



GOVERNMENTAL AFFAIRS OFFICE •

FLORIDA DENTAL ASSOCIATION

DENTAL WORKFORCE SURVEY AND PERMIT FIX PASSES FIRST COMMITTEE

SB 970 and **SB 972** (public records exemption) by Sen. Garrett Richter (R-Naples) was heard in the Senate Health Regulation Committee on Tuesday, March 9. FDA Board of Trustee Dr. Jolene Paramore traveled to Tallahassee to testify in support of the legislation. The bills passed unanimously out of committee and now head to Senate Governmental Oversight and Accountability. **HB 537** and **HB 539** (public records exemption) by Rep. Ken Roberson (R-Port Charlotte) are the House companion bills and have not been heard in committee. **SB 970** will require dentists and dental hygienists to complete a dental workforce survey during licensure renewal. The bill also provides an option for dentists to either obtain their prescription drugs / dental supplies by using their license number, paying with a corporate check and be deemed the owner of the drugs / supplies (i.e., solo practitioners who have incorporated) or by purchasing a \$255 permit from the department (i.e., dental professional corporations with multiple dentists).

There was also an amendment adopted to the bill that will add a dentist to the Florida Healthy Kids Board of Directors. This language passed last year in the FDA bill; however, due to an oversight – another bill passed on the last day of session that changed the same section of law and did not change the number of Board members to reflect the inclusion of a dentist representative. Therefore, this language needs to be passed again this year to codify into law the dentist representative on the Board. There are two other bills that contain the same language - **HB 1545** by Rep. Juan Zapata (R-Miami) and **SB 2082** by Sen. Nan Rich (D-Sunrise).

HEALTH CARE FRAUD BILL PASSES OUT OF SENATE COMMITTEE

SB 752 by Sen. Don Gaetz (R-Destin) unanimously passed out of the Senate Health Regulation Committee on Tuesday, March 9. This was the first committee stop for the bill. This health care fraud bill expands on fraud initiatives adopted last year in **SB 1986**. **SB 752** includes the following language:

- adds further restrictions on licensure for home health agencies;
- removes a provision that would allow Medicaid providers to go ahead and participate in the Medicaid program pending the results of a criminal records check;
- changes the number of years a Medicaid provider must keep Medicaid-related records from 5 years to 6 years;
- gives the Agency for Health Care Administration (AHCA) additional authority to deny a Medicaid provider application or terminate an existing provider if the provider or any controlling interest of the provider has committed certain crimes such as abuse or neglect of a patient or if a provider has committed fraud in any state;
- specifies that overpayments owed to AHCA and payment arrangements must be made within 35 days after the date of the final order;
- authorizes AHCA to terminate a Medicaid provider if the provider fails to reimburse a fine determined by a final order;
- requires the Department of Health (DOH) to post in practitioner profiles online all criminal history information reported to DOH, any administrative complaint filed with DOH in which probable cause was found and detailed arrest information;
- codifies the DOH's interpretation of a provision in **SB 1986** that denies licensure and licensure renewal to practitioners licensed in chapter 456, F.S. (which includes dentists) who have been convicted of first, second and third degree felonies since July 1, 2009; and

- allows for an administrative complaint to be filed against a health care practitioner licensee more than six years after the incident or occurrence, if the incident or occurrence involved Medicaid fraud.

A late-filed amendment to the bill passed in committee that eliminates an existing requirement that AHCA ensure certain Medicaid HMOs in Miami-Dade County reach and maintain at least 15,000 members a month. This amendment was intended to open up competition in Miami-Dade County and does not impact the Miami-Dade County Medicaid dental pilot.

Currently there is no House companion bill to **SB 752**. The FDA will continue to monitor this bill as it is likely to be a vehicle for other DOH and AHCA issues.

PRESCRIPTION DRUG MONITORING BILL

SB 1722 by Sen. Mike Fasano (R-New Port Richey) passed out of the Senate Health Regulation Committee on Wednesday, March 9. The 2009 Florida Legislature passed a bill that requires the DOH to establish an electronic data bank for monitoring the dispensing of controlled substances by December 2010. **SB 1722** makes slight alterations to that original legislation by requiring it to comply with the National All Schedules Prescription Electronic Reporting Act, which requires verification of practitioners who access the system for proper protections of the data. It also allows a process for corrections to the data bank and was amended to include a provision for future sharing of information with other states. Additionally, there are several other different bills filed this year dealing with prescription drugs and the pill mills in South Florida. Since the DOH data bank is not yet up and running, this issue continues to be at the forefront for many legislators.

Of the different bills filed, the major impact for dentists could be a limitation on dispensing practitioners of a 72- hour supply of controlled substances. According to DOH records, there are only about 250 dentists in Florida who write prescriptions and then actually dispense them in the office setting. The other change could be a required continuing education course of three hours for any practitioner who writes prescriptions for controlled substances, which would include dentists. The FDA will continue to monitor of all these proposals.

FEDERAL AID COULD IMPACT STATE BUDGET

Last year, Florida accepted the federal stimulus package that greatly enhanced federal Medicaid funding though the end of 2010 which only covers six months of the state's 2010-2011 fiscal year. Legislators serving on health care appropriations committees are eagerly waiting to hear if Congress will approve the President's recommendation to extend federal funding for an additional six months ending June 2011. If an extension is approved, Florida stands to gain \$1.24 billion in additional Medicaid funds. With a \$3.2 billion budget deficit, this money would positively impact the 2010-2011 budget. On Tuesday, March 9, the Senate Health and Human Services Appropriations Committee learned that Congress hopes to pass a bill this week and send a final package to the President in the near future. Once the President signs the bill, Governor Crist must certify the extended stimulus funds in order for the money to be granted to Florida.

On cue, the Governor entered the Senate Health and Human Services Appropriations Committee meeting to express his support for additional federal funds and the importance of the funds to the people of Florida.

MEDICAID IMPACT CONFERENCE ISSUES

There was recently a Medicaid Impact Conference that estimated savings and costs in the Florida Medicaid program for FY 2010-11. Based on the report from the Medicaid Impact Conference, here are some of the issues that relate to dental care:

- \$17 million in estimated savings (state and federal dollars) if Florida eliminates all adult dental services. It is estimated that this would impact 717,829 Medicaid adults.
- \$863,767 in estimated savings (state and federal dollars) if Florida eliminates adult partial denture services. It is estimated that this would impact 1,987 Medicaid adults.
- \$5.5 million in estimated savings (state and federal dollars) if Florida expands the prepaid dental program statewide outside Reform. This would expand the pilot for children's dental services that currently only exist in Miami-Dade County. Non-Reform health plans would continue to be allowed to provide optional dental services. AHCA is supporting a statewide expansion. The FDA opposes any expansion.
- \$2.1 million in estimated costs (state and federal dollars) for providing dental services

for Florida Healthy Kids enrollees. Currently the Florida Healthy Kids program places an annual cap in the amount of \$1,000 on dental services. In order to comply with the federal provisions of the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009, the cap must be removed. The \$2.1 million is the estimated amount of additional funding for dental services.

On Tuesday, March 11, the chairman's proposed budget was released in the Senate Health and Human Services Appropriations Committee. Sen. Durell Peaden (R-Crestview) is Chair of this Committee and his proposed budget did not include eliminating any dental services. This does not mean that dental services will not be cut later in other budget proposals; it is still early in session and things change quickly. FDA staff will continue to monitor these funding issues throughout session.

BOARD OF DENTISTRY APPOINTMENTS

Governor Crist made three new appointments to the Board of Dentistry (BOD) for a term beginning March 10, 2010 and ending October 31, 2013. All three members were recommended by the FDA. The newest members are:

- Dr. **William Kochenour**, of Palm Harbor, self-employed orthodontist, succeeding Dr. Joseph Thomas;
- Dr. **Carol Stevens**, of Port Charlotte, self-employed periodontist, succeeding Dr. Betty Klement,
- Ms. **Debra Edinger**, of Panama City, dental hygienist with Kennon and Associates, succeeding Brenda Kitchens,

The FDA would like to thank Dr. Klement, Dr. Thomas and Ms. Kitchens for their dedicated service to the citizens of Florida over these many years. At the same time, we look forward to working with Dr. Kochenour, Dr. Stevens and Ms. Edinger as we move forward.

HOUSE DISTRICT 4 SPECIAL ELECTION

There will be a special primary election on March 23 for House District 4. This seat became available when former Rep. Ray Sansom (R-Ft. Walton Beach) resigned. Five republican candidates and one democrat candidate have qualified for the ballot. The five republican candidates are Destin Mayor Craig Barker; Matt Gaetz son of Sen. Don Gaetz (R-Destin); Bill Garvie; former Rep. Jerry Melvin and Kabe Woods. Jan Fernald is the democrat in the race. The republican primary winner will face the democrat in the general election on April 13.

FLADPAC presented support to Matt Gaetz at the Northwest District Dental Association annual meeting in August 2009.

LEGISLATOR SPOTLIGHT



Rep. Erik Fresen was elected to the House of Representatives in 2008. He represents House District 111 which covers parts of Miami-Dade County.

Rep. Fresen is a co-sponsor of the FDA's priority bill this year- **HB 291**. He is one of many other members on the House Health Care Regulation Committee that supports the FDA's position to prohibit unfair price controls by insurance companies for services they don't cover.

Rep. Fresen serves on the following House committees: Pre K-12 Policy, Vice Chair; Education Policy Council; Finance & Tax Council; Health Care Regulation Policy; and Pre K-12 Appropriations.

Rep. Fresen's legislative contact dentist is Dr. Carlos Sanchez of Miami.

If you would like to learn more about Rep. Fresen or how to contact him directly, please visit www.myfloridahouse.gov.

LEGISLATOR QUOTE OF THE WEEK

"I just think it's anti-consumer."

A statement made by Sen. Ronda Storms (R-Bradenton) on the big property insurance bill moving through the Senate (**SB 2044**) that would allow private insurers to raise their rates up to ten percent a year.




The Florida Dental Association would like to wish Rep. Alan Hays a happy birthday!

Rep. Hays' birthday is Friday, March 12.

**FLORIDA DENTAL ASSOCIATION
GOVERNMENTAL AFFAIRS OFFICE**

118 E. Jefferson St. • Tallahassee, FL 32301
850.224.1089 • 800.326.0051 • Fax: 850.224.7058 •
gao@floridadental.org

- Dan Buker, FDA Executive Director
- Joe Anne Hart, Director of Governmental Affairs
- Ron Watson, Lobbyist • Mary Edenfield, Lobbyist
- Christine Mortham, Administrative Assistant



BRUSH UP
on your politics

**WEDNESDAY
APRIL 7, 2010**

JOIN YOUR COLLEAGUES for a day of face-to-face meetings with your legislators in Tallahassee.

FOR MORE INFORMATION
(REGISTER, SCHEDULE, ROOM BLOCKS)
Go to www.floridadental.org/DDOH
or contact Carol Nissen at JWSRCN@aol.com.

SPONSORED BY
AFDA
Alliance of the Florida Dental Association

2010 DENTISTS' DAY ON THE HILL

Services Legislation					
HB 537 – Dental Workforce Survey and Permit Fix					
HB 539 – Public Records Exemption					
SB 970 – Dental Workforce Survey and Permit Fix	✓ CS Health Regulation Committee				
SB 972 – Public Records Exemption	✓ CS Health Regulation Committee				
HB 791 – Sovereign Immunity for ER Doctors					
SB 1474 – Sovereign Immunity for ER Doctors	✓ CS Health Regulation Committee				
HB 1545 - Kidcare					
SB 2082 – Kidcare					

PRIORITY INITIATIVES OPPOSED

ISSUE	COMMITTEE 1 ACTION	COMMITTEE 2 ACTION	COMMITTEE 3 ACTION	FLOOR ACTION	GOV'S ACTION
HB 1469 – FDHA Legislation					
SB 490 – FDHA Legislation					

TO VIEW HOUSE AND SENATE BILLS, PLEASE VISIT ONLINE SUNSHINE AT www.leg.state.fl.us