

By Senator Gaetz

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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; requiring the department to distribute state
14 funds to accounts, subject to legislative
15 appropriations; authorizing the department to accept
16 contributions from a local source for deposit in a
17 designated account; limiting the number of years that
18 an account may remain open; providing for the
19 immediate closing 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28 process to verify the use of funds withdrawn from a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 dental health
33 professional shortage areas and medically underserved
34 areas; requiring the Department of Health to develop a
35 marketing plan in cooperation with certain dental
36 colleges and the Florida Dental Association; requiring
37 the Department of Health to annually submit a report
38 with certain information to the Governor and the
39 Legislature; providing rulemaking authority to require
40 the submission of information for such reporting;
41 providing an effective date.

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

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

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

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59 productive, reduces the burden of health care costs, and enables
60 children to improve in cognitive development.

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

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

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

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

70 (d) "Public health program" means a county health
71 department, the Children's Medical Services Network, 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:

79 (a) Active employment by a public health program located in
80 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, as demonstrated by the dentist residing in the designated
85 area, maintaining an active Medicaid provider agreement,
86 enrolling in one or more Medicaid managed care plans, expending
87 sufficient capital to make substantial progress in opening a

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88 dental practice that is capable of serving at least 1,200
89 patients, and obtaining financial support from the local
90 community in which the dentist is practicing or intending to
91 open a practice.

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

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

102 (a) Repayment of dental school student loans.

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

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

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

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117 expenditures constitute a local match and qualify the account
118 for a state award if the salary and associated expenditures do
119 not come from state funds. State funds may not be included in a
120 determination of the amount contributed to an account from local
121 sources.

122 (6) The department may accept contributions of funds from a
123 local source 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 of such termination, the
131 dentist opens a private practice in a dental health professional
132 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.

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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
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

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175 underserved areas of the state based on the extent to which
176 limited access to dental care is impeding the areas' economic
177 development, with a higher ranking indicating a greater
178 impediment to development.

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

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

189 1. The number of patients served by dentists receiving
190 funding under this section.

191 2. The number of Medicaid recipients served by dentists
192 receiving funding under this section.

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

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

198 5. The amount and source of local matching funds received
199 by the department.

200 6. The amount of state funds awarded to dentists under this
201 section.

202 7. A complete accounting of the use of funds by categories
203 identified by the department, including, but not limited to,

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204 loans, supplies, equipment, rental property payments, real
205 property purchases, and salary and wages.

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

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