

<b>LFC Requester:</b>	<b>Becerra</b>
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**AGENCY BILL ANALYSIS  
2021 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto: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**      
**Correction**     **Substitute**   

**Date** 2/25/2021  
**Bill No:** HB242

**Sponsor:** Rep. Gail Armstrong  
**Short Title:** DENTAL EXAMS FOR STUDENTS

**Agency Name and Code**    PED - 924  
**Number:** \_\_\_\_\_  
**Person Writing:**    John Sena  
**Phone:** 505-570-7816    **Email** John.Sena@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
NFI	NFI	Nonrecurring	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 242 (HB242) would repeal Section 22-1-14 NMSA 1978, which addresses dental examination requirements, opting out processes, education, and outreach. This section states as of July 1, 2021, a student shall not enroll in a school unless the student’s family provides evidence of a dental examination, or their parent or guardian signs an opt-out form acknowledging the risks associated with not receiving a dental examination. This section also requires the Public Education Department (PED) to provide “extensive education” statewide and provide referral information to families regarding dental providers. Finally, Section 22-1-14 tasks the PED with the development of an annual written report regarding school compliance data to the legislative finance committee and the legislative health and human services committee. The repeal proposed by HB242 would remove these requirements.

**FISCAL IMPLICATIONS**

HB242 does not contain an appropriation.

The repeal proposed in HB242 may alleviate certain fiscal implications for the PED, such as the necessity to identify current or existing staff to adequately oversee and assure school compliance with the requirements outlined in the current Section 22-1-14 NMSA 1978. These requirements include the provision of “extensive” statewide trainings and information related to provider referrals for the required dental examinations and accurate collection and reporting of compliance data related to the section. No funds were allocated in the legislation that enacted Section 22-1-14 NMSA 1978 to support additional staff persons, which may be needed for such implementation.

**SIGNIFICANT ISSUES**

As required by Section 22-1-14 NMSA 1978, the PED conducted the rulemaking process prior to July 1, 2020. As a result, the department received several public comments in objection to the proposed rule, which outlined the requirements of the statute. The public cited concerns of dental provider shortages, inequitable access to dental services in rural areas of New Mexico, and the potential for stigmatization of families unable to provide their child/children with adequate dental care to meet the requirements outlined in the rule. Additional public comment received, noted the extensive time and administrative burden these requirements placed on families to obtain and provide documentation for each child every school year, and the burden placed on schools to collect and accurately report compliance data each year in addition to existing health-related tracking and reporting requirements (e.g., immunizations, diabetes management, etc.).

In addition to the burden of collecting and reporting student dental examination data, the data required to be reported by rule and statute was acknowledged as compliance-only and not necessarily meaningful to promoting improved student dental health status and outcomes. Finally, public comment included a request to repeal the statute, and if not repealed, amend the statute to a one-time requirement rather than an annual requirement.

#### **PERFORMANCE IMPLICATIONS**

N/A

#### **ADMINISTRATIVE IMPLICATIONS**

The repeal to Section 22-1-14 NMSA 1978, proposed by HB242, significantly reduces the administrative implications for schools and the PED. HB242 would eliminate the necessity to identify current or existing staff to oversee and assure school compliance with the requirements outlined in Section 22-1-14 NMSA 1978. HB242 would also remove the administrative task of staff assignment to conduct data analysis and report development related to school compliance for the Legislative Finance and Health and Human Services committees as is currently required by the section.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

#### **TECHNICAL ISSUES**

N/A

#### **OTHER SUBSTANTIVE ISSUES**

N/A

#### **ALTERNATIVES**

N/A

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

#### **AMENDMENTS**

N/A

