

Senate Bill No. 68

(By Senators Foster, Stollings, Jenkins, Wells and Beach)

[Introduced January 12, 2011; referred to the Committee on Health and Human Resources; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-41-1, §16-41-2, §16-41-3, §16-41-4, §16-41-5 and §16-41-6, all relating to the creation of the West Virginia Oral Health Improvement Act; requiring an oral health program to be established; requiring a licensed dentist to be the director of the program; setting forth the duties and obligations of the oral health program; establishing a special revenue account; authorizing the director to enter into contracts; and establishing reporting requirements.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-41-1, §16-41-2, §16-41-3, §16-41-4, §16-41-5 and §16-41-6, all to read as follows:

ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.

1 **§16-41-1. Short title.**

2 This article may be cited as the "West Virginia Oral Health
3 Improvement Act".

4 **§16-41-2. Oral health program and director.**

5 (a) The Commissioner of the Bureau for Public Health shall
6 establish an oral health program by July 1, 2011.

7 (b) The Commissioner of the Bureau for Public Health shall
8 appoint a dentist licensed in this state as director of the oral
9 health program who shall administer the program pursuant to the
10 provisions of section three of this article.

11 **§16-41-3. Duties and directives of oral health program.**

12 (a) The director of the oral health program shall implement
13 and maintain the oral health program to include, but not be limited
14 to, the following goals and objectives:

15 (1) The development of comprehensive dental health plans
16 within the framework of the state plan of operation, provided in
17 subsection (f), section six, article one of this chapter, to
18 maximize use of all available resources;

19 (2) Providing the consultation necessary to coordinate
20 federal, state, county and city agency programs concerned with
21 dental health;

22 (3) Encouraging, supporting and augmenting the efforts of
23 local boards of health and boards of education in the
24 implementation of a dental health component in their program plans;

1 (4) Providing consultation and program information to, at a
2 minimum, health professions, health professional educational
3 institutions, school educators, extension specialists and volunteer
4 agencies;

5 (5) Providing programs aimed at preventing and detecting oral
6 cancer in the state, with a primary focus of meeting the needs of
7 high-risk under-served populations, with the intent to reduce oral
8 cancer mortality;

9 (6) Providing programs addressing oral health education and
10 promotion, including:

11 (A) Public health education to promote the prevention of oral
12 disease through self-help methods, including the initiation and
13 expansion of preschool, school age and adult education programs;

14 (B) Organized continuing health education training programs
15 for, at a minimum, health care providers, school educators and
16 extension specialists; and

17 © Preventive health education information for the public;

18 (7) Facilitation of access to oral health services, including:

19 (A) The improvement of the existing oral health services
20 delivery system for the provision of services to all West Virginia
21 residents;

22 (B) Outreach activities to inform the public of the type and
23 availability of oral health services to increase the accessibility
24 of oral health care for all West Virginia residents; and

1 © Assistance and cooperation in promoting better distribution
2 of dentists and other oral health professionals throughout the
3 state;

4 (8) Providing programs specifically targeting prevention of
5 tooth loss and the restoration of existing teeth to the extent that
6 funds are available.

7 (9) Providing oral or dental health services to individuals in
8 need, to the extent funds are available for the services; and

9 (10) Provide evaluation of these programs in terms of
10 preventive services.

11 (b) In consultation with dental care providers, the
12 commissioner shall develop and implement ongoing oral cancer
13 educational programs in the state:

14 (1) To train health care providers to screen and properly
15 refer patients with oral cancers; and

16 (2) To promote the cessation of the use of alcohol and tobacco
17 products with a primary focus of meeting the needs of high-risk
18 under-served populations.

19 © The programs developed and implemented under this section
20 shall address:

21 (1) The risk factors that lead to oral cancer;

22 (2) The signs and symptoms of oral cancer;

23 (3) The high-risk behaviors that may lead to oral cancer; and

24 (4) The accessibility of screening to detect oral cancer.

1 (d) In addition to the duties and responsibilities required
2 under this section, the director of the oral health program shall
3 administer and supervise all dental health programs within the
4 Bureau for Public Health.

5 **§16-41-4. Receipt of funds; special revenue account.**

6 (a) The Secretary of the Department of Health and Human
7 Resources may, in his or her discretion, transfer funds from other
8 programs within his or her control, to the special revenue account
9 created in this section for the purposes established in this
10 article.

11 (b) The director may apply for and receive for the oral health
12 program any financial aid granted by any private, federal, state or
13 local or other grant or source.

14 © There is hereby established in the State Treasury a special
15 revenue account designated the "Oral Health Program Fund". All
16 funds received by the director for the oral health program shall
17 be deposited in the special revenue account.

18 (d) Moneys deposited in this fund shall be used exclusively to
19 provide oral health services to accomplish the purposes of this
20 article. Expenditures of moneys deposited in this fund are to be
21 made in accordance with appropriation by the Legislature and in
22 accordance with article three, chapter twelve of this code and upon
23 fulfillment of the provisions of article two, chapter five-a of
24 this code. The director may disburse funds from the special revenue

1 account as required by this article.

2 **§16-41-5. Contracts.**

3 The director may enter into contracts and agreements necessary
4 to facilitate the efficient and economical provision of oral health
5 services under this article, including contracts for the purchase
6 of services, equipment and supplies from qualified providers, if
7 included in the plan.

8 **§16-41-6. Reporting requirements.**

9 On or before December 1, of each year, the commissioner shall
10 submit a report on the commissioner's findings and recommendations
11 to the Governor and the Joint Committee on Government and Finance
12 on the oral health programs established under this article. The
13 report shall include the identification of existing barriers to
14 proper oral health care in the state and recommendations addressing
15 the removal of the barriers.

NOTE: The purpose of this bill is to create the West Virginia Oral Health Improvement Act. The bill requires an oral health program to be established with a licensed dentist to be it's director. The bill sets forth the duties and obligations of the oral health program and establishes a special revenue account. Also, the bill authorizes the director to enter into contracts and establishes reporting requirements. The bill recodifies an article that was repealed during the 2010 session but does not contain a sunset provision.

This article is new; therefore, strike-throughs and underscoring have been omitted.