S T A T E O F N E W Y O R K

7582

2009-2010 Regular Sessions

I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. ORTIZ, PEOPLES -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing the children's dental health improvement act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "children's dental health improvement act".

S 2. The education law is amended by adding a new section 902-a to read as follows:

S 902-A. DENTAL HEALTH IMPROVEMENT PROGRAM. 1. DEFINITIONS. A. THE TERM "SHORTAGE AREA" MEANS A FEDERALLY-DESIGNATED DENTAL HEALTH PROFESSIONAL SHORTAGE AREA; OR A SCHOOL DISTRICT IN WHICH AT LEAST TWENTY-FIVE PERCENT OF THE PATIENT POPULATION RECEIVES MEDICAID, FEDERALLY SUBSIDIZED CHILD HEALTH INSURANCE PROGRAM FUNDS, OR IS UNINSURED FOR DENTAL CARE.

B. THE TERM "SCHOOL DISTRICT" SHALL MEAN A COMMON, UNION FREE, CENTRAL, CENTRAL HIGH SCHOOL, OR CITY SCHOOL DISTRICT.

C. THE TERM "BOARD OF EDUCATION" SHALL MEAN THE GOVERNING BOARD OF ANY PUBLIC SCHOOL DISTRICT DEFINED IN PARAGRAPH B OF THIS SUBDIVISION.

D. THE TERM "DENTAL HEALTH PROFESSIONAL" SHALL INCLUDE A DENTIST OR DENTAL HYGIENIST AS PROVIDED IN ARTICLE ONE HUNDRED THIRTY-THREE OF THIS CHAPTER.

E. THE TERM "YEAR OF SERVICE" SHALL MEAN TEN MONTHS OF CONTINUOUS SERVICE AS A DENTAL HEALTH PROFESSIONAL DURING A SCHOOL YEAR, GENERALLY OCCURRING BETWEEN SEPTEMBER FIRST AND JUNE THIRTIETH.

F. THE TERM "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF EDUCATION.

2. APPLICATION AND FUNDING. A. GRANTS SHALL BE MADE TO SCHOOL DISTRICTS FOR RECRUITMENT AND RETENTION ACTIVITIES NECESSARY TO INCREASE THE SUPPLY OF DENTAL HEALTH PROFESSIONALS IN SHORTAGE AREAS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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B. SUCH GRANTS SHALL BE AWARDED TO SCHOOL DISTRICTS, WITHIN THE LIMITS OF FUNDS APPROPRIATED THEREFOR, THROUGH A COMPETITIVE PROCESS THAT TAKES INTO CONSIDERATION THE MAGNITUDE OF ANY SHORTAGE OF DENTAL HEALTH PROFESSIONALS IN THE SCHOOL DISTRICT, THE FISCAL CAPACITY AND POPULATION DENSITY OF THE DISTRICT, AND THE PERCENTAGE OF PATIENT POPULATION RECEIVING MEDICAID, FEDERALLY SUBSIDIZED CHILD HEALTH INSURANCE PROGRAM FUNDS OR NO DENTAL HEALTH COVERAGE. GRANTS PROVIDED PURSUANT TO THIS SECTION SHALL BE USED ONLY FOR THE PURPOSES ENUMERATED IN THIS SECTION.

C. NOT MORE THAN SIXTY PERCENT OF THE FUNDS ALLOCATED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO ANY ONE SCHOOL DISTRICT.

D. IN ALLOCATING GRANTS PURSUANT TO THIS SECTION, THE COMMISSIONER SHALL GIVE PRIORITY TO DISTRICTS THAT ARE LOCATED IN SHORTAGE AREAS.

E. ANY SCHOOL DISTRICT RECEIVING FUNDS UNDER THIS SECTION SHALL MAINTAIN ANY LOCAL EFFORT IN THE CURRENT YEAR EQUIVALENT TO SUCH EFFORT IN THE BASE YEAR FOR ANY LOCAL PROGRAM RELATED TO THE RECRUITMENT OR RETENTION OF DENTAL HEALTH PROFESSIONALS OR ANY PROGRAM THAT HAS PURPOSES THAT ARE SIMILAR TO ANY PURPOSE OF THIS SECTION OR THE DISTRICT SHALL PROVIDE A LOCAL MATCH TO STATE FUNDS RECEIVED PURSUANT TO THIS SECTION. STATE FUNDS PROVIDED PURSUANT TO THIS SECTION SHALL NOT SUPPLANT LOCAL FUNDS FOR ANY PURPOSE SIMILAR TO THE PURPOSES OF THIS SECTION.

F. APPLICATIONS BY A SCHOOL DISTRICT FOR FUNDING PURSUANT TO THIS SECTION SHALL BE FILED WITH THE COMMISSIONER, IN A FORM DETERMINED BY THE COMMISSIONER, BY JUNE FIRST OF THE BASE YEAR AND SCHOOL DISTRICTS SHALL BE NOTIFIED OF THEIR GRANT AWARD BY JUNE THIRTIETH OF THE BASE YEAR, PROVIDED THAT IN ANY YEAR SUCH APPLICATION AND AWARD DATES MAY BE MODIFIED BY THE COMMISSIONER FOR THE REASONABLE ADMINISTRATION OF THE PROGRAM. SUCH APPLICATION SHALL INCLUDE A PLAN BY THE SCHOOL DISTRICT FOR THE EXPENDITURE OF THE FUNDS AND SUCH EXPENDITURES SHALL BE CONSISTENT WITH SUCH PLAN AND THE PROVISIONS OF THIS SECTION.

3. DENTAL HEALTH PROFESSIONAL RECRUITMENT INCENTIVE PROGRAM. DENTAL HEALTH PROFESSIONAL RECRUITMENT INCENTIVE AWARDS MAY BE AVAILABLE TO DENTISTS AND DENTAL HYGIENISTS PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION TO RECRUIT AND RETAIN DENTAL HEALTH PROFESSIONALS TO SHORTAGE AREAS.

A. ELIGIBILITY. (1) TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVISION, A DENTIST APPLICANT SHALL:

(I) HAVE A LIMITED PERMIT OR PROFESSIONAL LICENSE AS PROVIDED IN ARTICLE ONE HUNDRED THIRTY-THREE OF THIS CHAPTER;

(II) AGREE TO A SERVICE OBLIGATION OF AT LEAST ONE YEAR OF SERVICE IN A SHORTAGE AREA AS A CONDITION OF RECEIVING AN AWARD PURSUANT TO THIS SUBDIVISION; AND

(III) BE EMPLOYED FOR THE FIRST TIME AS A DENTIST IN THE PUBLIC SCHOOL OR SCHOOL DISTRICT.

(2) TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVISION A DENTAL HYGIENIST APPLICANT SHALL:

(I) HAVE A LIMITED PERMIT, OR LICENSE AS PROVIDED IN ARTICLE ONE HUNDRED THIRTY-THREE OF THIS CHAPTER;

(II) AGREE TO A SERVICE OBLIGATION OF AT LEAST ONE YEAR OF SERVICE IN A SHORTAGE AREA AS A CONDITION OF RECEIVING AN AWARD PURSUANT TO THIS SUBDIVISION; AND

(III) BE EMPLOYED FOR THE FIRST TIME AS A DENTAL HYGIENIST IN THE PUBLIC SCHOOL OR SCHOOL DISTRICT.

B. APPLICATION AND SELECTION. (1) THE BOARD OF EDUCATION SHALL DETERMINE THE FORM OF THE APPLICATION AND THE APPLICATION PROCESS FOR DENTISTS AND DENTAL HYGIENISTS DEEMED ELIGIBLE FOR THE AWARD, AND SHALL

IN ITS DISCRETION SELECT THE NUMBER OF ELIGIBLE APPLICANTS WHO WILL RECEIVE AN AWARD PURSUANT TO THIS SUBDIVISION.

(2) IF THE NUMBER OF ELIGIBLE APPLICANTS EXCEEDS THE NUMBER OF AWARDS DETERMINED BY THE BOARD PURSUANT TO THIS SUBDIVISION, THE BOARD SHALL USE AN OBJECTIVE COMPETITIVE PROCESS BASED ON EDUCATIONAL QUALIFICATIONS TO DETERMINE WHICH ELIGIBLE APPLICANTS SHALL RECEIVE AWARDS.

C. PAYMENT OF AWARDS. (1) ANNUAL AWARDS FROM STATE AND LOCAL FUNDS PROVIDED FOR THIS PURPOSE SHALL BE PAID BY THE BOARD OF EDUCATION TO THE AWARD RECIPIENT. AWARD RECIPIENTS SHALL BE ENTITLED TO RECEIVE AWARDS PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION AND SUCH AWARDS SHALL BE IN ADDITION TO AND NOT PART OF ANY AWARD RECIPIENT'S BASE SALARY.

(2) THE INITIAL ANNUAL AWARD SHALL BE THE EQUIVALENT OF ONE THOUSAND DOLLARS FOR EACH MONTH OF ELIGIBLE SERVICE PROVIDED IN THE SERVICE YEAR, AND SUCH INITIAL AWARD MAY BE RENEWABLE EACH YEAR, FOR UP TO THREE ADDITIONAL YEARS, PROVIDED THAT THE RECIPIENT AGREES TO ONE YEAR OF SERVICE AS A DENTAL HEALTH PROFESSIONAL IN A SHORTAGE AREA FOR EACH YEAR OF A RENEWED AWARD AND HAS PROVIDED SATISFACTORY SERVICE IN ANY PRIOR YEAR IN WHICH AN INITIAL OR RENEWED AWARD WAS GRANTED TO THE RECIPIENT. NO AWARDS SHALL BE MADE FOR LESS THAN ONE SCHOOL YEAR OF SERVICE AND THE SUM OF ANY INITIAL AND RENEWED AWARD SHALL NOT EXCEED TEN THOUSAND DOLLARS PER AWARD.

(3) THE BOARD OF EDUCATION SHALL DEVELOP AND SECURE FROM THE AWARD RECIPIENT A WRITTEN AGREEMENT OUTLINING THE SERVICE OBLIGATION. SUCH AGREEMENT SHALL INCLUDE PROVISIONS FOR THE RECIPIENT TO REPAY THE AMOUNT OF THE AWARD TO THE SCHOOL DISTRICT IF THE RECIPIENT FAILS TO COMPLETE THEIR SERVICE OBLIGATION IN ANY YEAR WHERE AN INITIAL OR RENEWED AWARD IS GRANTED, AND SUCH REPAID AMOUNTS SHALL BE DEDUCTED FROM ANY GRANT AMOUNTS DUE TO THE DISTRICT FROM THE STATE PURSUANT TO THIS SECTION.

UPON A WRITTEN APPEAL BY AN AWARD RECIPIENT, THE BOARD OF EDUCATION, IN ITS DISCRETION, MAY PROVIDE A WAIVER OF REPAYMENT PROVISIONS FOR AN AWARD RECIPIENT WHO FAILS TO COMPLETE HIS OR HER SERVICE REQUIREMENT FOR DOCUMENTED REASONS OF HEALTH OR OTHER SEVERE HARDSHIP, AS DETERMINED BY THE COMMISSIONER.

D. NOTIFICATION. THE BOARD OF EDUCATION SHALL NOTIFY BOTH SUCCESSFUL AND UNSUCCESSFUL APPLICANTS BY SEPTEMBER FIRST OF ANY SCHOOL YEAR FOR WHICH AN INITIAL OR RENEWED AWARD IS PROVIDED TO ONE OR MORE DENTAL HEALTH PROFESSIONALS PURSUANT TO THIS SUBDIVISION.

4. REPORTING. BY NOVEMBER FIRST FOLLOWING THE COMPLETION OF EACH SCHOOL YEAR, THE COMMISSIONER SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE REGARDING THE DENTAL HEALTH IMPROVEMENT PROGRAM. A COPY OF SUCH REPORT SHALL ALSO BE MADE AVAILABLE TO THE COMMISSIONER OF HEALTH. SUCH REPORT SHALL LIST THE AMOUNT OF EACH SCHOOL DISTRICT'S TOTAL GRANT PURSUANT TO THIS SECTION, THE NUMBER OF AWARDS GRANTED PURSUANT TO THIS SECTION AND, IF APPLICABLE, THE NUMBER OF DENTISTS AND DENTAL HYGIENISTS RECEIVING SUCH AWARDS, AS WELL AS AN ANALYSIS OF THE EFFECTIVENESS OF THE PROGRAM IN RECRUITING DENTAL HEALTH PROFESSIONALS IN THE AREAS OF THE STATE DESIGNATED AS SHORTAGE AREAS.

S 3. Early childhood caries study and report. 1. The commissioner of health shall, within amounts made available therefor, conduct a study that includes the following components: (a) identifies local public health regions and districts containing children at high risk for early childhood caries;

(b) collects, analyzes and disseminates data on early childhood caries to local school districts; and

(c) develops public health education programs to prevent early childhood caries.

2. Such study shall be conducted and completed within eighteen months of the effective date of this act.

3. Within twenty-four months of the effective date of this act, the commissioner of health shall report to the legislature and the governor on the results of the study on early childhood caries, and make recommendations for expansion of the public health education component of the early childhood caries study.

S 4. This act shall take effect immediately.