

**HOUSE . . . . . No. 1964**

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**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:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>

**HOUSE . . . . . No. 1964**

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1964) of Sean Garballey and others relative to oral health examinations for public school students. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1483 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

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 reasons:

- 9
- 10 (A) Completion of an examination poses an undue financial burden on the parent or legal
- 11 guardian.
- 12 (B) Lack of access by the parent or legal guardian to a licensed dentist.
- 13 (C) The parent or legal guardian does not consent to an examination.

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

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

- 19 (1) An explanation of the administrative requirements of this section.
- 20 (2) Information on the importance of primary teeth.
- 21 (3) Information on the importance of oral health to overall health as it relates to  
22 learning.
- 23 (4) Contact information for public health departments.
- 24 (5) A statement of privacy applicable under state and federal laws and regulations.

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

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

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

- 33 (1) A section that can be used by the licensed dentist performing the dental exam to  
34 record information that includes, but is not limited to, the following:
  - 35 (A) Date of the dental exam
  - 36 (B) School name
  - 37 (C) Name and address of the licensed dentist performing the exam
  - 38 (D) Grade
  - 39 (E) Age
  - 40 (F) Gender
  - 41 (G) Race/ethnicity
  - 42 (H) Charting of untreated cavities

- 43 (I) Number of missing teeth
- 44 (J) Number of filled cavities
- 45 (K) Presence of sealants on permanent molars
- 46 (L) Treatment urgency

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

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

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

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

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

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

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

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

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

69 SECTION 6: The department of public health shall maintain the data described in section  
70 5 in a manner that allows the department to release it upon request. This section does not  
71 prohibit any of the following:

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

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