

AMENDED IN SENATE JANUARY 25, 2012

AMENDED IN SENATE JANUARY 12, 2012

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 694

Introduced by Senator Padilla
(Coauthors: Senators Emmerson and Price)

February 18, 2011

An act to ~~repeal, add, and repeal Article 2 (commencing with Section 104750)~~ of *add Section 104766 to, to add Article 2.5 (commencing with Section 104767)* to Chapter 3 of Part 3 of Division 103 of, *and to repeal Section 104767.1 of*, the Health and Safety Code, relating to dental care.

LEGISLATIVE COUNSEL'S DIGEST

SB 694, as amended, Padilla. Dental care.

Existing law requires the State Department of Public Health to maintain a dental program that includes, but is not limited to, development of comprehensive dental health plans within the framework of a specified state plan.

This bill would ~~repeal~~ *make* these provisions ~~and would provide for inoperative for a specified period of time upon~~ the creation of a Statewide Office of Oral Health within the State Department of Public Health with a licensed dentist who serves as the dental director. This bill would provide that no General Fund moneys shall be used to implement ~~these~~ *the* provisions *creating the office*, but would authorize the state to accept other public and private funds for the purpose of implementing these provisions, and would provide that these provisions become inoperative, as specified, if ~~federal~~ *other public* or private funds

are not deposited with the state in an amount sufficient to fully support the activities of the office. *This bill would authorize the office to conduct a specified study under described circumstances.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Nationally and statewide, tooth decay ranks as the most
4 common chronic disease and unmet health care need of children.

5 (b) Poor dental health can disrupt normal childhood
6 development, seriously damage overall health, and impair a child's
7 ability to learn, concentrate, and perform well in school. In rare
8 cases, untreated tooth decay can lead to death.

9 (c) Unmet dental needs have significant human and financial
10 costs. In 2007, it was estimated that California schools lost nearly
11 thirty million dollars (\$30,000,000) in attendance-based school
12 district funding due to 874,000 missed school days related to dental
13 problems; and California's hospitals experienced over 83,000
14 emergency room visits for preventable dental problems at a cost
15 of fifty-five million dollars (\$55,000,000).

16 (d) With full implementation of the federal Patient Protection
17 and Affordable Care Act (Public Law 111-148), approximately
18 1.2 million additional children in California are expected to gain
19 dental coverage.

20 (e) The burden of oral disease can be markedly decreased
21 through early intervention, including education, prevention, and
22 treatment. Effective prevention reduces the need for costly
23 treatment of advanced dental disease.

24 (f) To address this unmet need, a comprehensive coordinated
25 strategy is necessary, at the foundation of which is a strong state
26 oral health infrastructure to coordinate essential public dental health
27 functions, including assessing need and capacity to address that
28 need.

29 ~~SEC. 2. Article 2 (commencing with Section 104750) of~~
30 ~~Chapter 3 of Part 3 of Division 103 of the Health and Safety Code~~
31 ~~is repealed.~~

1 SEC. 2. Section 104766 is added to the Health and Safety Code,
2 to read:

3 104766. This article shall become inoperative on the date the
4 Department of Finance memorializes in writing, pursuant to
5 paragraph (2) of subdivision (e) of Section 104767, that sufficient
6 funds have been deposited with the state to establish the Statewide
7 Office of Oral Health, and shall become operative again on the
8 date the Department of Finance memorializes in writing, pursuant
9 to paragraph (2) of subdivision (f) of Section 104767, that the
10 office has not secured sustainable funding sources to maintain the
11 activities of the office, or on January 1, 2016, whichever occurs
12 first.

13 SEC. 3. Article 22.5 (commencing with Section
14 ~~104750~~104767) is added to Chapter 3 of Part 3 of Division 103
15 of the Health and Safety Code, to read:

16
17 Article 22.5. Statewide Office of Oral Health

18
19 ~~104750.~~

20 104767. (a) There shall be a Statewide Office of Oral Health
21 within the State Department of Public Health.

22 (b) Within the office there shall be a licensed dentist who serves
23 as the dental director.

24 (c) The dental director and his or her staff shall have all of, but
25 not be limited to, the following responsibilities:

26 (1) Advancing and protecting the oral health of all Californians.

27 (2) Developing a comprehensive and sustainable state oral health
28 action plan to address the state's unmet oral health needs.

29 (3) Encouraging private and public collaboration to meet the
30 oral health needs of Californians.

31 (4) Securing funds to support infrastructure and statewide and
32 local programs.

33 (5) Promoting evidence-based approaches to increase oral health
34 literacy.

35 (6) Establishing a system for surveillance and oral health
36 reporting.

37 (d) The state may accept public funds and private funds for the
38 purpose of implementing this article.

39 (e) (1) No General Fund moneys shall be used for purposes of
40 this section. Moneys to fund the office shall be secured from other

1 *public or private sources. The Department of Finance shall, on*
 2 *January 1, 2014, and annually thereafter, make a determination*
 3 *regarding the funding status of the office. Moneys needed to*
 4 *sufficiently fund and commence the study pursuant to Section*
 5 *104767.1 shall not be considered for purposes of determining the*
 6 *funding status of the office pursuant to this paragraph.*

7 ~~(e) (1)~~

8 (2) The office shall be established pursuant to this section only
 9 after a determination has been made by the Department of Finance
 10 that ~~federal~~ *public* or private funds in an amount sufficient to fully
 11 support the activities of the office, including staffing the office,
 12 have been deposited with the state. *If the Department of Finance*
 13 *makes a determination that sufficient funding has been secured to*
 14 *establish the office, the Department of Finance shall file a written*
 15 *statement with the Secretary of the Senate, the Chief Clerk of the*
 16 *Assembly, and the Legislative Counsel memorializing that this*
 17 *determination has been made.*

18 ~~(2) No General Fund moneys shall be used to fund this section.~~
 19 ~~Moneys to fund the office shall be secured from other public or~~
 20 ~~private sources. If the Department of Finance makes a~~
 21 ~~determination that the amount of federal or private funds deposited~~
 22 ~~with the state is not sufficient to support the activities of the office,~~
 23 ~~it is the intent of the Legislature that this section become~~
 24 ~~inoperative.~~

25 (f) (1) If the office is established pursuant to this section, the
 26 office shall assume responsibility for identifying and securing
 27 funding sources in order to maintain the functions of the office.

28 (2) ~~If the Department of Finance makes a determination that~~
 29 ~~the office does not secure~~ *has not secured* sustainable funding
 30 sources to maintain the activities of the office pursuant to paragraph
 31 (1), ~~this section shall become inoperative on January 1, 2016~~ *the*
 32 *Department of Finance shall file a written statement with the*
 33 *Secretary of the Senate, the Chief Clerk of the Assembly, and the*
 34 *Legislative Counsel memorializing that this determination has*
 35 *been made.*

36 (g) *This section shall become inoperative on January 1, 2016.*

37 ~~104751.~~

38 *104767.1.* (a) The Legislature finds and declares that, as part
 39 of a comprehensive integrated system of dental care, with the
 40 dentist as the head of that system, additional dental providers who

1 provide basic preventive and restorative oral health care to
2 underserved children, located at or near where children live or go
3 to school, may have the potential to reduce the oral health disease
4 burden in the population most in need.

5 (b) The office may design and implement a scientifically
6 rigorous study to assess the safety, quality, cost-effectiveness, and
7 patient satisfaction of ~~irreversible~~ *expanded* dental procedures
8 ~~performed by traditional and nontraditional providers~~ for the
9 purpose of informing future decisions about ~~scope of practice~~
10 ~~changes in the dental workforce that include irreversible or surgical~~
11 ~~procedures~~ *how to meet the state's unmet oral health need for the*
12 *state's children*. The research parameters of the study shall include
13 public health settings, multiple models of dentist supervision,
14 multiple pathways of education and training, and multiple dental
15 providers, ~~including dentists and nondentists~~. *Procedures*
16 *performed during the study shall be performed only by providers*
17 *within the confines of a university-based study*.

18 (c) The dental director shall convene an advisory group on study
19 design and implementation. *The advisory group shall be comprised*
20 *of representatives of all dental practices, including traditional and*
21 *nontraditional, as well as nondentists*.

22 (d) The dental director shall provide input regarding study design
23 and implementation, receive all study data and reports, and develop
24 a report and recommendations to be submitted to the Legislature
25 based on the study findings. *The dental director shall also consult*
26 *with the Legislative Analyst's Office in designing the study and*
27 *selecting any contractors*.

28 (e) ~~(1)~~ There shall be no General Fund moneys used to
29 implement this section. Moneys to fund the study, including
30 analysis and findings, *and all procedures administered by providers*
31 *during the study*, shall be secured from other public or private
32 sources. *No one provider group or interest group may provide*
33 *more than half the private funding for the study*.

34 ~~(2)~~ ~~All procedures administered by providers during the study~~
35 ~~shall be paid for by private or federal funds. No General Fund~~
36 ~~moneys shall be used to fund procedures performed as part of the~~
37 ~~study.~~

38 (f) ~~In the event that~~ *Notwithstanding subdivision (g), if* the study
39 described in this section is not sufficiently funded and commenced

1 by January 1, 2014, this section shall become inoperative on
2 January 1, 2014.

3 *(g) This section shall remain in effect only until January 1, 2016,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before January 1, 2016, deletes or extends that date.*

6 ~~104752. This article shall become inoperative on January 1,~~
7 ~~2016, and as of that date is repealed, unless a later enacted statute,~~
8 ~~that is enacted before January 1, 2016, deletes or extends that date.~~