

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 1/23/19
 Original Amendment Bill No: HB308
 Correction Substitute

Sponsor: Rep. Doreen Y, Gallegos and Agency Code: 924
Rep. Gail Armstrong
DENTAL THERAPISTS Person Writing

Short Title: _____ fsdfs Analysis: Daniel Manzano
 _____ Phone: 505-670-3820 ; Email Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT
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APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unquantifiable	Unquantifiable	Unquantifiable	Unquantifiable	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 1.23.19

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 1.23.19

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 308 (HB308) enacts a new section of the Public School Code to require students to obtain or opt out of dental examinations prior to annual school enrollment beginning on July 1, 2021. HB308 is clear this would be at the family’s expense or at the expense of any dental health coverage. If a parent opts out of the dental examination the parent is required to sign a form they understanding the risks of not receiving an examination. HB308 requires the New Mexico Public Education Department (PED) to adopt and promulgate rules to describe dental examination requirements, provide extensive education statewide in relation to the requirements for the examinations, and provide information regarding where families may “receive referrals to dental health care professionals statewide who are authorized to perform dental examinations” in accordance with the new rules.

HB308 also amends the Dental Health Care Act to establish the profession of Dental Therapist as well as amends sections of the Public Assistance Act and the nonprofit health care plan law to provide reimbursement for dental therapy. In addition, HB308 enacts a provision of the Department of Health Act to establish minimum qualifications for the director of the Office of Oral Health. Finally, HB308 enacts a new section of the Public Health Act to require annual reporting on dental health care access. A temporary provision of HB308 is for the Department of Health (DOH) to conduct and report on a study of the first five years of dental therapy in the state.

FISCAL IMPLICATIONS

HB308 requires the PED to promulgate rules that prescribe the requirements for the dental examinations by July 1, 2020. The cost of promulgating the rules is minimal. The PED is also required to provide extensive training statewide for parents and guardians explaining the requirements for the dental examinations for school enrollment and information regarding referrals to dental health care professionals that can perform the dental examinations in accordance with the Act. The PED would have to determine how to reach and communicate this information with families across the state prior to enrollment. Public Service Announcements social media, and partnering with health care professionals, clinics and parent organizations will need to be coordinated and the cost is indeterminate at this time since there are approximately

340,000 students enrolled in New Mexico schools.

SIGNIFICANT ISSUES

Dental health is an important aspect of overall wellbeing, and the American Dental Association (ADA, 2013) “recommends regular dental visits, at intervals determined by a dentist. While the encouragement of regular dental visits may be positive, the promulgation of rules to “require students to obtain or opt out of dental examinations prior to annual school enrollment may prove to be a highly burdensome and unnecessary additional enrollment requirement for the public schools.

The McKinney-Vento Homeless Assistance Act as reauthorized by Title X, Part C of the Every Student Succeeds Act, requires all local education authorities (LEAs) to enroll students, who may be identified as homeless, in foster care or migrant, immediately, even without normally required documentation, including school records, medical or immunization records, among others. To require students obtain a dental examination at the family’s own expense prior to enrollment would contravene the law. States and LEAs must maintain policies that remove barriers to school enrollment or retention of homeless children and youth (<https://www2.ed.gov/programs/homeless/guidance.pdf>).

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

HB308 has short-term implications for the PED. HB308 requires the Secretary of the PED to adopt and promulgate rules that require public schools to require students to obtain or opt out of dental examinations prior to annual enrollment by July 1, 2020. The bill further requires the PED to provide extensive statewide education on the requirements for dental examination and to disseminate information to parents and guardians on “where they may receive referrals to dental health care professionals statewide who are authorized to perform dental examinations.” HB308 also requires the PED to develop an annual written report for the legislative finance and health and human services committees on student compliance with the provisions of HB308. The PED would need to update the Student Teacher Accountability Reporting System (STARS) student template to include a yes/no “opt out” field indicating that the family did or did not comply with the dental examination requirements. This information would then be extracted for the annual reports.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None as of 1/23/2019

TECHNICAL ISSUES

It is unclear if the dental health examination is required upon the student’s first time enrolling in school or if this is a requirement annual examination. Students are expected to reenroll and register in school on annual basis. Also, will a student be required to receive an additional dental examination if the student changes schools during the school year.

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Dental examinations will not be a requirement for school enrollment. The current enrollment requirements, including vaccinations, will remain in effect.

AMENDMENTS

None