HOUSE DOCKET, NO. 1533 FILED ON: 1/20/2011

HOUSE . . . . . No. 1483

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to pupil dental health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Sean Garballey	*23rd Middlesex*	*1/20/2011*
Cory Atkins	*14th Middlesex*	*2/3/2011*
John W. Scibak	*2nd Hampshire*	*2/2/2011*
Benjamin Swan	*11th Hampden*	*2/4/2011*

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HOUSE . . . . . No. 1483

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1483) of Sean Garballey and others relative to oral health examinations for public school students. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

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

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

The parent or legal guardian of a pupil may be excused from complying by indicating that the oral health examination could not be completed because of one or more of these reasons:

(A) Completion of an examination poses an undue financial burden on the parent or legal guardian.

(B) Lack of access by the parent or legal guardian to a licensed dentist.

(C) The parent or legal guardian does not consent to an examination.

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

Section 34I. A public school shall notify the parent or legal guardian of a pupil described in the second paragraph of Section 57 of Chapter 71 concerning the examination required. The notification shall, at a minimum, consist of a letter that includes all of the following:

(1) An explanation of the administrative requirements of this section.

(2) Information on the importance of primary teeth.

(3) Information on the importance of oral health to overall health as it relates to learning.

(4) Contact information for public health departments.

(5) A statement of privacy applicable under state and federal laws and regulations.

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

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

SECTION 4: In order to ensure uniform data collection, the department of public health, in consultation with interested persons, shall develop and make available on the internet website

of the department, a standardized notification form as specified in section 2 that shall be used by each school district. The standardized form shall include all of the following:

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

(A) Date of the dental exam

(B) School name

(C) Name and address of the licensed dentist performing the exam

(D) Grade

(E) Age

(F) Gender

(G) Race/ethnicity

(H) Charting of untreated cavities

(I) Number of missing teeth

(J) Number of filled cavities

(K) Presence of sealants on permanent molars

(L) Treatment urgency

(2) A section in which the parent or legal guardian of a pupil can indicate the reason why an exam could not be completed by marking the box next to the appropriate reason. The

reasons for not completing an exam shall include those detailed in section 1 subparagraphs (A) to (C).

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

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

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

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

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

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

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

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

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

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

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