

By Senator Calatayud

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1 A bill to be entitled
2 An act relating to dental care; amending s. 409.906,
3 F.S.; authorizing Medicaid reimbursement for dental
4 services provided by mobile dental units owned by,
5 operated by, or having contractual agreements with
6 specified entities; defining the term "mobile dental
7 unit"; amending s. 466.007, F.S.; revising licensure
8 examination requirements for dental hygienists to
9 authorize applicants to demonstrate certain clinical
10 skills on a live patient rather than only on a
11 manikin; authorizing the Board of Dentistry to require
12 persons applying to take the dental hygiene
13 examination to maintain medical malpractice insurance
14 in a specified amount; providing an effective date.

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

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18 Section 1. Paragraph (c) of subsection (1) and subsection
19 (6) of section 409.906, Florida Statutes, are amended to read:
20 409.906 Optional Medicaid services.—Subject to specific
21 appropriations, the agency may make payments for services which
22 are optional to the state under Title XIX of the Social Security
23 Act and are furnished by Medicaid providers to recipients who
24 are determined to be eligible on the dates on which the services
25 were provided. Any optional service that is provided shall be
26 provided only when medically necessary and in accordance with
27 state and federal law. Optional services rendered by providers
28 in mobile units to Medicaid recipients may be restricted or
29 prohibited by the agency. Nothing in this section shall be

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30 construed to prevent or limit the agency from adjusting fees,
31 reimbursement rates, lengths of stay, number of visits, or
32 number of services, or making any other adjustments necessary to
33 comply with the availability of moneys and any limitations or
34 directions provided for in the General Appropriations Act or
35 chapter 216. If necessary to safeguard the state's systems of
36 providing services to elderly and disabled persons and subject
37 to the notice and review provisions of s. 216.177, the Governor
38 may direct the Agency for Health Care Administration to amend
39 the Medicaid state plan to delete the optional Medicaid service
40 known as "Intermediate Care Facilities for the Developmentally
41 Disabled." Optional services may include:

42 (1) ADULT DENTAL SERVICES.—

43 (c) However, Medicaid will not provide reimbursement for
44 dental services provided by ~~in~~ a mobile dental unit, except for
45 a mobile dental unit:

46 1. Owned by, operated by, or having a contractual agreement
47 with the Department of Health and complying with Medicaid's
48 county health department clinic services program specifications
49 as a county health department clinic services provider.

50 2. Owned by, operated by, or having a contractual
51 arrangement with a federally qualified health center and
52 complying with Medicaid's federally qualified health center
53 specifications as a federally qualified health center provider.

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

56 4. Owned by, operated by, or having a contractual agreement
57 with a state-approved dental educational institution or an
58 accredited dental hygiene program.

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59 5. Owned by, operated by, or having a contractual
60 relationship with the Department of Children and Families.

61 6. Owned by, operated by, or having a contractual
62 relationship with the Department of Juvenile Justice.

63 7. Owned by, operated by, or having a contractual
64 relationship with a nonprofit community health center.

65 8. Owned by, operated by, or having a contractual
66 relationship with a federally approved Head Start center.

67 9. Owned by, operated by, or having a contractual
68 relationship with a school-based prevention program as defined
69 in s. 466.003(15).

70
71 For purposes of this paragraph, "mobile dental unit" means a
72 nonfacility structure in which dental equipment, used in the
73 practice of dentistry, is transported to and used on a temporary
74 basis at an out-of-office location.

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

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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 or an accredited dental hygiene program.

102 (e) Owned by, operated by, or having a contractual
103 relationship with the Department of Children and Families.

104 (f) Owned by, operated by, or having a contractual
105 relationship with the Department of Juvenile Justice.

106 (g) Owned by, operated by, or having a contractual
107 relationship with a nonprofit community health center.

108 (h) Owned by, operated by, or having a contractual
109 relationship with a federally approved Head Start center.

110 (i) Owned by, operated by, or having a contractual
111 relationship with a school-based prevention program as defined
112 in s. 466.003(15).

113
114 For purposes of this subsection, "mobile dental unit" means a
115 nonfacility structure in which dental equipment, used in the
116 practice of dentistry, is transported to and used on a temporary

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117 basis at an out-of-office location.

118 Section 2. Subsection (4) of section 466.007, Florida
119 Statutes, is amended to read:

120 466.007 Examination of dental hygienists.—

121 (4) ~~Effective July 1, 2012,~~ To be licensed as a dental
122 hygienist in this state, an applicant must successfully complete
123 the following:

124 (a) A written examination on the laws and rules of this
125 state regulating the practice of dental hygiene.

126 (b) A practical or clinical examination approved by the
127 board. The examination shall be the Dental Hygiene Examination
128 produced by the American Board of Dental Examiners, Inc., (ADEX)
129 or its successor entity, if any, if the board finds that the
130 successor entity's clinical examination meets or exceeds the
131 provisions of this section. The board shall approve the ADEX
132 Dental Hygiene Examination if the board has attained and
133 continues to maintain representation on the ADEX House of
134 Representatives, the ADEX Dental Hygiene Examination Development
135 Committee, and such other ADEX Dental Hygiene committees as the
136 board deems appropriate through rulemaking to ensure that the
137 standards established in this section are maintained
138 organizationally. The ADEX Dental Hygiene Examination or the
139 examination produced by its successor entity is a comprehensive
140 examination in which an applicant must demonstrate skills within
141 the dental hygiene scope of practice on a live patient or a
142 manikin that has typodont teeth with simulated dentition and
143 calculus as approved by the Commission on Dental Competency
144 Assessments and any other components that the board deems
145 necessary for the applicant to successfully demonstrate

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146 competency for the purpose of licensure. The board may require
147 any person applying to take the examination to practice dental
148 hygiene in this state to maintain medical malpractice insurance
149 in amounts sufficient to cover any incident of harm to a patient
150 during the clinical examination.

151 Section 3. This act shall take effect July 1, 2023.