

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; limiting the number of new dental care  
11 access accounts established per fiscal year; requiring  
12 the Department of Health to implement an electronic  
13 benefit transfer system; providing for the use of  
14 funds deposited in the accounts; authorizing the  
15 department to distribute state funds to accounts,  
16 subject to legislative appropriation; authorizing the  
17 department to accept contributions from local sources  
18 for deposit in designated accounts; limiting the  
19 number of years that an account may remain open;  
20 providing for the immediate closure of accounts under  
21 certain circumstances; authorizing the department to  
22 transfer state funds remaining in a closed account at  
23 a specified time; requiring the department to return  
24 unspent funds from local sources; requiring a dentist  
25 to repay funds in certain circumstances; authorizing  
26 the department to pursue disciplinary enforcement

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30 | of funds withdrawn from a dental care access account;  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

40 |  
41 | Be It Enacted by the Legislature of the State of Florida:

42 |  
43 | Section 1. Section 381.4019, Florida Statutes, is created  
44 | to read:

45 | 381.4019 Dental care access accounts.—Subject to the  
46 | availability of funds, the Legislature establishes a joint local  
47 | and state dental care access account initiative and authorizes  
48 | the creation of dental care access accounts to promote economic  
49 | development by supporting qualified dentists who practice in  
50 | dental health professional shortage areas or medically  
51 | underserved areas or who treat a medically underserved  
52 | population. The Legislature recognizes that maintaining good

53 oral health is integral to overall health status and that the  
54 good health of residents of this state is an important  
55 contributing factor in economic development. Better health,  
56 including better oral health, enables workers to be more  
57 productive, reduces the burden of health care costs, and  
58 improves the cognitive development of children.

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

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

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

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

79 in 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  
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 may not  
94 establish more than 10 new dental care access accounts per  
95 fiscal year. The department shall implement an electronic  
96 benefits transfer system that enables each dentist to spend  
97 funds from his or her account for the purposes described in  
98 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) (a) By January 1 of each year, beginning in 2018, the  
179 department shall issue a report to the Governor, the President  
180 of the Senate, and the Speaker of the House of Representatives,  
181 which must include:

182 1. The number of patients served by dentists receiving

183 funding under this section.

184 2. The number of Medicaid recipients served by dentists  
185 receiving funding under this section.

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

188 4. The number of dentists in each dental health  
189 professional shortage area or medically underserved area  
190 receiving funding under this section.

191 5. The amount and source of local matching funds received  
192 by the department.

193 6. The amount of state funds awarded to dentists under  
194 this section.

195 7. A complete accounting of the use of funds, by  
196 categories identified by the department, including, but not  
197 limited to, loans, supplies, equipment, rental property  
198 payments, real property purchases, and salary and wages.

199 (b) The department shall adopt rules to require dentists  
200 to report information to the department which is necessary for  
201 the department to fulfill its reporting requirement under this  
202 subsection.

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