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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2010	.	
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The Committee on Health Regulation (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 195
and insert:

9. The dentist's memberships in professional organizations.

10. The number of pro bono hours provided by the dentist or dental hygienist during the last biennium.

(b) Information concerning the availability and trends relating to critically needed services, including, but not limited to, the following types of care provided by the dentist or dental hygienist:

1. Dental care to children having special needs.



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13 2. Geriatric dental care.

14 3. Dental services in emergency departments.

15 4. Medicaid services.

16 5. Other critically needed specialty areas, as determined
17 by the advisory body.

18 (2) In addition to the completed survey, the dentist or
19 dental hygienist must submit a statement that the information
20 provided is true and accurate to the best of his or her
21 knowledge and belief.

22 (3) Beginning in 2012, renewal of a license by a dentist or
23 dental hygienist licensed under chapter 466, Florida Statutes,
24 is not contingent upon the completion and submission of the
25 dental workforce survey; however, for any subsequent license
26 renewal, the board may not renew the license of any dentist or
27 dental hygienist until the survey required under this section is
28 completed and submitted by the licensee.

29 (4) (a) Beginning in 2012, the Board of Dentistry shall
30 issue a nondisciplinary citation to any dentist or dental
31 hygienist licensed under chapter 466, Florida Statutes, who
32 fails to complete the survey within 90 days after the renewal of
33 his or her license to practice as a dentist or dental hygienist.

34 (b) The citation must notify a dentist or dental hygienist
35 who fails to complete the survey required by this section that
36 his or her license will not be renewed for any subsequent
37 license renewal unless the dentist or dental hygienist completes
38 the survey.

39 (c) In conjunction with issuing the license renewal notice
40 required by s. 456.038, Florida Statutes, the board shall notify
41 each dentist or dental hygienist licensed under chapter 466,



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42 Florida Statutes, who fails to complete the survey that the
43 survey must be completed before the subsequent license renewal.

44 Section 2. (1) The Department of Health shall serve as the
45 coordinating body for the purpose of collecting and regularly
46 updating and disseminating dental workforce data. The department
47 shall work with multiple stakeholders, including the Florida
48 Dental Association and the Florida Dental Hygiene Association,
49 to assess and share with all communities of interest all data
50 collected in a timely fashion.

51 (2) The Department of Health shall maintain a current
52 database to serve as a statewide source of data concerning the
53 dental workforce. The department, in conjunction with the board,
54 shall also:

55 (a) Develop strategies to maximize federal and state
56 programs that provide incentives for dentists to practice in
57 shortage areas that are federally designated. Strategies shall
58 include programs such as the Florida Health Services Corps
59 established under s. 381.0302, Florida Statutes.

60 (b) Work in conjunction with an advisory body to address
61 matters relating to the state's dental workforce. The advisory
62 body shall provide input on developing questions for the dentist
63 workforce survey. An advisory body shall include, but need not
64 be limited to, the State Surgeon General or his or her designee,
65 the dean of each dental school accredited in the United States
66 and based in this state or his or her designee, a representative
67 from the Florida Dental Association, a representative from the
68 Florida Dental Hygiene Association, a representative from the
69 Florida Board of Dentistry, and a dentist from each of the
70 dental specialties recognized by the American Dental



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71 Association's Commission on Dental Accreditation. Members of the
72 advisory body shall serve without compensation.

73 (c) Act as a clearinghouse for collecting and disseminating
74 information concerning the dental workforce.

75 (3) The Department of Health and the Board of Dentistry
76 shall adopt rules necessary to administer this section.

77 Section 3. It is the intent of the Legislature that the
78 Department of Health and the Board of Dentistry implement the
79 provisions of this act within existing resources.

80 Section 4. Paragraph (t) of subsection (2) of section
81 499.01, Florida Statutes, is amended to read:

82 499.01 Permits.—

83 (2) The following permits are established:

84 (t) *Health care clinic establishment permit.*—Effective
85 January 1, 2009, a health care clinic establishment permit is
86 required for the purchase of a prescription drug by a place of
87 business at one general physical location that provides health
88 care or veterinary services, which is owned and operated by a
89 business entity that has been issued a federal employer tax
90 identification number. For the purpose of this paragraph, the
91 term "qualifying practitioner" means a licensed health care
92 practitioner defined in s. 456.001, or a veterinarian licensed
93 under chapter 474, who is authorized under the appropriate
94 practice act to prescribe and administer a prescription drug.

95 1. An establishment must provide, as part of the
96 application required under s. 499.012, designation of a
97 qualifying practitioner who will be responsible for complying
98 with all legal and regulatory requirements related to the
99 purchase, recordkeeping, storage, and handling of the



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100 prescription drugs. In addition, the designated qualifying
101 practitioner shall be the practitioner whose name, establishment
102 address, and license number is used on all distribution
103 documents for prescription drugs purchased or returned by the
104 health care clinic establishment. Upon initial appointment of a
105 qualifying practitioner, the qualifying practitioner and the
106 health care clinic establishment shall notify the department on
107 a form furnished by the department within 10 days after such
108 employment. In addition, the qualifying practitioner and health
109 care clinic establishment shall notify the department within 10
110 days after any subsequent change.

111 2. The health care clinic establishment must employ a
112 qualifying practitioner at each establishment.

113 3. In addition to the remedies and penalties provided in
114 this part, a violation of this chapter by the health care clinic
115 establishment or qualifying practitioner constitutes grounds for
116 discipline of the qualifying practitioner by the appropriate
117 regulatory board.

118 4. The purchase of prescription drugs by the health care
119 clinic establishment is prohibited during any period of time
120 when the establishment does not comply with this paragraph.

121 5. A health care clinic establishment permit is not a
122 pharmacy permit or otherwise subject to chapter 465. A health
123 care clinic establishment that meets the criteria of a modified
124 Class II institutional pharmacy under s. 465.019 is not eligible
125 to be permitted under this paragraph.

126 6. This paragraph does not apply to the purchase of a
127 prescription drug by a licensed practitioner under his or her
128 license. A professional corporation or limited liability company



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129 composed of dentists and operating as authorized in s. 466.0285
130 may pay for prescription drugs obtained by a practitioner
131 licensed under chapter 466, and the licensed practitioner is
132 deemed the purchaser and owner of the prescription drugs.

133 Section 5. Paragraph (a) of subsection (6) of section
134 624.91, Florida Statutes, is amended to read:

135 624.91 The Florida Healthy Kids Corporation Act.—

136 (6) BOARD OF DIRECTORS.—

137 (a) The Florida Healthy Kids Corporation shall operate
138 subject to the supervision and approval of a board of directors
139 chaired by the Chief Financial Officer or her or his designee,
140 and composed of 12 ~~11~~ other members selected for 3-year terms of
141 office as follows:

142 1. The Secretary of Health Care Administration, or his or
143 her designee.

144 2. One member appointed by the Commissioner of Education
145 from the Office of School Health Programs of the Florida
146 Department of Education.

147 3. One member appointed by the Chief Financial Officer from
148 among three members nominated by the Florida Pediatric Society.

149 4. One member, appointed by the Governor, who represents
150 the Children's Medical Services Program.

151 5. One member appointed by the Chief Financial Officer from
152 among three members nominated by the Florida Hospital
153 Association.

154 6. One member, appointed by the Governor, who is an expert
155 on child health policy.

156 7. One member, appointed by the Chief Financial Officer,
157 from among three members nominated by the Florida Academy of



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158 Family Physicians.

159 8. One member, appointed by the Governor, who represents
160 the state Medicaid program.

161 9. One member, appointed by the Chief Financial Officer,
162 from among three members nominated by the Florida Association of
163 Counties.

164 10. The State Health Officer or her or his designee.

165 11. The Secretary of Children and Family Services, or his
166 or her designee.

167 12. One member, appointed by the Governor, from among three
168 members nominated by the Florida Dental Association.

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170 ===== T I T L E A M E N D M E N T =====

171 And the title is amended as follows:

172 Delete lines 19 - 27

173 and insert:

174 providing for members of the advisory body to serve
175 without compensation; requiring the department to act
176 as a clearinghouse for collecting and disseminating
177 information regarding the dental workforce; requiring
178 the department and the board to adopt rules; providing
179 legislative intent regarding implementation of the act
180 within existing resources; amending s. 499.01, F.S.;
181 authorizing certain business entities to pay for
182 prescription drugs obtained by practitioners licensed
183 under ch. 466, F.S.; amending s. 624.91, F.S.;

184 revising the membership of the board of directors of
185 the Florida Healthy Kids Corporation to include a
186 member nominated by the Florida Dental Association and



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appointed by the Governor; providing an effective
date.