

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 disciplinary enforcement actions and to use other
26 legal means to recover funds; requiring the department

27 to establish by rule application procedures and a
 28 process to verify the use of funds withdrawn from a
 29 dental care access account; requiring the department
 30 to give priority to applications from dentists
 31 practicing in certain areas; requiring the Department
 32 of Economic Opportunity to rank shortage areas and
 33 medically underserved areas; requiring the Department
 34 of Health to develop a marketing plan in cooperation
 35 with certain dental colleges and the Florida Dental
 36 Association; requiring the Department of Health to
 37 annually submit a report with certain information to
 38 the Governor and Legislature; providing rulemaking
 39 authority for such reporting; providing an effective
 40 date.

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

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44 Section 1. Section 381.4019, Florida Statutes, is created
 45 to read:

46 381.4019 Dental care access accounts.—Subject to the
 47 availability of funds, the Legislature establishes a joint local
 48 and state dental care access account initiative and authorizes
 49 the creation of dental care access accounts to promote economic
 50 development by supporting qualified dentists who practice in
 51 dental health professional shortage areas or medically
 52 underserved areas or who treat a medically underserved

53 population. The Legislature recognizes that maintaining good
54 oral health is integral to overall health status and that the
55 good health of residents of this state is an important
56 contributing factor in economic development. Better health,
57 including better oral health, enables workers to be more
58 productive, reduces the burden of health care costs, and enables
59 children to improve in cognitive development.

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

61 (a) "Dental health professional shortage area" means a
62 geographic area so designated by the Health Resources and
63 Services Administration of the United States Department of
64 Health and Human Services.

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

66 (c) "Medically underserved area" means a geographic area
67 so designated by the Health Resources and Services
68 Administration of the United States Department of Health and
69 Human Services.

70 (d) "Public health program" means a county health
71 department, the Children's Medical Services program, a federally
72 qualified health center, a federally funded migrant health
73 center, or other publicly funded or nonprofit health care
74 program as designated by the department.

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

79 (a) Active employment by a public health program located
80 in a dental health professional shortage area or a medically
81 underserved area; or

82 (b) A commitment to opening a private practice in a dental
83 health professional shortage area or a medically underserved
84 area evidenced by residing in the designated area, maintaining
85 an active Medicaid provider agreement, enrolling in one or more
86 Medicaid managed care plans, expending sufficient capital to
87 make substantial progress in opening a dental practice that is
88 capable of serving at least 1,200 patients, and obtaining
89 financial support from the local community in which the dentist
90 is practicing or intending to open a practice.

91 (3) The department shall establish dental care access
92 accounts as individual benefit accounts for each dentist who
93 satisfies the requirements of subsection (2) and is selected by
94 the department for participation. The department shall implement
95 an electronic benefit transfer system that enables each dentist
96 to spend funds from his or her account for the purposes
97 described in subsection (4).

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

101 (a) Repayment of dental school student loans.

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

105 (c) Payment of transitional expenses related to the
106 relocation or opening of a dental practice which are
107 specifically approved by the department.

108 (5) Subject to legislative appropriation, the department
109 shall distribute state funds as an award to each dental care
110 access account. Such awards must be in an amount not more than
111 \$100,000 and not less than \$10,000, except that a state award
112 may not exceed 3 times the amount contributed to an account in
113 the same year from local sources. If a dentist qualifies for a
114 dental care access account under paragraph (2) (a), the dentist's
115 salary and associated employer expenditures constitute a local
116 match and qualify the account for a state award if the salary
117 and associated expenditures do not come from state funds. State
118 funds may not be included in a determination of the amount
119 contributed to an account from local sources.

120 (6) The department may accept contributions of funds from
121 local sources for deposit in the account of a dentist designated
122 by the donor.

123 (7) The department shall close an account no later than 5
124 years after the first deposit of state or local funds into that
125 account or immediately upon the occurrence of any of the
126 following:

127 (a) Termination of the dentist's employment with a public
128 health program, unless, within 30 days after such termination,
129 the dentist opens a private practice in a dental health
130 professional shortage area or medically underserved area.

131 (b) Termination of the dentist's practice in a designated
132 dental health professional shortage area or medically
133 underserved area.

134 (c) Termination of the dentist's participation in the
135 Florida Medicaid program.

136 (d) Participation by the dentist in any fraudulent
137 activity.

138 (8) Any state funds remaining in a closed account may be
139 awarded and transferred to another account concurrent with the
140 distribution of funds under the next legislative appropriation
141 for the initiative. The department shall return to the donor on
142 a pro rata basis unspent funds from local sources which remain
143 in a closed account.

144 (9) If the department determines that a dentist has
145 withdrawn account funds after the occurrence of an event
146 specified in subsection (7), has used funds for purposes not
147 authorized in subsection (4), or has not remained eligible for a
148 dental care access account for at least 2 years, the dentist
149 shall repay the funds to his or her account. The department may
150 recover the withdrawn funds through disciplinary enforcement
151 actions and other methods authorized by law.

152 (10) The department shall establish by rule:

153 (a) Application procedures for dentists who wish to apply
154 for a dental care access account. An applicant may demonstrate
155 that he or she has expended sufficient capital to make
156 substantial progress in opening a dental practice that is

157 capable of serving at least 1,200 patients by documenting
158 contracts for the purchase or lease of a practice location and
159 providing executed obligations for the purchase or other
160 acquisition of at least 30 percent of the value of equipment or
161 supplies necessary to operate a dental practice. The department
162 may limit the number of applicants selected and shall give
163 priority to those applicants practicing in the areas receiving
164 higher rankings pursuant to subsection (11). The department may
165 establish additional criteria for selection which recognize an
166 applicant's active engagement with and commitment to the
167 community providing a local match.

168 (b) A process to verify that funds withdrawn from a dental
169 care access account are used solely for the purposes described
170 in subsection (4).

171 (11) The Department of Economic Opportunity shall rank the
172 dental health professional shortage areas and medically
173 underserved areas of the state based on the extent to which
174 limited access to dental care is impeding the area's economic
175 development, with a higher ranking indicating a greater
176 impediment to development.

177 (12) The department shall develop a marketing plan for the
178 dental care access account initiative in cooperation with the
179 University of Florida College of Dentistry, the Nova
180 Southeastern University College of Dental Medicine, the Lake
181 Erie College of Osteopathic Medicine School of Dental Medicine,
182 and the Florida Dental Association.

183 (13) (a) By January 1 of each year, beginning in 2017, the
 184 department shall issue a report to the Governor, the President
 185 of the Senate, and the Speaker of the House of Representatives,
 186 which shall include:

187 1. The number of patients served by dentists receiving
 188 funding under this section.

189 2. The number of Medicaid recipients served by dentists
 190 receiving funding under this section.

191 3. The average number of hours worked and patients served
 192 in a week by dentists receiving funding under this section.

193 4. The number of dentists in each dental health
 194 professional shortage area or medically underserved area
 195 receiving funding under this section.

196 5. The amount and source of local matching funds received
 197 by the department.

198 6. The amount of state funds awarded to dentists under
 199 this section.

200 7. A complete accounting of the use of funds, by
 201 categories identified by the department, including, but not
 202 limited to, loans, supplies, equipment, rental property
 203 payments, real property purchases, and salary and wages.

204 (b) The department shall adopt rules to require dentists
 205 to report information to the department that is necessary for
 206 the department to fulfill its reporting requirement under this
 207 subsection.

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