

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:

Original **Amendment** **Date** 3/11/19
Correction **Substitute** **Bill No:** HB308SFLA

Sponsor: House Health and Human Services Committee **Agency Code:** PED-924
Person Writing Analysis: Daniel Manzano

Short Title: DENTAL THERAPISTS **Phone:** 505-670-3820 **Email** Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

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 known as of 3.11.19

Duplicates/Relates to Appropriation in the General Appropriation Act: None known as of 3.11.19

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis HB308 Senate Floor Amendment (HB308sfla):

HB308sfla states that HB308 does not affect licensure or regulation regarding dental therapy on tribal lands, or dental therapy practices by dental therapists who are employed by tribal health programs or federally operated Indian health service health care sites.

Synopsis HB308:

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 indicating 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

Fiscal Implications HB308sfla:

HB308sfla has no fiscal implications for the PED other than those associated with HB308.

Fiscal Implications HB308:

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

Significant Issues HB308sfla:

A dental therapist employed by a tribal health program or employed by a federally operated Indian health service health care site may also practice dental therapy for non-tribal organizations on non-tribal land in New Mexico and would not be subject to the regulatory and licensure requirements of HB308sfla.

Significant Issues HB308:

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 burdensome enrollment requirement for 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. 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

Administrative Implications HB308sfla:

HB308sfla has no administrative implications for the PED other than those associated with HB308.

Administrative Implications HB308:

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

HB308sfla is an amendment to the House Health and Human Services Committee Substitute for House Bill 308, which is a substitute for HB308.

TECHNICAL ISSUES

Technical Issues HB308sfla:

HB308fla has no technical issues other than those associated with HB308.

Technical Issues HB308:

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 for an annual examination. Students are expected to reenroll and register in school on an annual basis. It is also unclear if a student would be required to receive an additional dental examination if the student changed schools during the school year.

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Consequences of Not Enacting HB308sfla:

The consequences of enacting HB308 without enacting HB308sfla, in addition to the consequences for not enacting HB308 as reflected below, is that HB308 may be construed to impose state licensure and regulatory requirements for dental therapists who work on tribal lands in New Mexico, or who are employed by tribal health program or a federal Indian health program.

Consequences of Not Enacting HB308:

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

AMENDMENTS

None