

HOUSE No. 2820

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

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 graduate education for certain dental professionals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>

HOUSE No. 2820

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 2820) of Peter V. Kocot and others relative to the certification of public health dental practitioners. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to graduate education for certain dental professionals.

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 112 of the Massachusetts General Laws, as appearing in the 2012
2 official edition, is hereby amended in section 43A by adding the following definitions:-

3 “Public health dental practitioner,” a person registered and licensed by the board,
4 pursuant to the provisions of section 51B.

5 “Supervising Dentist,” a licensed dentist who supervises a public health dental
6 practitioner. The supervising dentist must be practicing full time and accepting MassHealth
7 patients.

8 SECTION 2. Chapter 112 of the Massachusetts General Laws, as appearing in the 2012
9 Official Edition, is hereby amended by inserting after section 51 1/2 the following section:-

10 Section 51B

11 Public health dental practitioners

12 Any licensed dental professional, including but not limited to registered dental assistants
13 and registered dental hygienists, of good moral character, nineteen years old or over, who is a
14 graduate of a graduate level program for public health dental practitioner provided by an
15 institution of post-secondary education and accredited by the Commission on Dental
16 Accreditation requiring a course of not less than two academic years of graduate level education
17 and approved by the board may, upon the payment of a fee determined annually by the
18 commissioner of administration under the provisions of section three B of chapter seven, be
19 examined by the board in said subjects, and, if his examination is satisfactory, shall be registered
20 as a public health dental practitioner and be given a certificate allowing him to practice as a
21 public health dental practitioner. Upon receipt of a certificate of registration pursuant to section
22 forty-five, any certificate issued hereunder shall be revoked.

23 A supervising dentist may supervise no more than two public health dental practitioners
24 at the same time.

25 A licensed public health dental practitioner may perform all acts of a registered dental
26 hygienist at the same supervision level as a registered dental hygienist and may perform the
27 following acts under direct supervision of a licensed dentist:

- 28 • identify oral and systemic conditions requiring evaluation and/or treatment by
29 dentists, physicians or other healthcare providers, and manage referrals
- 30 • dispensing and administering via the oral and/or topical route non-narcotic
31 analgesics, anti-inflammatory, and antibiotic medications
- 32 • fabricating athletic mouthguards

- 33 • emergency palliative treatment of dental pain limited to the procedures in this
- 34 section
- 35 • preparation and placement of direct restoration in primary and permanent teeth
- 36 • fabrication and placement of single-tooth temporary crowns
- 37 • preparation and placement of preformed crowns on primary teeth
- 38 • indirect and direct pulp capping on permanent teeth
- 39 • indirect pulp capping on primary teeth
- 40 • removal of space maintainers

41 A public health dental practitioner is limited to practicing in federally qualified
42 community health centers or settings within dental health provider shortage areas, as designated
43 by the U.S. Department of Health and Human Services.

44 100 percent of a public health dental practitioner's patients shall consist of patients who:

- 45 • are MassHealth beneficiaries, as defined in section 9A of Chapter 118 of the
- 46 general laws; or
- 47 • Are receiving treatment by the public health dental practitioner in a federally
- 48 qualified community health center.

49 A public health dental practitioner shall not practice independently of a licensed dentist.

50 Public health dental practitioners shall not enter into a written collaborative agreement with a

51 licensed dentist. Public health dental practitioners shall not seek reimbursement and shall not be
52 directly reimbursed for services administered in any setting.

53 An applicant failing to pass a satisfactory examination shall be entitled to re-examination
54 at any meeting of the board upon payment of a fee determined under the aforementioned chapter
55 seven provision.

56 Each public health dental practitioner shall register biennially in the year designated for
57 the registration of hygienists and shall pay a biennial fee determined under the aforementioned
58 provision, in default of which the board may revoke said registration as a public health dental
59 practitioner, after a hearing as provided by section sixty-one; but payment of said fee at once or
60 before the time of hearing, with an additional sum determined under the aforementioned
61 provision, shall remove the default.

62 Each public health dental practitioner shall maintain the following data to be reported to
63 the Massachusetts Department of Public Health's Office of Oral Health on forms and in
64 accordance with procedures and timelines established by that office:

65 • The dates of each session with name and address of the site where public health
66 dental practitioner services were provided; and

67 • The number of patients served and the type(s) and quantity(ies) of each service
68 provided.

69 Notwithstanding any general or special law to the contrary, the Massachusetts
70 Department of Public Health shall submit separate reports on public health dental practitioners as
71 defined in section 43A of chapter 112 of the General Laws, which shall include, but not limited

72 to, the current number of registered public health dental practitioners, the settings in which they
73 practice and the type of procedures or services most commonly performed under that
74 designation. The report shall also evaluate access to safe and effective dental services prior to the
75 creation of the public health dental practitioner and whether the designation of public health
76 dental practitioner has improved access to safe and effective dental services. The department
77 shall submit the report, along with any recommendations for legislative or other action, to the
78 clerks of the Senate and House of Representatives not later than July 1, 2022 or by July 1 two
79 years after the first public health dental practitioners are licensed by the Board, whichever shall
80 come first. The department shall submit subsequent reports, along with any recommendations for
81 legislative or other action, to the clerks of the Senate and House of Representatives biennially
82 and not later July 1 in odd numbered years.

83 SECTION 3. Section 259 of Chapter 112 of the Massachusetts General Laws, as
84 appearing in the 2012 official edition, is hereby further amended by inserting the following
85 before the last paragraph:

86 (j) Oral health education;

87 SECTION 4. Section 260 of Chapter 112 of the Massachusetts General Laws, as
88 appearing in the 2012 official edition, is hereby further amended by inserting the following at the
89 end:

90 Prior to licensure or renewal, the board shall require community health workers receive
91 education and or training in oral health, in particular, the oral health of geriatric patients and
92 Medicaid members.

93 SECTION 5. Section 4 O of Chapter 111 of the Massachusetts General Laws, as
94 appearing in the 2012 official edition, is hereby further amended by inserting the following at the
95 end:

96 (c) The department shall establish a Public Health Dental Hygiene Coordinator at the
97 Office of Oral Health. This position shall be responsible for recruiting, training, monitoring, and
98 supporting public health dental hygienists. The Coordinator shall aim to increase the delivery of
99 preventative dental services to underserved and vulnerable populations, including but not limited
100 to those residing in dental health provider shortage communities and geriatric patients.

101 (d) The department shall annually conduct 6 community water fluoridation education
102 seminars specifically targeting local and regional Boards of Health. These seminars shall take
103 place primarily in-person throughout the Commonwealth as well as via live webinar.

104 SECTION 6: Chapter 71 Section 57 of the General Laws is hereby amended by inserting
105 the following after the first paragraph:

106 Upon entering kindergarten or within 30 days of the start of the school year, the parent or
107 guardian of each child shall present to school health personnel certification that the child within
108 the previous 12 months has received a dental screening by a qualified licensed dental
109 professional that was performed no earlier than 12 months prior to the date of initial enrollment
110 of the pupil.

111 The parent or legal guardian of a pupil may be excused from complying by indicating
112 that the dental screening could not be completed because of one or more of these reasons:

113 • Completion of a screening poses an undue financial burden on the parent or legal
114 guardian.

115 • Parents or legal guardians does not consent to a dental screening.

116 SECTION 7: Chapter 71 of the General Laws is hereby amended by inserting after
117 Section 34H, the following new section:- Section 34I. A public school shall notify the parent
118 or legal guardian of a pupil described in the second paragraph of Section 57 of Chapter 71
119 concerning the screening required. The notification shall, at a minimum, consist of a letter that
120 includes all of the following:

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

125 SECTION 8: Chapter 111 of the General Laws is hereby amended in Section 185A by
126 inserting at the end of the Section the following sentence:-

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

129 SECTION 9: In order to ensure uniform data collection, the department of public health,
130 in consultation with interested persons, shall develop and make available on the internet website
131 of the department, a standardized notification form as specified in section 7 that shall be used by
132 each school district. The standardized form shall include all of the following:(1) A section that
133 can be used by the licensed dental professional performing the dental screening to record

134 information that includes, but is not limited to, the following:(A) Date of the dental screening(B)
135 School name(C) Name and address of the licensed dental professional performing the
136 screening(D) Grade (E) Age (F) Charting of untreated cavities(G) Number of missing teeth(H)
137 Number of filled cavities(I) Presence of sealants on permanent molars(J) Treatment urgency(2)
138 A section in which the parent or legal guardian of a pupil can indicate the reason why a screening
139 could not be completed by marking the box next to the appropriate reason. The reasons for not
140 completing a screening shall include those detailed in section 1 subparagraphs (A) and (B).

141 SECTION 10: Upon receiving completed screening forms, all school districts shall, by
142 December 31 of each year, submit a report to the department of public health. The department of
143 public health shall create, in consultation with interested persons, an internet-based application
144 for the collection of the reports. The report shall include all of the following:

145 (1) The total number of pupils in the district, by school, who are subject to the
146 requirement to present proof of having received an dental screening pursuant to Section 6.(2)
147 The total number of pupils described in paragraph (1) who present proof of a screening.(3) The
148 total number of pupils described in paragraph (1) who could not complete a screening due to
149 financial burden.(4) The total number of pupils described in paragraph (1) who could not
150 complete a screening because their parents or legal guardians did not consent to their child
151 receiving the screening.(5) The total number of pupils described in paragraph (1) who are
152 screened and found to have untreated decay.(6) The total number of pupils described in
153 paragraph (1) who did not return either the screening form or the waiver request to the school.

154 SECTION 11: The department of public health shall maintain the data described in
155 section 10 in a manner that allows the department to release it upon request. This section does

156 not prohibit any of the following:(1) The department of public health from sharing aggregate
157 data collected pursuant to section 10 with other governmental agencies, philanthropic
158 organizations, or other nonprofit organizations for the purpose of data analysis.(2) Use of the
159 screening data that is compliant with the federal Health Insurance Portability and Accountability
160 Act of 1996 for the purposes of conducting research and analysis on the oral health status of
161 public school pupils in the commonwealth.

162 SECTION 12. The board of registration in dentistry shall establish regulations pursuant
163 to section 51B of Chapter 112 of the General Laws not later than 2 year after the effective date of
164 this Act.

165 SECTION 13. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall take effect on July 1, 2018.

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