

CAPITAL REPORT

FLORIDA DENTAL ASSOCIATION

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2006 BILLS IMPACTING DENTISTRY

The following three bills passed during the 2006 session, have been signed by the Governor, are effective July 1, 2006 and have the most impact on dentists and dental services. The Board of Dentistry (BOD) has referred these three bills to their Rules committee to adopt specific BOD rules to implement these new changes in law.

“The signing of these bills will assist the Florida Department of Health in protecting the health care of consumers and continuing to promote quality health care by effectively regulating Florida’s health care professionals,” said Secretary of Health M. Rony François, M.D., M.S.P.H., Ph.D.

The three bills deal with:

- Dental charting by hygienists (HB 1157);
- Mandatory continuing education requirement changes (HB 699); and
- Proper disclosure of your license type (HB 587).

HB 1157 authorizes dental charting by dental hygienists. The FDA House of Delegates voted at

the January 2006 session to support this bill which allows dental hygienists to do unsupervised charting exercises in schools, nursing homes and some other locations. The FDA and the Florida Dental Hygiene Association (FDHA) mutually agreed on this legislative language after nearly a year of negotiations.

The bill authorizes a dental hygienist, without supervision, to complete dental charting of hard and soft tissues in certain practice settings and under specified circumstances. Dental charting is defined to mean the recording of visual observations of clinical conditions of the oral cavity without the use of X-rays, laboratory tests, or other diagnostic methods or equipment, except the instruments necessary to record visual restorations, missing teeth, suspicious areas, and periodontal pockets.

The bill requires each person who receives a dental charting or the parent or legal guardian of that person, to receive and acknowledge a written disclosure before receiving dental charting services, which states that the purpose of the dental charting is to collect data for use by a dentist at a prompt subsequent

examination. The BOD must approve the content of the charting and disclosure forms to be used by a dental hygienist. Both forms must emphasize the inherent limitations of a dental charting exercise. The dental charting performed by a dental hygienist should not be substituted for a comprehensive dental examination.

The bill does not authorize direct reimbursement for dental charting by Medicaid, health insurers, health maintenance organizations, prepaid dental plans, or other third-party payors beyond what is otherwise allowed by law. A dental hygienist performing dental charting without supervision does not create a patient of record or a medical record.

The FDA anticipates that dental charting, in conjunction with dental hygienists' existing duties, will help provide additional access to dental care for those individuals in schools, nursing homes, governmental facilities and other areas around the state.

HB 699 addresses mandatory continuing education requirement changes. The Florida House of Representatives adopted an amendment to HB 699 that was strongly supported by the FDA. The bill as amended changes the mandatory continuing education (CE) as follows:

- HIV/AIDS CE is now a one-time, one-hour CE requirement to be completed prior to the first renewal; and
- Domestic violence CE is now a two-hour requirement every third renewal or once every six years.

HB 587 deals with proper disclosure of your license type.

All health care licensees must provide notice to patients of what type of license the health care provider has (e.g., Medical Doctor, Dentist, ARNP, Physician Assistant, etc). The new law specifies that it is grounds for disciplinary action if a health care practitioner fails to identify to a patient the type of license under which he or she is practicing. This requirement should also pertain to dental hygienists. Additionally, the practitioner must disclose the type of license they hold in any advertisements for health care services.

Although the BOD must still adopt specific rules, the following is acceptable, according to the law:

- A name tag meets the requirement; and
- An oral notice to the patient meets the requirement.

There are exceptions for this disclosure which include hospitals, ambulatory surgical centers, nursing homes, long-term care facilities and mental health facilities.

PARTIAL DENTURES – A NEW COMPONENT TO THE MEDICAID PROGRAM

On July 1, 2006, the Florida Medicaid adult dental program added partial dentures to its list of services as a new benefit for eligible Medicaid recipients. Previously, the Medicaid adult dental program only provided for emergency dental-related services and one-set of full dentures. With the addition of partial dentures, recipients will have the opportunity to maintain their healthy

teeth, while replacing relevant missing teeth.

MEDICAID POLICY ADDRESSED AT BOARD OF DENTISTRY MEETING

In light of partial dentures being added to the Medicaid program, Florida's Medicaid policy for adult dental services was discussed during the last BOD meeting.

Last month, the BOD discussed the Medicaid program during a disciplinary hearing on a dentist. The dentist was being brought up on charges for a full mouth extraction, improper recordkeeping and failure to meet minimum standards of a Medicaid patient. His defense centered around the fact that during the treatment of his patient, Medicaid would only pay for a full set of dentures and felt that the state's policy was to blame for his situation.

BOD Chairman Carl Melzer suggested that staff provide a presentation of Medicaid's policies and procedures in order to have a better understanding of the program's limitations.

AHCA IMPLEMENTS MEDICAID REFORM

The Agency for Health Care Administration (AHCA) has announced the twelve health plans that will participate in Medicaid reform in Duval and Broward Counties. AMERIGROUP Florida, Buena Vista, First Coast Advantage, Florida NetPASS, HealthEase, Humana Family, Preferred Medical Plan, South Florida Community Care Network, Staywell, Total Health Choice, United Health Care, and Vista Health Plan of South Florida

were chosen by AHCA to become certified plans from the list of applicants. Eleven plans will serve beneficiaries in Broward County with two of the plans being provider service networks (PSNs) and nine health maintenance organizations (HMOs). Duval County will have four health plans, which will include one PSN and three HMOs. All plans must offer dental care for children to cover the Early and Periodic Screening, Diagnosis, and Treatment Services (EPSDT) federal requirement. In addition, the plans will provide emergency dental care and full and partial denture services for adults. Several of the participating plans have elected to offer additional services including adult preventative dental care.

Starting July 24, Medicaid beneficiaries will have the option of enrolling into a health plan of their choice, as well as accessing choice counselors for assistance.

STUDENT LOAN REPAYMENT PROGRAM

During the 2006 legislative session, the FDA lobbying team worked diligently with the Legislature to lay the foundation for the importance of reinstating funding for the Florida Health Services Corporation (student loan repayment program). This program can help provide access to dental care to individuals in areas with limited access to dental providers. Dental students would be provided with an opportunity to get assistance in repaying their student loans by committing to working full-time in a federally designated dental shortage area.

The FDA will continue to pursue funding for this program during the 2007 legislative session.

FLADPAC NEEDS LOCAL INPUT

The FLADPAC Board of Directors continues to monitor legislative races and, in many cases, determines which candidate to support. Elements used in their decision making process include, incumbency, voting record, support of key leadership (this pertains to either party), electability, position on dental issues and health care experience. With 30 open seats, FLADPAC will not always support the winning candidate.

As a Legislative Contact Dentist (LCD), you can help FLADPAC improve its chances by providing updates on the political discourse in your town. The information analyzed by staff is too often limited to the Tallahassee perspective which involves analyzing a district's voting history, discourse with House and Senate leaders from both parties and meeting with countless political consultants. What is missing is the input of local dental constituents on the mood of the electorate. For example, the impact of a local transportation issue may not be a factor from the Tallahassee perspective, but the buzz of the town in local coffee shops. Please share your thoughts and observations with your component FLADPAC Representative or GAO staff at gao@floridadental.org.

DENTISTS' DAY ON THE HILL 2007

Mark your calendars! Dentists' Day on the Hill 2007 will be on Tuesday, April 17 and Wednesday, April 18.

You may register for Dentists' Day online at www.floridadental.org under the Members only/Governmental Affairs section of the FDA website. More information on Dentists' Day will be released at a future date.

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