

Bill No. CS for SB 2750

Amendment No. \_\_\_\_ Barcode 274008

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following **amendment to amendment**  
(423980):

**Senate Amendment (with title amendment)**

On page 2, line 22,

insert:

Section 45. Section 466.055, Florida Statutes, is  
created to read:

466.055 Board of Dentistry Empowerment Act.--

(1) If requested by the Board of Dentistry, it shall  
direct the department whom to appoint as executive director  
pursuant to the rules of the state personnel system. The  
committee conducting interviews of candidates for executive  
director shall consist of the board chairman or his designee  
and the secretary or his or her designee. A list of final  
candidates shall be submitted to the board, which shall  
approve the candidate to be hired. The approval process shall  
include the right of the board to interview the list of  
submitted candidates. The board may reject all the candidates  
on the submitted list and request that a new list be submitted

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1 by the interview committee. The executive director shall  
2 perform those duties and responsibilities specific to the  
3 Board of Dentistry and shall exclusively serve the Board of  
4 Dentistry. The board shall monitor the performance of the  
5 executive director, based on established performance standards  
6 and should the board determine, by a majority vote, that the  
7 performance of the executive director is consistently below  
8 the performance standards of the board and thus unacceptable,  
9 the board shall promptly notify the department of its  
10 findings, in writing, and the department shall take  
11 appropriate action to replace the executive director, pursuant  
12 to the state personnel rules.

13       (2) The executive director shall be responsible for  
14 overseeing the hiring of all other staff members who work  
15 directly for the executive director and who perform services  
16 for the board.

17       (3) The department shall contract for a dental intake  
18 officer when requested by the Board of Dentistry in accordance  
19 with the state personnel system and qualifications established  
20 for such position by the Board of Dentistry. The  
21 qualifications for the position shall include a requirement  
22 that the candidate be a licensed Florida dentist in good  
23 standing.

24       (4) The dental intake officer shall be responsible for  
25 determining the legal sufficiency of all dental complaints  
26 received by the department within 5 working days after the  
27 complaint is filed; advising the board regarding dental health  
28 regulation issues; and advising field investigators on dental  
29 issues related to the complaints to assure that complaints are  
30 properly investigated in a timely and efficacious manner.

31       (5) The Board of Dentistry, in consultation with the

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1 department, shall establish reasonable and comprehensive  
2 performance parameters for the prosecution of disciplinary  
3 cases by the department. Such parameters shall reflect the  
4 quality and quantity of services to be provided to the board,  
5 including, but not limited to, the proportion of cases that  
6 are successfully prosecuted through final hearing and appeal  
7 if such cases involve irremediable harm or injury or the  
8 immediate threat of irremediable harm or injury to the  
9 patient. The board shall conduct an annual evaluation to  
10 determine if the department has met the established  
11 performance parameters. A finding by the board that the  
12 department has failed to meet established parameters shall  
13 enable the board, by a majority vote, to instruct the  
14 department to retain sufficient outside contractual  
15 prosecutorial services pursuant to s. 287.057(3), to fulfill  
16 the immediate and foreseeable prosecutorial needs of the board.  
17 Contract negotiations and vendor selection shall be conducted  
18 in consultation with the chairman of the board or his  
19 designee. Each contract for prosecutorial services shall  
20 include, at a minimum, the performance parameters developed by  
21 the board for its assessment of the department.

22 (6) If requested, a representative of testing services  
23 of the Department of Health shall appear before the board, or  
24 a committee of the board, following the completion of each  
25 examination cycle to discuss examination issues. If the board  
26 identifies issues to be addressed, testing services shall  
27 report to the board, as requested at the next board meeting,  
28 on its progress in addressing the issues identified by the  
29 board.

30 (7)(a) In conjunction with each fiscal year budgetary  
31 cycle, the department, in consultation with the board, shall

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1 develop a Board of Dentistry spending plan encompassing  
2 anticipated revenue of all types along with all anticipated  
3 operating expenses of the board and associated support  
4 services of the department, which shall include all direct and  
5 allocated expenses necessary to enable the board to fulfill  
6 its responsibilities. All expenditure detail as provided  
7 herein shall reflect the methodology and calculations of the  
8 department in allocating common expenses among all regulatory  
9 boards.

10       (b) The Board of Dentistry shall have spending  
11 authority over discretionary budgetary items, as determined by  
12 the department and the board jointly. Discretionary budgetary  
13 items shall include the selection of board meeting venue,  
14 hotel facilities, and accommodations; travel of board members  
15 and necessary staff to all meetings of the board; attendance  
16 by board members at meetings and conferences deemed to be  
17 important by the board in fulfilling its responsibilities,  
18 monitoring performance, and confirming the accuracy of  
19 information provided to the board or others which relates to  
20 the duties and responsibilities of the board; and an  
21 operational contingency. Operational contingency is that  
22 portion of cash on hand that exceeds that required for the  
23 5-year spending plan as described in s. 456.005. The  
24 operational contingency may be used for a special project by  
25 the board in fulfilling its responsibilities if a deficit does  
26 not or would not exist for the profession. In exercising its  
27 spending authority over discretionary budget items, the board  
28 must adhere to all applicable state laws and directives;  
29 assure that all meeting locations are accessible to the public  
30 and licensees; assure that board meetings are conducted in an  
31 effective and efficient manner for the public and licensees;

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1 assure that the minimal number of board members or staff  
2 attend any meeting or conference; and assure the maximum use  
3 of technology. When requested by the board, the department  
4 shall provide timely procurement assistance to facilitate all  
5 discretionary expenditures of the board.

6 (8)(a) The department shall submit a report to the  
7 Governor, the President of the Senate, and the Speaker of the  
8 House of Representatives by November 1 of each year on the  
9 effectiveness and efficiency of this section, including:

10 1. The revenues, expenditures, and cash balances for  
11 the prior year, and a review of the adequacy of existing  
12 revenues;

13 2. The nature and extent of all services provided to  
14 the board by the department;

15 3. The total cost allocated by the department for each  
16 service provided by the department to the board and the amount  
17 and percent by which each cost is appropriate to dentistry's  
18 pro-rata share of the total cost of such services provided by  
19 the department to all affected boards, councils, and  
20 professions;

21 4. The number of licensure examinations taken, the  
22 fees collected for licensure examination, and the time from  
23 which a candidate for licensure completed the required  
24 examination to the time in which the candidate received the  
25 results;

26 5. The number of licenses issued, revoked, or  
27 suspended;

28 6. The number of disciplinary complaints received,  
29 determined to be legally sufficient, investigated, referred to  
30 the board's probable cause panel, prosecuted, subject to final  
31 board action, and appealed; the number, maximum, and average

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1 duration of licenses suspended; the number of licenses  
2 revoked; the number of cases spanning more than 180,270, and  
3 365 days from receipt of complaints to submission to the  
4 board's probable cause panel; the proportion of cases which  
5 were eligible for and the number of cases actually resolved by  
6 citation; the proportion of cases where probable cause was  
7 found; the number of cases where probable cause was found that  
8 were not prosecuted or that did not result in stipulated  
9 agreements; the number of cases involving stipulated  
10 agreements; the number of cases involving stipulated  
11 agreements which were changed by the board and the number of  
12 cases involving stipulated agreements that were rejected  
13 without modification by the board; the number of cases taking  
14 in excess of 1 year from the date of receipt of a complaint to  
15 final board action; the number of cases involving formal  
16 hearings; the status of all cases appealed; the number of  
17 cases where licensure suspension or revocation was stayed  
18 pending appeal; the number of emergency suspension orders  
19 issued; the average and maximum range of costs of complaint  
20 investigations and prosecutions; and the amount of fines and  
21 expenses collected by type of cases prosecuted;

22 7. The status of the development and implementation of  
23 rules providing for disciplinary guidelines pursuant to s.  
24 456.079; and

25 8. Such recommendations for administrative and  
26 statutory changes necessary to facilitate efficient and  
27 cost-effective operation of the board and the department.

28 (b) The department shall include in the report any  
29 statement, comment, suggestion, recommendation, or objection  
30 made by the board in response to the report.  
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 3, line 4, after the semicolon,

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5 insert:

6 creating s. 466.055, F.S.; providing for the  
7 appointment of an executive director; providing  
8 for duties, and board oversight; requiring  
9 director to oversee staff; requiring the  
10 department to contract for a dental intake  
11 officer and providing qualifications; requiring  
12 certain responsibilities of the officer;  
13 requiring the board to establish certain  
14 performance parameters for departmental  
15 handling of disciplinary cases, and  
16 consequences; requiring testing services to  
17 report to the board if requested; requiring a  
18 board spending plan and its content; requiring  
19 board spending authority over discretionary  
20 budget items; requiring a department report of  
21 certain information; providing for a board  
22 response;

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