishment of
10 accounts; limiting the number of new dental care
11 access accounts established per fiscal year; requiring
12 the Department of Health to implement an electronic
13 benefit transfer system; providing for the use of
14 funds deposited in the accounts; authorizing the
15 department to distribute state funds to accounts,
16 subject to legislative appropriation; authorizing the
17 department to accept contributions from local sources
18 for deposit in designated accounts; limiting the
19 number of years that an account may remain open;
20 providing for the immediate closure of accounts under
21 certain circumstances; authorizing the department to
22 transfer state funds remaining in a closed account at
23 a specified time; requiring the department to return
24 unspent funds from local sources; requiring a dentist
25 to repay funds in certain circumstances; authorizing
26 the department to pursue disciplinary enforcement

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 | actions and to use other legal means to recover funds;
 28 | requiring the department to establish by rule
 29 | application procedures and a process to verify the use
 30 | of funds withdrawn from a dental care access account;
 31 | requiring the department to give priority to
 32 | applications from dentists practicing in certain
 33 | areas; requiring the Department of Economic
 34 | Opportunity to rank shortage areas and medically
 35 | underserved areas; requiring the Department of Health
 36 | to annually submit a report with certain information
 37 | to the Governor and the Legislature; requiring
 38 | rulemaking for the submission of information for such
 39 | reporting; providing an appropriation and authorizing
 40 | a position; providing an effective 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

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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
59 improves the cognitive development of children.

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 community health center, a federally funded migrant
73 health 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:

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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 may not
 95 establish more than 10 new dental care access accounts per
 96 fiscal year. The department shall implement an electronic
 97 benefits transfer system that enables each dentist to spend
 98 funds from his or her account for the purposes described in
 99 subsection (4).

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

103 (a) Repayment of dental school student loans.

104 (b) Investment in property, facilities, or equipment

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105 necessary to establish and operate a dental office consisting of
106 at least two operatories.

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

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

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

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

129 (a) Termination of the dentist's employment with a public
130 health program unless, within 30 days after such termination,

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131 the dentist opens a private practice in a dental health
132 professional shortage area or medically underserved area.

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

136 (c) Termination of the dentist's participation in the
137 Florida Medicaid program.

138 (d) Participation by the dentist in any fraudulent
139 activity.

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

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

154 (10) The department shall establish by rule:

155 (a) Application procedures for dentists who wish to apply
156 for a dental care access account. An applicant may demonstrate

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

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

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

179 (12) (a) By January 1 of each year, beginning in 2018, the
180 department shall issue a report to the Governor, the President
181 of the Senate, and the Speaker of the House of Representatives,
182 which must include:

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183 1. The number of patients served by dentists receiving
 184 funding under this section.

185 2. The number of Medicaid recipients served by dentists
 186 receiving funding under this section.

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

189 4. The number of dentists in each dental health
 190 professional shortage area or medically underserved area
 191 receiving funding under this section.

192 5. The amount and source of local matching funds received
 193 by the department.

194 6. The amount of state funds awarded to dentists under
 195 this section.

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

200 (b) The department shall adopt rules to require dentists
 201 to report information to the department which is necessary for
 202 the department to fulfill its reporting requirement under this
 203 subsection.

204 Section 2. For the 2016-2017 fiscal year, the sum of
 205 \$90,542 in recurring funds and the sum of \$19,766 in
 206 nonrecurring funds are appropriated from the General Revenue
 207 Fund to the Department of Health to administer the dental care
 208 access account initiative, the sum of \$1 million in recurring

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209 | funds is appropriated from the General Revenue Fund to the
210 | Department of Health for allocation to dental care access
211 | accounts, and one full-time equivalent position with associated
212 | salary rate of 46,381 is authorized, for the purpose of
213 | implementing this act.

214 | Section 3. This act shall take effect July 1, 2016.