

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 366

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Burgess and others

SUBJECT: Dental Services for Indigent Veterans

DATE: April 24, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Gerbrandt</u>	<u>Money</u>	<u>AHS</u>	<u>Favorable</u>
3.	<u>Gerbrandt</u>	<u>Sadberry</u>	<u>AP</u>	<u>Favorable</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 366 establishes the Veterans Dental Care Grant Program (Program) within the Department of Veterans' Affairs (department). The purpose of the Program is to provide dental care to indigent veterans who reside in underserved and critical need areas of the state.

Eligible veterans are those who have served in the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, Florida National Guard, and the United States Reserve Forces. To further qualify, a veteran must have been released from service honorably or later received an upgraded discharge of under honorable conditions. The bill requires the department to contract with a statewide direct-support organization (DSO) to administer the Program. The DSO must have proven experience in establishing and implementing veteran programs, including those that provide dental services.

The department must use the standard for determining indigency provided by the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services.

Funding for the Program is subject to legislative appropriation. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

## II. Present Situation:

### Federal Health Care Benefits for Veterans

Federal health care benefits are generally available to a veteran who served for 24 continuous months in the active military, naval, or air service, or as a current or former member of the Reserves or the National Guard if called to and completed active duty.<sup>1</sup> To qualify, a person must not have been discharged dishonorably. However, an upgraded discharge is recognized.<sup>2</sup>

Benefits include:

- Inpatient and outpatient care at U.S. Department of Veteran Affairs (VA) medical facilities;
- Prescription drugs from VA providers;
- Long-term care depending on needs, income, and space availability;
- Care from community health care providers when the VA cannot provide care;
- Mental health care; and
- Women's specialty health care.<sup>3</sup>

Unlike other health care benefits that are generally provided across the board, VA dental benefits are offered in limited circumstances if a veteran:

- Has a service-connected dental disability or condition (10% or greater rating) for which the veteran receives monthly compensation payments;
- Has a service-connected dental non-compensable dental condition or a disability (0% rating) resulting from combat or service trauma;
- Has service-connected disabilities rated 100% (total rating) disabling, or are unemployable and paid at the 100% rate due to service-connected conditions;
- Are a former prisoner of war;
- Has requested dental care within 180 days after discharge or release (under conditions other than dishonorable) from a period of active duty of 90 days or more (one time dental care);
- Has a dental condition clinically determined by the VA to be associated with and aggravating a service-connected medical condition;
- Is actively engaged in a Title 38, USC Chapter 31 Vocational Rehabilitation and Employment Program (limited dental care);
- Is receiving VA care or is scheduled for inpatient care and requires dental care for a condition complicating a medical condition currently under treatment; or
- Is enrolled in a qualifying VA sponsored homeless residential rehabilitation program for at least 60 days (one time dental care).<sup>4</sup>

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<sup>1</sup> U.S. Dep't of Veterans Affairs, *Eligibility for VA Health Care*, available at <https://www.va.gov/health-care/eligibility/> (last visited Feb. 14, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Gov't Online, *Health Benefits and Issues for Veterans*, available at <https://www.usa.gov/veteran-health#item-35807> (last visited Feb. 14, 2023).

<sup>4</sup> U.S. Dep't. of Veterans Affairs, *Health Benefits*, available at [https://www.va.gov/healthbenefits/resources/publications/IB10-442\\_dental\\_benefits\\_for\\_veterans.pdf](https://www.va.gov/healthbenefits/resources/publications/IB10-442_dental_benefits_for_veterans.pdf) (last visited Mar. 23, 2023).

## Direct-Support Organization of the Department

The Florida Legislature authorized the department to establish a direct-support organization (DSO) in 2008.<sup>5</sup> The DSO for the department is a not-for-profit corporation organized and operated exclusively to obtain funds, such as grants, gifts, and bequests of money.<sup>6</sup> The DSO provides assistance and support to the department, veterans, and congressionally chartered veteran service organizations with subdivisions in the state.<sup>7</sup> The DSO operates under a written contract with the department, is governed by a Board of Directors, and is subject to audit.<sup>8</sup>

The DSO for the department is the Florida Veterans Foundation. The foundation partners with state and local governments, veteran service organizations, and educational institutions to improve veterans' physical, financial, mental, emotional, and social well-being.<sup>9</sup> The foundation is supported by individual and corporate donations, grants, fundraisers, and direct public support.

The foundation partners with the Florida Dental Association and the Florida Mission of Mercy Dental Clinic to provide no-cost dental services to veterans in need.<sup>10</sup>

## Dental Service Programs

No-cost dental care is provided to veterans in need at two annual Florida events.

Stars, Stripes, & Smiles, a collaborative effort between a Florida congressman's office and a local county dental association, provides no-cost dental services to veterans.<sup>11</sup> Services provided through the annual event in West Pasco County are intended to afford veterans relief from dental pain and infection.<sup>12</sup> Services are funded through private donation and professional dentistry and other volunteers.

A second effort in the state to provide no-cost dental services to veterans is the Florida Mission of Mercy Dental Clinic.<sup>13</sup> Part of an annual 2-day dental clinic, dentistry volunteers provide dental services to persons who are underserved and uninsured. The first day of the event is for veterans only.<sup>14</sup> Services provided through the annual event afford recipients, including veterans, dental exams, cleanings, fillings, extractions, root canals, and limited dentures and partials.<sup>15</sup>

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<sup>5</sup> Section 292.055, F.S.; ch. 2008-4, Laws of Fla.

<sup>6</sup> Section 292.055(2)(b)2., F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 292.055(3), (4), and (8), F.S.

<sup>9</sup> Florida Veterans Foundation, *About Florida Veterans Foundation*, available at <https://helpflvets.org/about/> (last visited Mar. 28, 2023).

<sup>10</sup> Florida Veterans Foundation, *Special Veterans Projects*, available at <https://helpflvets.org/special-veteran-projects/> (last visited Mar. 28, 2023).

<sup>11</sup> Stars, Stripes, & Smiles, *Home*, available at <https://www.usaveteransmiles.org/> (last visited Feb. 17, 2023). The local association involved is the West Pasco Dental Association and the last event was held Nov. 4, 2022.

<sup>12</sup> Stars, Stripes, & Smiles, *About Us*, available at <https://www.usaveteransmiles.org/> (last visited Feb. 17, 2023).

<sup>13</sup> By way of example, the 2022 event was held in Tallahassee, FL. Florida Veterans Foundation, *2022 Florida Mission of Mercy*, available at <https://www.floridadental.org/foundation/programs/mission-of-mercy> (last visited Mar. 24, 2023)

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

**United States Federal Poverty Income Guidelines**

Federal poverty income guidelines are annually updated.<sup>16</sup> Current guidelines for 2023 provide the following for the 48 contiguous states<sup>17</sup> and the District of Columbia:

<b>Persons in Family/Household</b>	<b>Poverty Guideline</b>
1	\$14,580
2	\$19,720
3	\$24,860
4	\$30,000
5	\$35,140
6	\$40,280 <sup>18</sup>

Various federal programs use the guidelines, or percentage multiples of the guidelines, such as 125 percent or 185 percent of the guidelines, in determining eligibility for certain benefits. These include Head Start, the Supplemental Nutrition Assistance Program, the National School Lunch Program, the Low-Income Home Energy Assistance Program, and the Children’s Health Insurance Program.<sup>19</sup>

**III. Effect of Proposed Changes:**

The bill establishes the Veterans Dental Care Grant Program (Program) within the department. The purpose of the Program is to provide dental care to indigent veterans who reside in underserved and critical need areas of the state.

Eligible veterans are those who have served in the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, Florida National Guard, and the United States Reserve Forces. To further qualify, a veteran must have been released from service honorably or later received an upgraded discharge of under honorable conditions. The bill requires the Department of Veterans’ Affairs (department) to contract with a statewide direct-support organization (DSO) to administer the Program. The DSO must have proven experience in establishing and implementing veteran programs, including those that provide dental services.

The department shall use the standard for determining indigency provided by the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services.

The bill requires the department to adopt rules to administer the Program and to specifically define in rule the terms “indigent veteran” and “underserved and critical need area.”

Funding for the Program is subject to legislative appropriation.

<sup>16</sup> U.S. Dep’t of Health and Human Services, Office of the Asst. Secretary for Planning and Evaluation, *Poverty Guidelines, HHS Poverty Guidelines for 2023*, available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited Mar. 28, 2023).

<sup>17</sup> *Id.* Poverty guidelines for Alaska and Hawaii are each separately calculated.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

The bill takes effect July 1, 2023.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Free dental care may financially benefit an eligible veteran who currently does not qualify through the U.S. Department of Veteran Affairs , and does not currently take advantage of the two annual no-cost dental care events provided to veterans in need.

In addition, private sector nonprofit dental care providers contracted by the direct-support organization to provide services would benefit from participating in the Veterans Dental Care Grant Program.

C. Government Sector Impact:

The bill has a significant negative fiscal impact on state expenditures due to the bill's provisions that require the Department of Veteran's Affairs to contract with a state-wide direct-support organization to administer the Veterans Dental Care Grant Program. However, the bill is subject to legislative appropriation. According to the department the bill will have an indeterminate negative fiscal impact, which can be absorbed within existing resources, from administrative tasks that may be required to implement the bill.

Tasks involve software development, licensing, IT support, and data storage. Additionally, the bill may have a federal impact resulting from access needs of federal databases.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill does not address whether an eligible veteran who receives federal dental benefits is precluded from participation in the Veterans Dental Care Grant Program.

**VIII. Statutes Affected:**

This bill creates section 295.157 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Military and Veterans Affairs, Space, and Domestic Security on March 29, 2023:**

The committee substitute:

- Provides that dental services through the Veterans Dental Care Grant Program are for indigent veterans in underserved and critical need areas;
- Provides that the department must use the standard for determining indigency provided in the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services; and
- Requires the Department to define by rule “indigent veteran” and an “underserved and critical need area.”

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>20</sup> Florida Dep’t of Veterans’ Affairs, *2023 Agency Legislative Bill Analysis on SB 366* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).