

# HOUSE BILL NO. 4445

April 20, 2023, Introduced by Reps. Skaggs, Paiz, Byrnes, Glanville, Haadsma, Hill, DeBoer, Arbit, Hope, Wilson, Stone, Snyder, Conlin, Mentzer, Fitzgerald, Martus, Brenda Carter, Coffia, Brabec, Hoskins, Young, Rheingans, Churches, Morse, Weiss, Liberati, Koleszar, McFall, Brixie, McKinney, Farhat, Morgan, Coleman, Shannon, Andrews, MacDonell, Steckloff, Pohutsky, Miller, Wegela, Breen, Tsernoglou, Price, Grant, Puri and Aiyash and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 9316 (MCL 333.9316), as added by 2020 PA 261.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 9316. (1) By the ~~2021-2022~~**2023-2024** school year, the  
**2** department shall establish and maintain a dental oral assessment  
**3** program to provide dental oral assessments to children residing in  
**4** this state whose parents, guardians, or persons in loco parentis ~~de~~

1 ~~not have dental oral assessments conducted as~~ **have failed to meet**  
 2 **the requirements** described in subsection (5) (a). ~~but otherwise~~  
 3 ~~decide to have dental oral assessments conducted on their children~~  
 4 ~~under this section.~~

5 (2) Subject to subsection (3), the department shall accomplish  
 6 the program by contracting with a government entity or person,  
 7 which may include a grantee health agency described in section  
 8 16625. The following apply to the government entity or person  
 9 selected by the department under this subsection:

10 (a) The government entity or person shall conduct the program  
 11 in each area served by a local health department and shall  
 12 publicize the dental oral assessment service and the time and place  
 13 of the clinics.

14 (b) A dental oral assessment administered under the program  
 15 must include a limited clinical inspection, performed by a dentist  
 16 or a dental hygienist, to identify possible signs of oral or  
 17 systemic disease, malformation, or injury, and the potential need  
 18 for referral for diagnosis and treatment.

19 (3) If a school district has entered into a contract with a  
 20 government entity or person to administer dental oral assessments  
 21 to the school district's students, the school district may continue  
 22 to use the government entity or person to conduct the dental oral  
 23 assessments if the school district ensures that the dental oral  
 24 assessments are conducted by May 31 of each year and the  
 25 requirements of subsections (4) and (7) are met and provides all of  
 26 the following information to the department:

27 (a) The name of the government entity or person that conducts  
 28 the dental oral assessments.

29 (b) Each date the government entity or person is scheduled to

1 provide the dental oral assessments.

2 (c) The total number of dental oral assessments that are  
3 scheduled.

4 (4) When the result of a dental oral assessment indicates that  
5 a child requires follow-up care, the dentist or dental hygienist or  
6 government entity or person conducting the assessment shall present  
7 to the individual bringing the child a written statement clearly  
8 indicating that follow-up treatment is ~~encouraged~~**required** and,  
9 upon request, provide information concerning the availability and  
10 sources of dental treatment required to eliminate or reduce an  
11 identified problem.

12 (5) Beginning in the ~~2021-2022~~**2023-2024** school year, a  
13 parent, guardian, or person in loco parentis applying to have a  
14 child registered for the first time in kindergarten or first grade  
15 in a school in this state ~~may do~~**shall comply with** the following:

16 (a) ~~Have~~**Ensure that** a dentist or dental hygienist ~~conduct~~  
17 **conducts** a dental oral assessment on the child not earlier than 6  
18 months before the date of the child's registration with the school  
19 and obtain from the dentist or dental hygienist a written statement  
20 certifying that the child has received the dental oral assessment  
21 within the time frame required under this subdivision. The written  
22 statement must be on a form prescribed by the department.

23 (b) If the parent, guardian, or person in loco parentis of the  
24 child ~~does not have a dental oral assessment conducted as~~**fails to**  
25 **meet the requirements** described in subdivision (a), ~~have the~~  
26 **parent, guardian, or person in loco parentis of the child shall**  
27 **ensure that the government entity or person selected by the**  
28 **department under subsection (2) conducts** a dental oral assessment  
29 ~~conducted on the child. by the government entity or person selected~~

1 ~~by the department under subsection (2).~~

2 (6) Beginning in the ~~2021-2022-2023-2024~~ school year, a  
3 parent, guardian, or person in loco parentis applying to have a  
4 child registered for the first time in kindergarten or first grade  
5 in a school in this state ~~who chooses to have a dental oral~~  
6 ~~assessment conducted on the child as described in subsection (5)~~  
7 ~~may~~ **shall** present to school officials, at the time of registration  
8 or not later than the first day of school, **a statement of exemption**  
9 **under section 9311**; the statement described in subsection (5); or a  
10 written statement indicating that the parent, guardian, or person  
11 in loco parentis of the child will provide for the child's dental  
12 oral assessment by a government entity or person selected by the  
13 department under subsection (2). A child shall not be excluded from  
14 school attendance if the parent, guardian, or person in loco  
15 parentis of the child ~~does not~~ **fails to** present a statement to  
16 school officials **on or before the first day of school as required**  
17 under this section.

18 (7) Before November 1 of each year, beginning in the 2021-2022  
19 school year, the principal or administrator of each school shall  
20 give the department a summary of ~~any~~ **the** dental reports ~~that it~~  
21 ~~receives~~ at the time of school entry of new kindergarten and first  
22 grade students. The reports must be made on forms provided or  
23 approved by the department.

24 (8) This section does not apply in a fiscal year in which the  
25 legislature does not appropriate money for the program.

26 (9) As used in this section, "program" means the dental oral  
27 assessment program described in subsection (1).

28 ~~(10) This section does not apply beginning January 1, 2024.~~