

1 A bill to be entitled

2 An act relating to dental care services; amending s.  
3 409.906, F.S.; authorizing Medicaid to reimburse for  
4 dental services provided in a mobile dental unit owned  
5 by, operated by, or having a contractual agreement  
6 with a certain health access setting or similar  
7 setting or program under certain circumstances;  
8 authorizing the Agency for Health Care Administration  
9 to reimburse a licensed dental hygienist for certain  
10 remediable tasks; amending s. 466.007, F.S.; deleting  
11 a requirement that an applicant for dental hygienist  
12 licensure demonstrate specified skills on a live  
13 patient; amending s. 466.023, F.S.; deleting a  
14 remediable task only a licensed dental hygienist may  
15 be delegated; making technical changes; amending s.  
16 466.024, F.S.; authorizing a licensed dental hygienist  
17 to apply interim therapeutic restorations; deleting  
18 requirements that certain licensed dentists or  
19 physicians perform certain actions before and after a  
20 licensed dental hygienist performs certain remediable  
21 tasks and a prohibition on a licensed dental hygienist  
22 performing certain remediable tasks without specified  
23 supervision; providing an effective date.

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

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Section 1. Paragraph (c) of subsection (1) and subsection (6) of section 409.906, Florida Statutes, are amended to read:

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

51 (1) ADULT DENTAL SERVICES.—

52 (c) However, Medicaid will not provide reimbursement for  
53 dental services provided in a mobile dental unit, except for a  
54 mobile dental unit:

55 1. Owned by, operated by, or having a contractual  
56 agreement with the Department of Health and complying with  
57 Medicaid's county health department clinic services program  
58 specifications as a county health department clinic services  
59 provider.

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

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

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

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

74 (6) CHILDREN'S DENTAL SERVICES.—The agency may pay for  
75 diagnostic, preventive, or corrective procedures, including

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

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

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

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

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

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

109        Section 2. Paragraph (b) of subsection (4) of section  
110 466.007, Florida Statutes, is amended to read:

111        466.007 Examination of dental hygienists.—

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

115        (b) A practical or clinical examination approved by the  
116 board. The examination shall be the Dental Hygiene Examination  
117 produced by the American Board of Dental Examiners, Inc., (ADEX)  
118 or its successor entity, if any, if the board finds that the  
119 successor entity's clinical examination meets or exceeds the  
120 provisions of this section. The board shall approve the ADEX  
121 Dental Hygiene Examination if the board has attained and  
122 continues to maintain representation on the ADEX House of  
123 Representatives, the ADEX Dental Hygiene Examination Development  
124 Committee, and such other ADEX Dental Hygiene committees as the  
125 board deems appropriate through rulemaking to ensure that the

126 standards established in this section are maintained  
127 organizationally. The ADEX Dental Hygiene Examination or the  
128 examination produced by its successor entity is a comprehensive  
129 examination in which an applicant must demonstrate skills within  
130 the dental hygiene scope of practice ~~on a live patient~~ and any  
131 other components that the board deems necessary for the  
132 applicant to successfully demonstrate competency for the purpose  
133 of licensure.

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

136 466.023 Dental hygienists; scope and area of practice.—

137 (1) Except as otherwise provided in s. 466.024, only  
138 dental hygienists may be delegated the task of removing calculus  
139 deposits and, ~~accretions, and stains~~ from exposed surfaces of  
140 the teeth and from tooth surfaces within the gingival sulcus and  
141 the task of performing root planing and gingival curettage. In  
142 addition, dental hygienists may expose dental X-ray films, apply  
143 topical preventive or prophylactic agents, and perform all tasks  
144 delegable by the dentist in accordance with s. 466.024. The  
145 board by rule shall determine whether such functions shall be  
146 performed under the direct, indirect, or general supervision of  
147 the dentist.

148 Section 4. Paragraph (f) of subsection (2) of section  
149 466.024, Florida Statutes, is redesignated as paragraph (g) and  
150 amended, and a new paragraph (f) is added to that subsection, to

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151 read:

152 466.024 Delegation of duties; expanded functions.—

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

157 (f) Apply interim therapeutic restorations.

158 (g)~~(f)~~ Remove calculus deposits and~~7~~ accretions,~~and~~  
159 ~~stains~~ from exposed surfaces of the teeth and from tooth  
160 surfaces within the gingival sulcus.

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

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

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174 ~~This subsection does not authorize a dental hygienist to perform~~  
175 ~~root planing or gingival curettage without supervision by a~~

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176 | ~~dentist.~~

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