

HOUSE No. 444

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Pupil Dental Health..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 71 Section 57 of the General Laws is hereby amended by inserting
2 the following after the first paragraph:

3 Upon entering kindergarten or within 30 days of the start of the school year, the parent or
4 guardian of each child shall present to school health personnel certification that the child within
5 the previous 12 months has received an oral health examination by a licensed dentist that was
6 performed no earlier than 12 months prior to the date of initial enrollment of the pupil.

7 The parent or legal guardian of a pupil may be excused from complying by indicating
8 that the oral health examination could not be completed because of one or more of these
9 reasons: (A) Completion of an examination poses an undue financial burden on the parent or
10 legal guardian. (B) Lack of access by the parent or legal guardian to a licensed dentist. (C) The
11 parent or legal guardian does not consent to an examination.

12 SECTION 2: Chapter 71 of the General Laws is hereby amended by inserting after
13 Section 34H, the following new section:-

14 Section 34I. A public school shall notify the parent or legal guardian of a pupil described
15 in the second paragraph of Section 57 of Chapter 71 concerning the examination required. The
16 notification shall, at a minimum, consist of a letter that includes all of the following: (1) An
17 explanation of the administrative requirements of this section. (2) Information on the
18 importance of primary teeth. (3) Information on the importance of oral health to overall health
19 as it relates to learning. (4) Contact information for public health departments. (5) A
20 statement of privacy applicable under state and federal laws and regulations.

21 SECTION 3: Chapter 111 of the General Laws is hereby amended in Section 185A by
22 inserting at the end of the Section the following sentence:-

23 The department shall provide information to parents and legal guardians about programs
24 and services to access affordable dental care.

25 SECTION 4: In order to ensure uniform data collection, the department of public health,
26 in consultation with interested persons, shall develop and make available on the internet website
27 of the department, a standardized notification form as specified in section 2 that shall be used by
28 each school district. The standardized form shall include all of the following:

29 A section that can be used by the licensed dentist performing the dental exam to record
30 information that includes, but is not limited to, the following:

31 Date of the dental exam

32 School name

33 Name and address of the licensed dentist performing the exam

34 Grade

- 35 Age
- 36 Gender
- 37 Race/ethnicity
- 38 Charting of untreated cavities
- 39 Number of missing teeth
- 40 Number of filled cavities
- 41 Presence of sealants on permanent molars
- 42 Treatment urgency

43 A section in which the parent or legal guardian of a pupil can indicate the reason why an
44 exam could not be completed by marking the box next to the appropriate reason. The reasons for
45 not completing an exam shall include those detailed in section 1 subparagraphs (A) to (C).

46 SECTION 5: Upon receiving completed exam forms, all school districts shall, by
47 December 31 of each year, submit a report to the department of public health. The department of
48 public health shall create, in consultation with interested persons, an internet-based application
49 for the collection of the reports. The report shall include all of the following:

50 The total number of pupils in the district, by school, who are subject to the requirement to
51 present proof of having received an oral health assessment pursuant to Section 1.

52 The total number of pupils described in paragraph (1) who present proof of an exam.

53 The total number of pupils described in paragraph (1) who could not complete an exam
54 due to financial burden.

55 The total number of pupils described in paragraph (1) who could not complete an exam
56 due to lack of access to a licensed dentist.

57 The total number of pupils described in paragraph (1) who could not complete an exam
58 because their parents or legal guardians did not consent to their child receiving the exam.

59 The total number of pupils described in paragraph (1) who are examined and found to
60 have untreated decay.

61 The total number of pupils described in paragraph (1) who did not return either the exam
62 form or the waiver request to the school.

63 SECTION 6: The department of public health shall maintain the data described in section
64 5 in a manner that allows the department to release it upon request. This section does not
65 prohibit any of the following:

66 The department of public health from sharing aggregate data collected pursuant to section
67 5 with other governmental agencies, philanthropic organizations, or other nonprofit organizations
68 for the purpose of data analysis.

69 Use of the exam data that is compliant with the federal Health Insurance Portability and
70 Accountability Act of 1996 for the purposes of conducting research and analysis on the oral
71 health status of public school pupils in the commonwealth.