

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 863

Short Title: Oral Health Care Access.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Appropriations/Base Budget.

April 4, 2001

A BILL TO BE ENTITLED

AN ACT TO EXPAND ACCESS TO ORAL HEALTH CARE.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Health and Human Services, Division of Medical Assistance, the sum of seven million five hundred thousand dollars (\$7,500,000) for the 2001-2002 fiscal year and the sum of seven million five hundred thousand dollars (\$7,500,000) for the 2002-2003 fiscal year. These funds shall be used to provide enhanced reimbursement to dentists whose practice consists of a significant number of Medicaid-eligible children or Medicaid-eligible elderly or disabled adults, or who provide outreach services to underserved Medicaid-eligible populations as follows:

(1) Dentists who can demonstrate one or more of the following shall be reimbursed at one hundred percent (100%) of the eightieth percentile of charges as determined by the National Dental Advisory Service (NDAS) for Medicaid-covered services:

- a. An increase in Medicaid-covered dental services provided by the dentist to Medicaid-eligible children or Medicaid eligible adults as of fiscal year 2000-2001 as compared to the average of the Medicaid services provided by that dentist during fiscal year 1998-1999 and 1999-2000.
- b. The number of Medicaid-eligible children or Medicaid-eligible adult patients served by the dentist during fiscal year 2000-2001 is at least 20.
- c. Dental services are provided to indigent persons or Medicaid-eligible patients who are residents, inmates, or clients of an adult care home, hospital long-term care unit, a State facility listed in G.S. 122C-181, a State correctional facility, a local health department, a nonprofit community health center, a

1 school-based health center, or an indigent health care clinic,
2 regardless of the number of Medicaid patients served in
3 previous fiscal years.

4 d. The dentist continuously utilizes a system of care coordination
5 for Medicaid-eligible patients. The dentist must demonstrate
6 that the care coordination system is effective in educating and
7 assisting Medicaid-eligible patients to engage in preventive oral
8 health care and to keep dental appointments. The care
9 coordination may be a function of the dentist's internal
10 operations or may be provided through a contract provider.

11 (2) Medicaid-covered services provided by a dentist to Medicaid eligible
12 children or Medicaid-eligible elderly or disabled adults from a mobile
13 dental unit in any of the locations listed in sub-subdivision (1)c. of this
14 section shall be reimbursed at one hundred percent (100%) of the
15 eighty-fifth percentile of charges as determined by the National Dental
16 Advisory Service (NDAS).

17 **SECTION 2.** G.S. 90-233 reads as rewritten:

18 **"§ 90-233. Practice of dental hygiene.**

19 (a) A dental hygienist may practice only under the supervision of one or more
20 licensed dentists. ~~This subsection shall be deemed to be complied with in the case of~~
21 ~~dental hygienists employed by or under contract with a local health department or State~~
22 ~~government dental public health program and especially trained by the Dental Health~~
23 ~~Section of the Department of Health and Human Services as public health hygienists,~~
24 ~~while performing their duties for the persons officially served by the local health~~
25 ~~department or State government program under the direction of a duly licensed dentist~~
26 ~~employed by that program or by the Dental Health Section of the Department of Health~~
27 ~~and Human Services.~~

28 (a1) Subsection (a) of this section shall be deemed to be complied with when a
29 dental hygienist provides dental hygiene services to a person who is Medicaid-eligible
30 or who is indigent, and who is a resident of an adult care home, a patient of a hospital
31 long-term care unit, a patient or resident of a State facility listed in G.S. 122C-181, an
32 inmate of a State correctional facility, a patient or client of a local health department, a
33 patient or client of a nonprofit community health center, a student at a school-based
34 health center, or a patient or client of an indigent health care clinic so long as:

35 (1) The dental hygiene service is performed by a public health dental
36 hygienist who is employed by or under contract with a local health
37 department, the Oral Health Section of the Department of Health and
38 Human Services, a State facility listed in G.S. 122C-181, or a
39 nonprofit community health center; and

40 (2) The dental hygiene service is performed at the direction of a duly
41 licensed dentist employed by or under contract with a local health
42 department, the Oral Health Section of the Department of Health and
43 Human Services, a State facility listed in G.S. 122C-181, or a
44 nonprofit community health center.

1 For the purposes of this subsection, a public health dental hygienist is a licensed
2 dental hygienist who has received training as a public health dental hygienist through
3 training approved by the Oral Health Section of the Department of Health and Human
4 Services. Nothing in this subsection shall be construed to expand the scope of practice
5 of dental hygienists beyond that which is authorized under G.S. 90-221(a), or to alter or
6 affect the supervision requirements as otherwise provided in this Article.

7 (b) A dentist in private practice may not employ more than two dental hygienists
8 at one and the same time who are employed in clinical dental hygiene positions.

9 (c) Dental hygiene may be practiced only by the holder of a license or
10 provisional license currently in effect and duly issued by the Board. The following acts,
11 practices, functions or operations, however, shall not constitute the practice of dental
12 hygiene within the meaning of this Article:

13 (1) The teaching of dental hygiene in a school or college approved by the
14 Board in a board-approved program by an individual licensed as a
15 dental hygienist in any state in the United States.

16 (2) Activity which would otherwise be considered the practice of dental
17 hygiene performed by students enrolled in a school or college
18 approved by the Board in a board-approved dental hygiene program
19 under the direct supervision of a dental hygienist or a dentist duly
20 licensed in North Carolina or qualified for the teaching of dentistry
21 pursuant to the provisions of G.S. 90-29(c)(3), acting as an instructor.

22 (3) Any act or acts performed by an assistant to a dentist licensed to
23 practice in this State when said act or acts are authorized and permitted
24 by and performed in accordance with rules and regulations
25 promulgated by the Board.

26 (4) Dental assisting and related functions as a part of their instructions by
27 students enrolled in a course in dental assisting conducted in this State
28 and approved by the Board, when such functions are performed under
29 the supervision of a dentist acting as a teacher or instructor who is
30 either duly licensed in North Carolina or qualified for the teaching of
31 dentistry pursuant to the provisions of G.S. 90-29(c)(3)."

32 **SECTION 3.** Section 1 of this act becomes effective July 1, 2001. The
33 remainder of this act is effective when it becomes law.