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## FISCAL IMPACT REPORT

SPONSOR Armstrong, G ORIGINAL DATE 02/08/21  
LAST UPDATED 02/28/21 HB 242  
SHORT TITLE Dental Exams for Students SB \_\_\_\_\_  
ANALYST Chilton

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

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Minimal Fiscal impact	NFI	NFI	Minimal Fiscal Impact	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### **SOURCES OF INFORMATION**

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)

Early Childhood Education and Care Department (ECECD)

Public Education Department (PED)

#### No Response Received

Albuquerque Public Schools (APS)

### **SUMMARY**

#### Synopsis of Bill

House Bill 242 would repeal Section 22-1-14 NMSA 1978, which established a requirement that all students enrolling in school after July 1, 2021 be required to provide evidence of having had a dental exam or, alternatively, a parent- or guardian-signed form indicating understanding of the importance of dental care but not wishing to have such an examination.

The requirement came from Section 14 of the 2019 House Bill 308, entitled “Dental Therapists.”

There is no effective date of this bill.

### **FISCAL IMPLICATIONS**

There is no appropriation House Bill 242.

There would be minimal expenses involved in rescinding the attached memo and associated regulations. On the other hand, as pointed out by PED,

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.

A slight short-term decrease in Medicaid expenditures might come from children forgoing dental exams if not required for school, perhaps offset by later increases due to preventive measures for detected problems also forgone.

## **SIGNIFICANT ISSUES**

In commenting on 2019 House Bill 308, DOH stated:

Tooth decay is the most prevalent chronic condition among children in the United States. “More than one-quarter of US preschoolers (28 percent) have experienced visible cavities well before entering school. The consequences of dental disease have taken a toll on children, their families, and communities. This has led policymakers to consider a variety of strategies to address the oral health burden among US children. A policy approach that has received increasing attention in recent years is the development of state laws that require or provide for some form of certification of a dental screening, examination, or assessment for school entry.” The intent is to reduce the number of children entering school with tooth decay. According to the Association of State and Territorial Dental Directors, 10 states have enacted legislation requiring a dental examination. Each of the states have varying requirements and none prohibit a student from entering school. [http://www.aapd.org/assets/1/7/CDHP\\_StateLawsSchoolEntDentalScreening1008.pdf](http://www.aapd.org/assets/1/7/CDHP_StateLawsSchoolEntDentalScreening1008.pdf)

Requiring a dental examination prior to enrolling in school is a challenge due to the travel distance required to access a dental provider for residents of rural and frontier New Mexico, the lack of Medicaid providers, and the lack of pediatric dentists. Also, immigrant populations without residency status, who lack Medicaid or adequate finances, are often unable to afford dental treatment. It is known that parents have trouble taking time off from work to take a child to a dental appointment. The Office of Oral Health has been in contact with Jayanth Kumar DDS, MPH, California Department of Health, and Dental Director regarding the status of California’s dental screening program. Dr. Kumar has reported that they have encountered numerous difficulties with children complying with the law; some of the difficulties encountered are described above.

ECECD notes the commonness of dental caries and their effects on health: “According to the Centers for Disease Control and Prevention (CDC), the most common chronic disease of childhood in the United States is cavities. Untreated cavities cause underlying issues and impact speaking, eating, playing, and learning. The provoked pain causes implications of discomfort which lead children to miss more days of academic learning. The CDC states that 25 percent of low-income children between the ages of five to nineteen have cavities in comparison with 11

percent of children from higher-income households. (<https://www.cdc.gov/oralhealth/basics/childrens-oral-health/index.html>)”

PED has issued guidance regarding the implementation of this requirement (attached) and given its own reasons for its importance:

Children who have poor oral health often [miss more school and receive lower grades than children who don't](#).

- About 1 of 5 (20 percent) children aged 5 to 11 years have at least one untreated decayed tooth.
- 1 of 7 (13 percent) adolescents aged 12 to 19 years have at least one untreated decayed tooth.
- Children aged 5 to 19 years from low-income families are twice as likely (25 percent) to have cavities, compared with children from higher-income households (11 percent).

The good news is that cavities are preventable.

<https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/student-dental-examination-requirements-for-enrollment/>

On the other hand, PED reports, based on experience with the first seven months of the program,

“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.”

## **ADMINISTRATIVE IMPLICATIONS**

ECECD notes that “The removal of the requirement to obtain a dental examination prior to a child’s entry into public school could reduce the administrative burden on school personnel responsible for tracking school entry requirements. HB242, however, could also present an additional, unexpected burden on school health staff, who may need to provide additional support to students and their families to ensure that they have access to adequate dental care.”

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

RLD notes that “The Chair of the Board of Dental Health Care expressed concern that dentistry for kids is important and that it is essential for kids to have a dental exam pre-K. Prevention reduces the need for urgent and emergency dental care and loss of school days as well as overall costs for all involved, including Medicaid programs.”

LAC/al/sb