

**HOUSE . . . . . No. 01483**

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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 passage 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>Cory Atkins</i>	<i>14th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

# HOUSE . . . . . No. 01483

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By Mr. Sean Garballey of Arlington, petition (accompanied by bill, House, No. 01483) of Benjamin Swan and others relative to oral health examinations for public school students. Joint Committee on Public Health.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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 the  
2 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 that the  
8 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 Section 34H,  
15 the following new section:-

16 Section 34I. A public school shall notify the parent or legal guardian of a pupil described in the  
17 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 learning.

22 (4) Contact information for public health departments.

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

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

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

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

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

34 (A) Date of the dental exam

35 (B) School name

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

37 (D) Grade

38 (E) Age

39 (F) Gender

40 (G) Race/ethnicity

41 (H) Charting of untreated cavities

42 (I) Number of missing teeth

43 (J) Number of filled cavities

44 (K) Presence of sealants on permanent molars

45 (L) Treatment urgency

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

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

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

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

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

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

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

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

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

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

69 (1) The department of public health from sharing aggregate data collected pursuant to section  
70 5 with other governmental agencies, philanthropic organizations, or other nonprofit organizations  
71 for the purpose of data analysis.

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