

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; providing definitions; providing criteria
8 for the 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 appropriation; 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; requiring the department to return
23 unspent funds from local sources; requiring a dentist
24 to repay funds in certain circumstances; authorizing
25 the department to pursue disciplinary enforcement
26 actions and to use other legal means to recover funds;

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29 of funds withdrawn from a dental care access account;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

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

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

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

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

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

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

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

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

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

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

79 department by rule:

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

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

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

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

102 (a) Repayment of dental school student loans.

103 (b) Investment in property, facilities, or equipment
104 necessary to establish and operate a dental office consisting of

105 at least two operatories.

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

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

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

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

128 (a) Termination of the dentist's employment with a public
129 health program unless, within 30 days after such termination,
130 the dentist opens a private practice in a dental health

131 professional shortage area or medically underserved area.

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

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

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

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

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

153 (10) The department shall establish by rule:

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

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

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

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

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

183 and the Florida Dental Association.

184 (13) (a) By January 1 of each year, beginning in 2018, the
185 department shall issue a report to the Governor, the President
186 of the Senate, and the Speaker of the House of Representatives,
187 which must include:

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

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

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

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

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

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

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

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

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Section 2. This act shall take effect July 1, 2016.