

**HOUSE . . . . . No. 2456**

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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>Thomas M. Stanley</i> | <i>9th Middlesex</i>  |
| <i>Carmin L. Gentile</i> | <i>13th Middlesex</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i>  |
| <i>Paul McMurtry</i>     | <i>11th Norfolk</i>   |
| <i>Brian M. Ashe</i>     | <i>2nd Hampden</i>    |

**HOUSE . . . . . No. 2456**

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 2456) of Sean Garballey and others relative to oral health examinations for public school students. Public Health.

**The Commonwealth of Massachusetts**

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

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 a dental screening by a qualified licensed dental  
6 professional that was performed no earlier than 12 months prior to the date of initial enrollment  
7 of the pupil.

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

10 (A) Completion of a screening poses an undue financial burden on the parent or legal  
11 guardian.

12 (B) Parents or legal guardians does not consent to a dental screening.

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

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

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

19 (2) Information on the importance of primary teeth.

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

21 (4) Contact information for public health departments.

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

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

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

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

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

33 (A) Date of the dental screening

34 (B) School name

35 (C) Name and address of the licensed dental professional performing the screening

36 (D) Grade

37 (E) Age

38 (F) Gender

39 (G) Race/ethnicity

40 (H) Charting of untreated cavities

41 (I) Number of missing teeth

42 (J) Number of filled cavities

43 (K) Presence of sealants on permanent molars

44 (L) Treatment urgency

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

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

57 (3) The total number of pupils described in paragraph (1) who could not complete a  
58 screening due to financial burden.

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

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

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

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

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

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

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