

**By** the Committees on Appropriations; and Health Policy; and  
Senators Gaetz, Montford, Sobel, Hays, Soto, and Grimsley

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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          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28          process to verify the use of funds withdrawn from a  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

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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 the Legislature; providing rulemaking  
39 authority to require the submission of information for  
40 such reporting; providing an effective date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
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

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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 so  
67 designated by the Health Resources and Services Administration  
68 of the United States Department of Health and Human Services.

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

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

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

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

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88 financial support from the local community in which the dentist  
89 is practicing or intending to open a practice.

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

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

100 (a) Repayment of dental school student loans.

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

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

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

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117 funds may not be included in a determination of the amount  
118 contributed to an account from local sources.

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

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

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

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

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

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

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

143 (9) If the department determines that a dentist has  
144 withdrawn account funds after the occurrence of an event  
145 specified in subsection (7), has used funds for purposes not

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146 authorized in subsection (4), or has not remained eligible for a  
147 dental care access account for a minimum of 2 years, the dentist  
148 shall repay the funds to his or her account. The department may  
149 recover the withdrawn funds through disciplinary enforcement  
150 actions and other methods authorized by law.

151 (10) The department shall establish by rule:

152 (a) Application procedures for dentists who wish to apply  
153 for a dental care access account. An applicant may demonstrate  
154 that he or she has expended sufficient capital to make  
155 substantial progress in opening a dental practice that is  
156 capable of serving at least 1,200 patients by documenting  
157 contracts for the purchase or lease of a practice location and  
158 providing executed obligations for the purchase or other  
159 acquisition of at least 30 percent of the value of equipment or  
160 supplies necessary to operate a dental practice. The department  
161 may limit the number of applicants selected and shall give  
162 priority to those applicants practicing in the areas receiving  
163 higher rankings pursuant to subsection (11). The department may  
164 establish additional criteria for selection which recognize an  
165 applicant's active engagement with and commitment to the  
166 community providing a local match.

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

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

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175 impediment to development.

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

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

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

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

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

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

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

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

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

203 (b) The department shall adopt rules to require dentists to

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204 report information to the department which is necessary for the  
205 department to fulfill its reporting requirement under this  
206 subsection.

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