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576-01373-16

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; limiting the number of new accounts that may be established per fiscal year; requiring the Department of Health to implement an electronic benefit transfer system; providing for the use of funds deposited in the accounts; requiring the department to distribute state funds to accounts, subject to legislative appropriations; authorizing the department to accept contributions from a local source for deposit in a designated account; limiting the number of years that an account may remain open; providing for the immediate closing 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



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28 department to establish by rule application procedures
29 and a process to verify the use of funds withdrawn
30 from a dental care access account; requiring the
31 department to give priority to applications from
32 dentists practicing in certain areas; requiring the
33 Department of Economic Opportunity to rank dental
34 health professional shortage areas and medically
35 underserved areas; requiring the Department of Health
36 to develop a marketing plan in cooperation with
37 certain dental colleges and the Florida Dental
38 Association; requiring the Department of Health to
39 annually submit a report with certain information to
40 the Governor and the Legislature; providing rulemaking
41 authority to require the submission of information for
42 such reporting; providing an effective date.

43

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

45

46 Section 1. Section 381.4019, Florida Statutes, is created
47 to read:

48 381.4019 Dental care access accounts.—Subject to the
49 availability of funds, the Legislature establishes a joint local
50 and state dental care access account initiative and authorizes
51 the creation of dental care access accounts to promote economic
52 development by supporting qualified dentists who practice in
53 dental health professional shortage areas or medically
54 underserved areas or who treat a medically underserved
55 population. The Legislature recognizes that maintaining good
56 oral health is integral to overall health status and that the



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57 good health of residents of this state is an important
58 contributing factor in economic development. Better health,
59 including better oral health, enables workers to be more
60 productive, reduces the burden of health care costs, and enables
61 children to improve in cognitive development.

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

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

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

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

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

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

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

83 (b) A commitment to opening a private practice in a dental
84 health professional shortage area or a medically underserved
85 area, as demonstrated by the dentist residing in the designated



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86 area, maintaining an active Medicaid provider agreement,
87 enrolling in one or more Medicaid managed care plans, expending
88 sufficient capital to make substantial progress in opening a
89 dental practice that is capable of serving at least 1,200
90 patients, and obtaining financial support from the local
91 community in which the dentist is practicing or intending to
92 open a practice.

93 (3) The department shall establish dental care access
94 accounts as individual benefit accounts for each dentist who
95 satisfies the requirements of subsection (2) and is selected by
96 the department for participation. The department may not
97 establish more than 10 new dental care access accounts per
98 fiscal year. The department shall implement an electronic
99 benefit transfer system that enables each dentist to spend funds
100 from his or her account for the purposes described in subsection
101 (4).

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

105 (a) Repayment of dental school student loans.

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

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

112 (5) Subject to legislative appropriation, the department
113 shall distribute state funds as an award to each dental care
114 access account. An individual award must be in an amount not



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115 more than \$100,000 and not less than \$10,000, except that a
116 state award may not exceed 3 times the amount contributed to an
117 account in the same year from local sources. If a dentist
118 qualifies for a dental care access account under paragraph
119 (2) (a), the dentist's salary and associated employer
120 expenditures constitute a local match and qualify the account
121 for a state award if the salary and associated expenditures do
122 not come from state funds. State funds may not be included in a
123 determination of the amount contributed to an account from local
124 sources.

125 (6) The department may accept contributions of funds from a
126 local source for deposit in the account of a dentist designated
127 by the donor.

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

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

136 (b) Termination of the dentist's practice in a designated
137 dental health professional shortage area or medically
138 underserved area.

139 (c) Termination of the dentist's participation in the
140 Florida Medicaid program.

141 (d) Participation by the dentist in any fraudulent
142 activity.

143 (8) Any state funds remaining in a closed account may be



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144 awarded and transferred to another account concurrent with the
145 distribution of funds under the next legislative appropriation
146 for the initiative. The department shall return to the donor on
147 a pro rata basis unspent funds from local sources which remain
148 in a closed account.

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

157 (10) The department shall establish by rule:

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



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

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

182 (12) The department shall develop a marketing plan for the
183 dental care access account initiative in cooperation with the
184 University of Florida College of Dentistry, the Nova
185 Southeastern University College of Dental Medicine, the Lake
186 Erie College of Osteopathic Medicine School of Dental Medicine,
187 and the Florida Dental Association.

188 (13) (a) By January 1 of each year, beginning in 2018, the
189 department shall issue a report to the Governor, the President
190 of the Senate, and the Speaker of the House of Representatives
191 which must include:

192 1. The number of patients served by dentists receiving
193 funding under this section.

194 2. The number of Medicaid recipients served by dentists
195 receiving funding under this section.

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

198 4. The number of dentists in each dental health
199 professional shortage area or medically underserved area
200 receiving funding under this section.

201 5. The amount and source of local matching funds received



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202 by the department.

203 6. The amount of state funds awarded to dentists under this
204 section.

205 7. A complete accounting of the use of funds by categories
206 identified by the department, including, but not limited to,
207 loans, supplies, equipment, rental property payments, real
208 property purchases, and salary and wages.

209 (b) The department shall adopt rules to require dentists to
210 report information to the department which is necessary for the
211 department to fulfill its reporting requirement under this
212 subsection.

213 Section 2. This act shall take effect July 1, 2016.