

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to dental care services; amending s.
3 409.906, F.S.; authorizing the Agency for Health Care
4 Administration to provide Medicaid reimbursements for
5 dental services provided by a mobile dental unit owned
6 by, operated by, or having a contractual agreement
7 with a health access setting or a similar setting or
8 program under certain circumstances; authorizing the
9 agency to reimburse a licensed dental hygienist for
10 certain remediable tasks; amending s. 466.007, F.S.;
11 deleting the requirement that applicants for dental
12 hygienist licensure demonstrate specified skills on a
13 live patient; amending s. 466.023, F.S.; revising
14 specified tasks that may be delegated only to a
15 licensed dental hygienist; amending s. 466.024, F.S.;
16 revising specified remediable tasks licensed dental
17 hygienists may perform in health access settings
18 without the physical presence, prior examination, or
19 authorization of a dentist; deleting a requirement
20 that a licensed dentist or physician provide medical
21 clearance before a licensed dental hygienist may
22 perform certain tasks on a patient; deleting a
23 requirement that a licensed dentist perform a dental
24 examination of the patient within a specified
25 timeframe after a dental hygienist performs such
26 tasks; providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Paragraph (c) of subsection (1) and subsection
31 (6) of section 409.906, Florida Statutes, are amended to read:

32 409.906 Optional Medicaid services.—Subject to specific
33 appropriations, the agency may make payments for services which
34 are optional to the state under Title XIX of the Social Security
35 Act and are furnished by Medicaid providers to recipients who
36 are determined to be eligible on the dates on which the services
37 were provided. Any optional service that is provided shall be
38 provided only when medically necessary and in accordance with
39 state and federal law. Optional services rendered by providers
40 in mobile units to Medicaid recipients may be restricted or
41 prohibited by the agency. Nothing in this section shall be
42 construed to prevent or limit the agency from adjusting fees,
43 reimbursement rates, lengths of stay, number of visits, or
44 number of services, or making any other adjustments necessary to
45 comply with the availability of moneys and any limitations or
46 directions provided for in the General Appropriations Act or
47 chapter 216. If necessary to safeguard the state's systems of
48 providing services to elderly and disabled persons and subject
49 to the notice and review provisions of s. 216.177, the Governor
50 may direct the Agency for Health Care Administration to amend
51 the Medicaid state plan to delete the optional Medicaid service
52 known as "Intermediate Care Facilities for the Developmentally
53 Disabled." Optional services may include:

54 (1) ADULT DENTAL SERVICES.—

55 (c) However, Medicaid will not provide reimbursement for
56 dental services provided by ~~in~~ a mobile dental unit, except for
57 a mobile dental unit:

58 1. Owned by, operated by, or having a contractual agreement

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59 with the Department of Health and complying with Medicaid's
60 county health department clinic services program specifications
61 as a county health department clinic services provider.

62 2. Owned by, operated by, or having a contractual
63 arrangement with a federally qualified health center and
64 complying with Medicaid's federally qualified health center
65 specifications as a federally qualified health center provider.

66 3. Rendering dental services to Medicaid recipients, 21
67 years of age and older, at nursing facilities.

68 4. Owned by, operated by, or having a contractual agreement
69 with a state-approved dental educational institution.

70 5. Owned by, operated by, or having a contractual agreement
71 with a health access setting as defined in s. 466.003(14) or a
72 similar setting or program that serves underserved or vulnerable
73 populations that face barriers to accessing dental services,
74 including, but not limited to, homeless shelters or group homes
75 for adults with disabilities.

76 (6) CHILDREN'S DENTAL SERVICES.—The agency may pay for
77 diagnostic, preventive, or corrective procedures, including
78 orthodontia in severe cases, provided to a recipient under age
79 21, by or under the supervision of a licensed dentist. The
80 agency may also reimburse a health access setting as defined in
81 s. 466.003(14) or a licensed dental hygienist ~~s. 466.003~~ for the
82 remediable tasks that a licensed dental hygienist is authorized
83 to perform under s. 466.024(2). Services provided under this
84 program include treatment of the teeth and associated structures
85 of the oral cavity, as well as treatment of disease, injury, or
86 impairment that may affect the oral or general health of the
87 individual. However, Medicaid will not provide reimbursement for

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88 dental services provided by ~~in~~ a mobile dental unit, except for
89 a mobile dental unit:

90 (a) Owned by, operated by, or having a contractual
91 agreement with the Department of Health and complying with
92 Medicaid's county health department clinic services program
93 specifications as a county health department clinic services
94 provider.

95 (b) Owned by, operated by, or having a contractual
96 arrangement with a federally qualified health center and
97 complying with Medicaid's federally qualified health center
98 specifications as a federally qualified health center provider.

99 (c) Rendering dental services to Medicaid recipients, 21
100 years of age and older, at nursing facilities.

101 (d) Owned by, operated by, or having a contractual
102 agreement with a state-approved dental educational institution.

103 (e) Owned by, operated by, or having a contractual
104 agreement with a health access setting as defined in s.
105 466.003(14) or a similar setting or program that serves
106 underserved or vulnerable populations that face barriers to
107 accessing dental services, including, but not limited to,
108 homeless shelters, schools, Early Head Start programs, and the
109 Special Supplemental Nutrition Program for Women, Infants, and
110 Children.

111 Section 2. Paragraph (b) of subsection (4) of section
112 466.007, Florida Statutes, is amended to read:

113 466.007 Examination of dental hygienists.—

114 (4) Effective July 1, 2012, to be licensed as a dental
115 hygienist in this state, an applicant must successfully complete
116 the following:

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117 (b) A practical or clinical examination approved by the
118 board. The examination shall be the Dental Hygiene Examination
119 produced by the American Board of Dental Examiners, Inc., (ADEX)
120 or its successor entity, if any, if the board finds that the
121 successor entity's clinical examination meets or exceeds the
122 provisions of this section. The board shall approve the ADEX
123 Dental Hygiene Examination if the board has attained and
124 continues to maintain representation on the ADEX House of
125 Representatives, the ADEX Dental Hygiene Examination Development
126 Committee, and such other ADEX Dental Hygiene committees as the
127 board deems appropriate through rulemaking to ensure that the
128 standards established in this section are maintained
129 organizationally. The ADEX Dental Hygiene Examination or the
130 examination produced by its successor entity is a comprehensive
131 examination in which an applicant must demonstrate skills within
132 the dental hygiene scope of practice ~~on a live patient~~ and any
133 other components that the board deems necessary for the
134 applicant to successfully demonstrate competency for the purpose
135 of licensure.

136 Section 3. Subsection (1) of section 466.023, Florida
137 Statutes, is amended to read:

138 466.023 Dental hygienists; scope and area of practice.—

139 (1) Except as otherwise provided in s. 466.024, only dental
140 hygienists may be delegated the task of removing calculus
141 deposits and, ~~accretions, and stains~~ from exposed surfaces of
142 the teeth and from tooth surfaces within the gingival sulcus and
143 the task of performing root planing and gingival curettage. In
144 addition, dental hygienists may expose dental X-ray films, apply
145 topical preventive or prophylactic agents, and perform all tasks

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146 delegable by the dentist in accordance with s. 466.024. The
147 board by rule shall determine whether such functions shall be
148 performed under the direct, indirect, or general supervision of
149 the dentist.

150 Section 4. Present paragraph (f) of subsection (2) of
151 section 466.024, Florida Statutes, is redesignated as paragraph
152 (g) and amended, and a new paragraph (f) is added to that
153 subsection, to read:

154 466.024 Delegation of duties; expanded functions.—

155 (2) A dental hygienist licensed in this state may perform
156 the following remediable tasks in a health access setting as
157 defined in s. 466.003 without the physical presence, prior
158 examination, or authorization of a dentist:

159 (f) Apply interim therapeutic restorations.

160 (g) ~~(f)~~ Remove calculus deposits and, accretions, ~~and stains~~
161 from exposed surfaces of the teeth and from tooth surfaces
162 within the gingival sulcus.

163 ~~1. A dentist licensed under this chapter or a physician
164 licensed under chapter 458 or chapter 459 must give medical
165 clearance before a dental hygienist removes calculus deposits,
166 accretions, and stains from exposed surfaces of the teeth or
167 from tooth surfaces within the gingival sulcus.~~

168 ~~2. A dentist shall conduct a dental examination on a
169 patient within 13 months after a dental hygienist removes the
170 patient's calculus deposits, accretions, and stains from exposed
171 surfaces of the teeth or from tooth surfaces within the gingival
172 sulcus. Additional oral hygiene services may not be performed
173 under this paragraph without a clinical examination by a dentist
174 who is licensed under this chapter.~~

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176 This subsection does not authorize a dental hygienist to perform
177 root planing or gingival curettage without supervision by a
178 dentist.

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Section 5. This act shall take effect July 1, 2022.