

107TH CONGRESS
1ST SESSION

S. 1626

To provide disadvantaged children with access to dental services.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2001

Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. DASCHLE, Mrs. LINCOLN, Ms. COLLINS, Mrs. CARNAHAN, Mr. HUTCHINSON, and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide disadvantaged children with access to dental services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Children’s Dental Health Improvement Act of 2001”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL
SERVICES UNDER MEDICAID AND SCHIP

- Sec. 101. Grants to improve the provision of dental services under medicaid and SCHIP.
- Sec. 102. Authority to provide dental coverage under SCHIP as a supplement to other health coverage.

TITLE II—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE

- Sec. 201. Grants to improve the provision of dental health services through community health centers and public health departments.
- Sec. 202. Dental officer multiyear retention bonus for the Indian Health Service.
- Sec. 203. Streamline process for designating dental health professional shortage areas.
- Sec. 204. Demonstration projects to increase access to pediatric dental services in underserved areas.

TITLE III—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

- Sec. 301. Oral health initiative.
- Sec. 302. CDC reports.
- Sec. 303. Early childhood caries.
- Sec. 304. School-based dental sealant program.

1 **TITLE I—IMPROVING DELIVERY**
 2 **OF PEDIATRIC DENTAL SERV-**
 3 **ICES UNDER MEDICAID AND**
 4 **SCHIP**

5 **SEC. 101. GRANTS TO IMPROVE THE PROVISION OF DENTAL**
 6 **SERVICES UNDER MEDICAID AND SCHIP.**

7 Title V of the Social Security Act (42 U.S.C. 701
 8 et seq.) is amended by adding at the end the following:

9 **“SEC. 511. GRANTS TO IMPROVE THE PROVISION OF DEN-**
 10 **TAL SERVICES UNDER MEDICAID AND SCHIP.**

11 “(a) **AUTHORITY TO MAKE GRANTS.**—In addition to
 12 any other payments made under this title to a State, the
 13 Secretary shall award grants to States that satisfy the re-
 14 quirements of subsection (b) to improve the provision of

1 dental services to children who are enrolled in a State plan
2 under title XIX or a State child health plan under title
3 XXI (in this section, collectively referred to as the ‘State
4 plans’).

5 “(b) REQUIREMENTS.—In order to be eligible for a
6 grant under this section, a State shall provide the Sec-
7 retary with the following assurances:

8 “(1) IMPROVED SERVICE DELIVERY.—The
9 State shall have a plan to improve the delivery of
10 dental services to children who are enrolled in the
11 State plans, including providing outreach and ad-
12 ministrative case management, improving collection
13 and reporting of claims data, and providing incen-
14 tives, in addition to raising reimbursement rates, to
15 increase provider participation.

16 “(2) ADEQUATE PAYMENT RATES.—The State
17 has provided for payment under the State plans for
18 dental services for children at levels consistent with
19 the market-based rates and sufficient enough to en-
20 list providers to treat children in need of dental serv-
21 ices.

22 “(3) ENSURED ACCESS.—The State shall en-
23 sure it will make dental services available to children
24 enrolled in the State plans to the same extent as

1 such services are available to the general population
2 of the State.

3 “(c) APPLICATION.—A State shall submit an applica-
4 tion to the Secretary for a grant under this section in such
5 form and manner and containing such information as the
6 Secretary may require.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to make grants under
9 this section \$50,000,000 for fiscal year 2002 and each fis-
10 cal year thereafter.

11 “(e) APPLICATION OF OTHER PROVISIONS OF
12 TITLE.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), the other provisions of this title shall not
15 apply to a grant made under this section.

16 “(2) EXCEPTIONS.—The following provisions of
17 this title shall apply to a grant made under sub-
18 section (a) to the same extent and in the same man-
19 ner as such provisions apply to allotments made
20 under section 502(c):

21 “(A) Section 504(b)(6) (relating to prohi-
22 bition on payments to excluded individuals and
23 entities).

24 “(B) Section 504(c) (relating to the use of
25 funds for the purchase of technical assistance).

1 “(C) Section 504(d) (relating to a limita-
2 tion on administrative expenditures).

3 “(D) Section 506 (relating to reports and
4 audits), but only to the extent determined by
5 the Secretary to be appropriate for grants made
6 under this section.

7 “(E) Section 507 (relating to penalties for
8 false statements).

9 “(F) Section 508 (relating to non-
10 discrimination).

11 “(G) Section 509 (relating to the adminis-
12 tration of the grant program).”.

13 **SEC. 102. AUTHORITY TO PROVIDE DENTAL COVERAGE**
14 **UNDER SCHIP AS A SUPPLEMENT TO OTHER**
15 **HEALTH COVERAGE.**

16 (a) AUTHORITY TO PROVIDE COVERAGE.—

17 (1) SCHIP.—

18 (A) IN GENERAL.—Section 2105(a)(1)(C)
19 of the Social Security Act (42 U.S.C.
20 1397ee(a)(1)(C)) is amended—

21 (i) by inserting “(i)” after “(C)”; and

22 (ii) by adding at the end the fol-
23 lowing:

24 “(ii) notwithstanding clause (i), in the case
25 of a State that satisfies the conditions described

1 in subsection (c)(8), for child health assistance
2 that consists only of coverage of dental services
3 for a child who would be considered a targeted
4 low-income child if that portion of subpara-
5 graph (C) of section 2110(b)(1) relating to cov-
6 erage of the child under a group health plan or
7 under health insurance coverage did not apply,
8 and such child has such coverage that does not
9 include dental services; and”.

10 (B) CONDITIONS DESCRIBED.—Section
11 2105(c) of the Social Security Act (42 U.S.C.
12 1397ee(c)) is amended by adding at the end the
13 following:

14 “(8) CONDITIONS FOR PROVISION OF DENTAL
15 SERVICES ONLY COVERAGE.—For purposes of sub-
16 section (a)(1)(C)(ii), the conditions described in this
17 paragraph are the following:

18 “(A) INCOME ELIGIBILITY.—The State
19 child health plan (whether implemented under
20 title XIX or this XXI)—

21 “(i) has the highest income eligibility
22 standard permitted under this title as of
23 January 1, 2001;

1 “(ii) subject to subparagraph (B),
2 does not limit the acceptance of applica-
3 tions for children; and

4 “(iii) provides benefits to all children
5 in the State who apply for and meet eligi-
6 bility standards.

7 “(B) NO WAITING LIST IMPOSED.—With
8 respect to children whose family income is at or
9 below 200 percent of the poverty line, the State
10 does not impose any numerical limitation, wait-
11 ing list, or similar limitation on the eligibility of
12 such children for child health assistance under
13 such State plan.”.

14 (C) STATE OPTION TO WAIVE WAITING PE-
15 RIOD.—Section 2102(b)(1)(B) of the Social Se-
16 curity Act (42 U.S.C. 1397bb(b)(1)(B)) is
17 amended—

18 (i) in clause (i), by striking “and” at
19 the end;

20 (ii) in clause (ii), by striking the pe-
21 riod and inserting “; and”; and

22 (iii) by adding at the end the fol-
23 lowing new clause:

24 “(iii) at State option, may not apply
25 a waiting period in the case of child de-

1 scribed in section 2105(a)(1)(C)(ii), if the
2 State satisfies the requirements of section
3 2105(c)(8) and provides such child with
4 child health assistance that consists only of
5 coverage of dental services.”.

6 (2) APPLICATION OF ENHANCED MATCH UNDER
7 MEDICAID.—Section 1905 of the Social Security Act
8 (42 U.S.C. 1396d) is amended—

9 (A) in subsection (b), in the fourth sen-
10 tence, by striking “or subsection (u)(3)” and
11 inserting “(u)(3), or (u)(4)”; and

12 (B) in subsection (u)—

13 (i) by redesignating paragraph (4) as
14 paragraph (5); and

15 (ii) by inserting after paragraph (3)
16 the following new paragraph:

17 “(4) For purposes of subsection (b), the expenditures
18 described in this paragraph are expenditures for dental
19 services for children described in section
20 2105(a)(1)(C)(ii), but only in the case of a State that sat-
21 isfies the requirements of section 2105(c)(8).”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) take effect on October 1, 2001 and apply
24 to child health assistance and medical assistance provided
25 on or after that date.

1 **TITLE II—IMPROVING DELIVERY**
 2 **OF PEDIATRIC DENTAL SERV-**
 3 **ICES UNDER COMMUNITY**
 4 **HEALTH CENTERS, PUBLIC**
 5 **HEALTH DEPARTMENTS, AND**
 6 **THE INDIAN HEALTH SERV-**
 7 **ICE**

8 **SEC. 201. GRANTS TO IMPROVE THE PROVISION OF DENTAL**
 9 **HEALTH SERVICES THROUGH COMMUNITY**
 10 **HEALTH CENTERS AND PUBLIC HEALTH DE-**
 11 **PARTMENTS.**

12 Part D of title III of the Public Health Service Act
 13 (42 U.S.C. 254b et seq.) is amended by insert before sec-
 14 tion 330, the following:

15 **“SEC. 329. GRANT PROGRAM TO EXPAND THE AVAIL-**
 16 **ABILITY OF SERVICES.**

17 “(a) IN GENERAL.—The Secretary, acting through
 18 the Health Resources and Services Administration, shall
 19 establish a program under which the Secretary may award
 20 grants to eligible entities and eligible individuals to expand
 21 the availability of primary dental care services in dental
 22 health professional shortage areas or medically under-
 23 served areas.

24 “(b) ELIGIBILITY.—

1 “(1) ENTITIES.—To be eligible to receive a
2 grant under this section an entity—

3 “(A) shall be—

4 “(i) a health center receiving funds
5 under section 330 or designated as a Fed-
6 erally qualified health center;

7 “(ii) a county or local public health
8 department, if located in a federally-des-
9 ignated dental health professional shortage
10 area;

11 “(iii) an Indian tribe or tribal organi-
12 zation (as defined in section 4 of the In-
13 dian Self-Determination and Education
14 Assistance Act (25 U.S.C. 450b)); or

15 “(iv) a dental education program ac-
16 credited by the Commission on Dental Ac-
17 creditation; and

18 “(B) shall prepare and submit to the Sec-
19 retary an application at such time, in such
20 manner, and containing such information as the
21 Secretary may require.

22 “(2) INDIVIDUALS.—To be eligible to receive a
23 grant under this section an individual shall—

24 “(A) be a dental health professional li-
25 censed or certified in accordance with the laws

1 of State in which such individual provides den-
2 tal services;

3 “(B) prepare and submit to the Secretary
4 an application at such time, in such manner,
5 and containing such information as the Sec-
6 retary may require; and

7 “(C) provide assurances that—

8 “(i) the individual will practice in a
9 federally-designated dental health profes-
10 sional shortage area; and

11 “(ii) not less than 33 percent of the
12 patients of such individual are—

13 “(I) receiving assistance under a
14 State plan under title XIX of the So-
15 cial Security Act (42 U.S.C. 1396 et
16 seq.);

17 “(II) receiving assistance under a
18 State plan under title XXI of the So-
19 cial Security Act (42 U.S.C. 1397aa
20 et seq.); or

21 “(III) uninsured.

22 “(c) USE OF FUNDS.—

23 “(1) ENTITIES.—An entity shall use amounts
24 received under a grant under this section to provide
25 for the increased availability of primary dental serv-

1 ices in the areas described in subsection (a). Such
2 amounts may be used to supplement the salaries of-
3 ferred for individuals accepting employment as den-
4 tists in such areas.

5 “(2) INDIVIDUALS.—A grant to an individual
6 under subsection (a) shall be in the form of a
7 \$1,000 bonus payment for each month in which such
8 individual is in compliance with the eligibility re-
9 quirements of subsection (b)(2)(C).

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 amounts appropriated under section 330 for health
13 centers, there is authorized to be appropriated
14 \$40,000,000 for each of fiscal years 2002 through
15 2006 to hire and retain dental health care providers
16 under this section.

17 “(2) USE OF FUNDS.—Of the amount appro-
18 priated for a fiscal year under paragraph (1), the
19 Secretary shall use—

20 “(A) not less than 75 percent of such
21 amount to make grants to eligible entities; and

22 “(B) not more than 25 percent of such
23 amount to make grants to eligible individuals.”.

1 **SEC. 202. DENTAL OFFICER MULTIYEAR RETENTION BONUS**
2 **FOR THE INDIAN HEALTH SERVICE.**

3 (a) **TERMS AND DEFINITIONS.**—In this section:

4 (1) **CREDITABLE SERVICE.**—The term “cred-
5 itable service” includes all periods that a dental offi-
6 cer spent in graduate dental educational (GDE)
7 training programs while not on active duty in the In-
8 dian Health Service and all periods of active duty in
9 the Indian Health Service as a dental officer.

10 (2) **DENTAL OFFICER.**—The term “dental offi-
11 cer” means an officer of the Indian Health Service
12 designated as a dental officer.

13 (3) **DIRECTOR.**—The term “Director” means
14 the Director of the Indian Health Service.

15 (4) **RESIDENCY.**—The term “residency” means
16 a graduate dental educational (GDE) training pro-
17 gram of at least 12 months leading to a specialty,
18 including general practice residency (GPR) or an ad-
19 vanced education general dentistry (AEGD).

20 (5) **SPECIALTY.**—The term “specialty” means a
21 dental specialty for which there is an Indian Health
22 Service specialty code number.

23 (b) **REQUIREMENTS FOR BONUS.**—

24 (1) **IN GENERAL.**—An eligible dental officer of
25 the Indian Health Service who executes a written
26 agreement to remain on active duty for 2, 3, or 4

1 years after the completion of any other active duty
2 service commitment to the Indian Health Service
3 may, upon acceptance of the written agreement by
4 the Director, be authorized to receive a dental officer
5 multiyear retention bonus under this section. The
6 Director may, based on requirements of the Indian
7 Health Service, decline to offer such a retention
8 bonus to any specialty that is otherwise eligible, or
9 to restrict the length of such a retention bonus con-
10 tract for a specialty to less than 4 years.

11 (2) LIMITATIONS.—Each annual dental officer
12 multiyear retention bonus authorized under this sec-
13 tion shall not exceed the following:

14 (A) \$14,000 for a 4-year written agree-
15 ment.

16 (B) \$8,000 for a 3-year written agreement.

17 (C) \$4,000 for a 2-year written agreement.

18 (c) ELIGIBILITY.—

19 (1) IN GENERAL.—In order to be eligible to re-
20 ceive a dental officer multiyear retention bonus
21 under this section, a dental officer shall—

22 (A) be at or below such grade as the Di-
23 rector shall determine;

24 (B) have completed any active duty service
25 commitment of the Indian Health Service in-

1 curred for dental education and training or
2 have 8 years of creditable service;

3 (C) have completed initial residency train-
4 ing, or be scheduled to complete initial resi-
5 dency training before September 30 of the fiscal
6 year in which the officer enters into a dental of-
7 ficer multiyear retention bonus written service
8 agreement under this section; and

9 (D) have a dental specialty in pediatric
10 dentistry or oral and maxillofacial surgery.

11 (2) EXTENSION TO OTHER OFFICERS.—The Di-
12 rector may extend the retention bonus to dental offi-
13 cers other than officers with a dental specialty in pe-
14 diatric dentistry, as well as to other dental hygien-
15 ists with a minimum of a baccalaureate degree,
16 based on demonstrated need.

17 (d) TERMINATION OF ENTITLEMENT TO SPECIAL
18 PAY.—The Director may terminate, with cause, at any
19 time a dental officer's multiyear retention bonus contract
20 under this section. If such a contract is terminated, the
21 unserved portion of the retention bonus contract shall be
22 recouped on a pro rata basis. The Director shall establish
23 regulations that specify the conditions and procedures
24 under which termination may take place. The regulations
25 and conditions for termination shall be included in the

1 written service contract for a dental officer multiyear re-
2 tention bonus under this section.

3 (e) REFUNDS.—

4 (1) IN GENERAL.—Prorated refunds shall be re-
5 quired for sums paid under a retention bonus con-
6 tract under this section if a dental officer who has
7 received the retention bonus fails to complete the
8 total period of service specified in the contract, as
9 conditions and circumstances warrant.

10 (2) DEBT TO UNITED STATES.—An obligation
11 to reimburse the United States imposed under para-
12 graph (1) is a debt owed to the United States.

13 (3) NO DISCHARGE IN BANKRUPTCY.—Notwith-
14 standing any other provision of law, a discharge in
15 bankruptcy under title 11, United States Code, that
16 is entered less than 5 years after the termination of
17 a retention bonus contract under this section does
18 not discharge the dental officer who signed such a
19 contract from a debt arising under the contract or
20 under paragraph (1).

1 **SEC. 203. STREAMLINE PROCESS FOR DESIGNATING DEN-**
2 **TAL HEALTH PROFESSIONAL SHORTAGE**
3 **AREAS.**

4 Section 332(a) of the Public Health Service Act (42
5 U.S.C. 254e(a)) is amended by adding at the end the fol-
6 lowing:

7 “(4) In designating health professional shortage
8 areas under this section, the Secretary may designate cer-
9 tain areas as dental health professional shortage areas if
10 the Secretary determines that such areas have a severe
11 shortage of dental health professionals. The Secretary
12 shall, in consultation with State and local dental societies
13 and tribal health organizations, streamline the process to
14 develop, publish and periodically update criteria to be used
15 in designating dental health professional shortage areas.”.

16 **SEC. 204. DEMONSTRATION PROJECTS TO INCREASE AC-**
17 **CESS TO PEDIATRIC DENTAL SERVICES IN**
18 **UNDERSERVED AREAS.**

19 (a) **AUTHORITY TO CONDUCT PROJECTS.**—The Sec-
20 retary of Health and Human Services, through the Admin-
21 istrator of the Health Resources and Services Administra-
22 tion and the Director of the Indian Health Service, shall
23 establish demonstration projects that are designed to in-
24 crease access to dental services for children in underserved
25 areas, as determined by the Secretary.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated such sums as may be nec-
3 essary to carry out this section.

4 **TITLE III—IMPROVING ORAL**
5 **HEALTH PROMOTION AND**
6 **DISEASE PREVENTION PRO-**
7 **GRAMS**

8 **SEC. 301. ORAL HEALTH INITIATIVE.**

9 (a) ESTABLISHMENT.—The Secretary of Health and
10 Human Services shall establish an oral health initiative
11 to reduce the profound disparities in oral health by im-
12 proving the health status of vulnerable populations, par-
13 ticularly low-income children, to the level of health status
14 that is enjoyed by the majority of Americans.

15 (b) ACTIVITIES.—The Secretary of Health and
16 Human Services shall, through the oral health initiative—

17 (1) carry out activities to improve intra- and
18 inter-agency collaborations, including activities to
19 identify, engage, and encourage existing Federal and
20 State programs to maximize their potential to ad-
21 dress oral health;

22 (2) carry out activities to encourage public-pri-
23 vate partnerships to engage private sector commu-
24 nities of interest (including health professionals,
25 educators, State policymakers, foundations, business,

1 and the public) in partnerships that promote oral
2 health and dental care; and

3 (3) carry out activities to reduce the disease
4 burden in high risk populations through the applica-
5 tion of best-science in oral health, including pro-
6 grams such as community water fluoridation and
7 dental sealants.

8 (c) COORDINATION.—The Secretary of Health and
9 Human Services shall—

10 (1) through the Administrator of the Centers
11 for Medicare & Medicaid Services (formerly known
12 as the Health Care Financing Administration) es-
13 tablish a Chief Dental Officer for the medicaid and
14 State children’s health insurance programs estab-
15 lished under titles XIX and XXI, respectively, of the
16 Social Security Act (42 U.S.C. 1396 et seq. 1397aa
17 et seq.); and

18 (2) carry out this section in collaboration with
19 such Administrator and Chief Dental Officer and
20 the Administrator and Chief Dental Officer of the
21 Health Resources and Services Administration.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section,
24 \$25,000,000 for fiscal year 2002, and such sums as may
25 be necessary for each subsequent fiscal year.

1 **SEC. 302. CDC REPORTS.**

2 (a) COLLECTION OF DATA.—The Director of the
3 Centers for Disease Control and Prevention in collabora-
4 tion with other organizations and agencies shall annually
5 collect data describing the dental, craniofacial, and oral
6 health of residents of at least 1 State and 1 Indian tribe
7 from each region of the Department of Health and Human
8 Services.

9 (b) REPORTS.—The Director of the Centers for Dis-
10 ease Control and Prevention shall compile and analyze
11 data collected under subsection (a) and annually prepare
12 and submit to the appropriate committees of Congress a
13 report concerning the oral health of certain States and
14 tribes.

15 **SEC. 303. EARLY CHILDHOOD CARIES.**

16 (a) IN GENERAL.—The Secretary of Health and
17 Human Services, acting through the Director of the Cen-
18 ters for Disease Control and Prevention, shall—

19 (1) expand existing surveillance activities to in-
20 clude the identification of children at high risk of
21 early childhood caries;

22 (2) assist State, local, and tribal health agen-
23 cies and departments in collecting, analyzing and
24 disseminating data on early childhood caries; and

1 (3) provide for the development of public health
2 nursing programs and public health education pro-
3 grams on early childhood caries prevention.

4 (b) APPROPRIATENESS OF ACTIVITIES.—The Sec-
5 retary of Health and Human Services shall carry out pro-
6 grams and activities under subsection (a) in a culturally
7 appropriate manner with respect to populations at risk of
8 early childhood caries.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section,
11 such sums as may be necessary for each fiscal year.

12 **SEC. 304. SCHOOL-BASED DENTAL SEALANT PROGRAM.**

13 Section 317M(c) of the Public Health Service Act (as
14 added by section 1602 of Public Law 106-310)) is
15 amended—

16 (1) in paragraph (1), by inserting “and school-
17 linked” after “school-based”;

18 (2) in the first sentence of paragraph (2)—

19 (A) by inserting “and school-linked” after
20 “school-based”; and

21 (B) by inserting “or Indian tribe” after
22 “State”; and

23 (3) by striking paragraph (3) and inserting the
24 following:

1 “(3) ELIGIBILITY.—To be eligible to receive
2 funds under paragraph (1), an entity shall—

3 “(A) prepare and submit to the State or
4 Indian tribe an application at such time, in
5 such manner and containing such information
6 as the State or Indian tribe may require; and

7 “(B) be a—

8 “(i) public elementary or secondary
9 school—

10 “(I) that is located in an urban
11 area in which and more than 50 per-
12 cent of the student population is par-
13 ticipating in Federal or State free or
14 reduced meal programs; or

15 “(II) that is located in a rural
16 area and, with respect to the school
17 district in which the school is located,
18 the district involved has a median in-
19 come that is at or below 235 percent
20 of the poverty line, as defined in sec-
21 tion 673(2) of the Community Serv-
22 ices Block Grant Act (42 U.S.C.
23 9902(2)); or

24 “(ii) public or non-profit health orga-
25 nization, including a grantee under section

1 330, that is under contract with an ele-
2 mentary or secondary school described in
3 subparagraph (B) to provide dental serv-
4 ices to school-age children.”.

○