

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; authorizing the department to distribute
14 state funds to accounts subject to legislative
15 appropriations; authorizing the department to accept
16 contributions from local sources for deposit in
17 designated accounts; limiting the number of years that
18 an account may remain open; providing for the
19 immediate closure 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 enforcement actions and to use other legal means to
26 recover funds; authorizing the department to establish
27 application procedures by rule; requiring the
28 department to give priority to applications from
29 dentists practicing in certain areas; requiring the

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30 Department of Economic Opportunity to rank shortage
31 areas and medically underserved areas; providing an
32 effective date.

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

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36 Section 1. Section 381.4019, Florida Statutes, is created
37 to read:

38 381.4019 Dental care access accounts.—Subject to the
39 availability of funds, the Legislature establishes a joint local
40 and state dental care access account initiative and authorizes
41 the creation of dental care access accounts to promote economic
42 development by supporting qualified dentists who practice in
43 dental health professional shortage areas or medically
44 underserved areas. The Legislature recognizes that maintaining
45 good oral health is integral to overall health status and that
46 the good health of residents of this state is an important
47 contributing factor in economic development. Better health,
48 including better oral health, enables workers to be more
49 productive, reduces the burden of health care costs, and enables
50 children to improve in cognitive development.

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

52 (a) "Dental health professional shortage area" means a
53 geographic area so designated by the Health Resources and
54 Services Administration of the United States Department of
55 Health and Human Services.

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

57 (c) "Medically underserved area" means a geographic area so
58 designated by the Health Resources and Services Administration

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59 of the United States Department of Health and Human Services.

60 (d) "Public health program" means a county health
61 department, the Children's Medical Services program, a federally
62 funded community health center, a federally funded migrant
63 health center, or other publicly funded or nonprofit health care
64 program as designated by the department.

65 (2) The department shall develop and implement a dental
66 care access account initiative to benefit dentists licensed to
67 practice in this state who demonstrate, as required by the
68 department by rule:

69 (a) Active employment by a public health program located in
70 a dental health professional shortage area or a medically
71 underserved area; or

72 (b) A commitment to opening a private practice in a dental
73 health professional shortage area or a medically underserved
74 area evidenced by residing in the designated area, maintaining
75 an active Medicaid provider agreement, enrolling in one or more
76 Medicaid managed care plans, expending sufficient capital to
77 make substantial progress in opening a dental practice that is
78 capable of serving at least 1,200 patients, and obtaining
79 financial support from the local community in which the dentist
80 is practicing or intending to open a practice.

81 (3) The department shall establish dental care access
82 accounts as individual benefit accounts for each dentist who
83 satisfies the requirements of subsection (2) and is selected by
84 the department for participation. The department shall implement
85 an electronic benefit transfer system that enables each dentist
86 to spend funds from his or her account for the purposes
87 described in subsection (4).

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

91 (a) Repayment of dental school student loans.

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

95 (c) Payment of transitional expenses related to the
96 relocation or opening of a dental practice that are specifically
97 approved by the department.

98 (5) Subject to legislative appropriation, the department
99 shall distribute state funds as an award to each dental care
100 access account. Such awards must be in an amount not more than
101 \$100,000 and not less than \$10,000, except that no state award
102 may exceed 3 times the amount contributed to an account in the
103 same year from local sources.

104 (6) The department is authorized to accept contributions of
105 funds from local sources for deposit in the account of a dentist
106 designated by the donor.

107 (7) The department shall close an account no later than 5
108 years after the first deposit of state or local funds into that
109 account or immediately upon the occurrence of any of the
110 following:

111 (a) Termination of the dentist's employment with a public
112 health program.

113 (b) Termination of the dentist's practice in a designated
114 dental health professional shortage area or medically
115 underserved area.

116 (c) Termination of the dentist's participation in the

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117 Florida Medicaid program.

118 (d) Participation by the dentist in any fraudulent
119 activity.

120 (8) Any state funds remaining in a closed account may be
121 awarded and transferred to another account concurrent with the
122 distribution of funds under the next legislative appropriation
123 for the initiative. The department shall return to the donor
124 unspent funds from local sources that remain in a closed
125 account.

126 (9) If the department determines that a dentist has
127 withdrawn account funds after the occurrence of an event
128 specified in paragraphs (7) (a)-(d), the dentist shall repay the
129 funds to his or her account. The department may recover the
130 withdrawn funds through enforcement actions and other methods
131 authorized by law.

132 (10) The department shall establish by rule application
133 procedures for dentists who wish to apply for a dental care
134 access account. The department may limit the number of
135 applicants selected and shall give priority to those applicants
136 practicing in the areas receiving higher rankings pursuant to
137 subsection (11). The department may establish additional
138 criteria for selection which recognize the applicant's active
139 engagement with and commitment to the community providing a
140 local match.

141 (11) The Department of Economic Opportunity shall rank the
142 dental health professional shortage areas and medically
143 underserved areas of the state based on the extent to which
144 limited access to dental care is impeding the area's economic
145 development, with a higher ranking indicating a greater

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146 impediment to development.

147 Section 2. This act shall take effect July 1, 2015.