

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 635 Dental Services for Veterans

SPONSOR(S): Local Administration, Federal Affairs & Special Districts Subcommittee, Maney and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 366

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	15 Y, 0 N, As CS	Mwakyanjala	Darden
2) Health Care Appropriations Subcommittee		Aderibigbe	Clark
3) State Affairs Committee			

SUMMARY ANALYSIS

The Florida Department of Veterans' Affairs (FDVA) operates a network of nine state veterans' homes and provides statewide outreach to connect veterans with services, benefits and support. FDVA offers benefits and services in the fields of health care, mental health and substance abuse, claims support, education, employment, housing, burial benefits, and legal assistance. The U.S. Department of Veterans' Affairs (VA) is principally responsible for the delivery of health care services to veterans. The VA offers dental care benefits to qualifying veterans. The VA also provides a dental insurance plan for qualifying veterans and survivors and dependents of veterans.

The VA reports that 15 percent of veterans are eligible to access dental services through the VA. The 85 percent of veterans who are not eligible for dental care through the VA access dental insurance receive dental services through employer-sponsored insurance, the dental insurance plan provided for by the VA, the Federal Dental and Vision Insurance Program, or via self-pay. In the National Survey of Veterans, 41 percent of veterans described their oral health as "fair" or "poor."

The bill creates the Veterans Dental Care Grant Program (program) within FDVA to provide veterans the opportunity to access routine dental care. The bill directs FDVA to contract with a statewide direct-support organization to administer the program, which will in turn distribute grants to eligible nonprofits that have experience in providing dental care to veterans.

The bill grants rulemaking authority to FDVA in order to administer the program.

The bill provides that funding for the program is subject to an appropriation by the Legislature. See Fiscal Comments.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Department of Veterans' Affairs

The Florida Department of Veterans' Affairs (FDVA) is a nearly 1,500-member constitutionally chartered¹ department with a budget of \$171 million for FY 2022-2023.² FDVA operates a network of nine state veterans' homes and provides statewide outreach to connect veterans with services, benefits, and support.³ FDVA offers benefits and services in the fields of health care, mental health and substance abuse, claims support, education, employment, housing, burial benefits, and legal assistance.⁴

United States Department of Veterans' Affairs (VA)

The VA is principally responsible for the delivery of health care services to veterans.⁵ Eligibility for hospital, nursing home, and domiciliary care depends on a number of factors. Veterans qualify for specified health care services depending on disability status, time of service, active duty status during service, toxic exposure during service, annual income, or the need for support.⁶

Dentistry

VA Dental Benefits

The VA offers dental care benefits to certain qualifying veterans. Veterans may receive outpatient dental services and treatment, and related dental appliances, for a dental condition or disability that is:⁷

- Service-connected and compensable in degree;
- Service-connected, but not compensable in degree, but only under certain conditions;⁸
- A service-connected dental condition or disability due to combat wounds or other service trauma, or of a former prisoner of war;
- Associated with and is aggravating a disability resulting from some other disease or injury which is incurred in or aggravated by active military, naval, air, or space service;
- A non-service-connected condition or disability of a veteran for which treatment was begun while such veteran was receiving hospital care under United States Code Chapter 17 and such services and treatment are reasonably necessary to complete such treatment;
- Suffered by a veteran who is a former prisoner of war;
- Suffered by a veteran who has a total service-connected disability; or
- Medically necessary:

¹ Art. IV, s. 11, Fla. Const.

² Ch. 2022-156, Laws of Fla., pg. 141.

³ Florida Department of Veterans Affairs, *Florida Department of Veterans' Affairs – Our Vision and Mission*, available at <https://www.floridavets.org/leadership/> (last visited on Mar. 12, 2023).

⁴ Florida Department of Veterans Affairs, *Benefits & Services*, available at <https://www.floridavets.org/benefits-services/> (last visited on Mar. 12, 2023).

⁵ Florida Department of Veterans Affairs, *Health Care*, available at <https://www.floridavets.org/benefits-services/health-care/> (last visited on Mar. 12, 2023).

⁶ 38 U.S.C. s. 1710.

⁷ 38 U.S.C. s. 1712(a)(1)(A)-(H).

⁸ Conditions include: (1) Dental conditions or disabilities that can be shown to have been in existence at the time of the veteran's discharge or release from active military, naval, air, or space service. (2) The veteran had active duty service for no less than 180 days or, for veterans who were active duty during the Persian Gulf War, 90 days immediately before discharge or release. (3) The application for treatment is made within 180 days after discharge or release with qualifying exceptions. (4) The veteran's discharge or release from active duty does not bear a certification that the veteran was provided, within the 90-day period immediately before the date of discharge or release, a complete dental examination and all appropriate dental services and treatment indicated by the examination to be needed. 38 U.S.C. s. 1712(a)(1)(B)(i)-(iv).

- In preparation for hospital admission; or
- For a veteran otherwise receiving care or services under United States Code Chapter 17.⁹

The VA provides a dental insurance plan for qualifying veterans and survivors and dependents of veterans.¹⁰ The dental insurance plan provides benefits for dental care and treatment the VA considers appropriate for the dental insurance plan, including diagnostic services, preventative services, endodontics and other restorative services, surgical services, and emergency services.

The Public Health Dental Program

The Florida Department of Health (DOH) is responsible for implementing the Public Health Dental Program (dental program).¹¹ The dental program must include:

- Comprehensive preventative and educational programs;¹² and
- Comprehensive treatment services, including diagnostic, basic restorative, surgical, pulpal therapy, prophylaxis, and limited prosthetic services.¹³

The dental program has four primary functions:

- Provide statewide direction for policy related to oral health issues;
- Promote and administer oral health education and preventive dental programs;
- Collect and analyze data on oral health; and
- Support the provision of direct dental care services through County Health Departments and other public and private organizations.¹⁴

The Board of Dentistry within DOH regulates the practice of dentistry in Florida.¹⁵ A dentist is licensed to examine, diagnose, treat, and care for conditions within the human oral cavity and its adjacent tissues and structures.¹⁶

Veterans' Access to Dental Care

The federal government provides taxpayer-funded medical care to more than nine million veterans, including those with service-connected disabilities. The VA reports that 15 percent of veterans are eligible to access dental services through the VA health system.¹⁷ The 85 percent of veterans who are not eligible for dental care through the VA access dental insurance receive dental services through employer-sponsored insurance, the VA dental insurance plan, the Federal Dental and Vision Insurance Program,¹⁸ or via self-pay.¹⁹ In the National Survey of Veterans, 41 percent of veterans described their oral health as “fair” or “poor.”²⁰

⁹ For the list of care and services considered to be medically necessary, see 38 U.S.C. s. 2062(a).

¹⁰ Dept. of Veterans' Affairs, *VA Dental Insurance Program*, <https://www.va.gov/health-care/about-va-health-benefits/dental-care/dental-insurance/> (last visited Mar. 16, 2023).

¹¹ S. 381.0052, F.S.

¹² S. 381.0052(3)(a), F.S.

¹³ S. 381.0052(3)(b), F.S.

¹⁴ Florida Dept. of Health, *Dental Health*, <https://www.floridahealth.gov/programs-and-services/community-health/dental-health/index.html> (last visited Mar. 14, 2023).

¹⁵ S. 466.004, F.S.

¹⁶ S. 466.003(3), F.S.

¹⁷ American Institute of Dental Public Health, CareQuest Institute for Oral Health, *Veteran Oral Health: Expanding Access and Equity 7*, https://www.carequest.org/system/files/CareQuest_Institute_Veteran-Oral-Health.pdf (last visited Mar. 15, 2023).

¹⁸ The Federal Employee Dental and Vision Benefits Enhancement Act of 2004 provided the U.S. Office of Personnel Management the opportunity to establish arrangements under which supplemental dental benefits are made available to Federal employees, retirees, and their dependents. Office of Personnel Management, *Healthcare & Insurance, Dental & Vision*, <https://www.opm.gov/healthcare-insurance/dental-vision/> (last visited Mar. 15, 2023).

¹⁹ *Id.*

²⁰ See R. Constance Wiener, “Oral Health Perception in Veterans with Self-Identified Disabilities: National Survey of Veterans, 2010.” *Journal of Public Health Dentistry* 75, no. 3, 245-52, available at <https://doi.org/10.1111/jphd.12095> (last visited Mar. 15, 2023).

Effect of Proposed Changes

The bill creates the Veterans Dental Care Grant Program (program) within FDVA to provide veterans the opportunity to access routine dental care. The bill directs FDVA to contract with a statewide direct-support organization with proven experience developing and implementing veteran-relevant programs, including dental services programs, to administer the program. The direct-support organization will be responsible for the distribution of grants to eligible nonprofits that have experience providing dental care to veterans.

The bill grants FDVA rulemaking authority in order to administer the program.

B. SECTION DIRECTORY:

Section 1: Creates s. 295.157, F.S., relating to Veterans Dental Care Grant Program.

Section 2: Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

The FDVA anticipates there will be administrative expenditures required to establish and develop rules for the program. These costs are insignificant and can be absorbed within existing resources. Additionally, the bill provides that funding for the program is subject to an appropriation by the Legislature. The FDVA can request grant funding for the program through the Legislative Budget Request process.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill provides that funding for the program is subject to an appropriation by the Legislature. Administration of the program will require expenditures by FDVA in order to contract with qualifying private contractors.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants rulemaking authority to FDVA in order to administer the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 20, 2023, the Local Administration, Federal Affairs, & Special Districts Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarified FDVA must contract with a direct-support organization to administer the program.

The analysis is drafted to the committee substitute adopted by the Local Administration, Federal Affairs, & Special Districts Subcommittee.