

107TH CONGRESS  
2D SESSION

# H. R. 5191

To amend titles XIX and XXI of the Social Security Act to provide for expanded dental coverage under Medicaid and State children's health insurance programs and to provide for funding for expanded community oral health services.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2002

Mr. SANDERS (for himself, Ms. LEE, Mr. HINCHEY, Mr. LARSON of Connecticut, and Mr. FRANK) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend titles XIX and XXI of the Social Security Act to provide for expanded dental coverage under Medicaid and State children's health insurance programs and to provide for funding for expanded community oral health services.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Oral Health Promotion  
5       Act of 2002”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) Oral and general health are inseparable,  
2           and good dental care is critical to our overall phys-  
3           ical health and well-being, yet 108 million Americans  
4           have no public or private dental insurance.

5           (2) Although oral health in America has im-  
6           proved dramatically over the last 50 years, dental  
7           caries (cavities) are presently the single most com-  
8           mon chronic childhood disease, five times more likely  
9           than asthma and seven times more common than  
10          hay fever.

11          (3) According to the Surgeon General, low-in-  
12          come, minority children experience significant dis-  
13          parities in oral health status and access to basic  
14          dental care. In a year-long study, the Surgeon Gen-  
15          eral found that fewer than one in five Medicaid-cov-  
16          ered children received a single dental visit during  
17          that period and that 25 percent of poor and minor-  
18          ity children never visit a dentist before entering kin-  
19          dergarten.

20          (4) Poor children are more than twice as likely  
21          than their more affluent peers to have dental caries,  
22          which cause a significant amount of pain to children  
23          and cause difficulty eating, playing and learning, as  
24          well as many missed days of school, and which are  
25          more likely to go untreated. Surveys have shown

1 that children miss nearly 52 million hours of school  
 2 each year because of dental problems.

3 (5) Low-income adults face similar problems  
 4 with pain and limitations on daily activities and are  
 5 more likely than those with higher incomes to lose  
 6 permanent teeth and have untreated dental disease.  
 7 Among adult workers, more than 164 million work  
 8 hours are lost annually because of dental problems.

9 **SEC. 3. REQUIREMENT FOR DENTAL BENEFITS UNDER**  
 10 **SCHIP.**

11 (a) IN GENERAL.—Section 2103(c)(2) of the Social  
 12 Security Act (42 U.S.C. 1397cc(c)(2)) is amended by add-  
 13 ing at the end the following new subparagraph:

14 “(E) Dental services.”.

15 (b) EFFECTIVE DATE.—The amendments made by  
 16 subsection (a) shall take effect on January 1, 2003.

17 **SEC. 4. AUTHORITY TO PROVIDE DENTAL COVERAGE**  
 18 **UNDER SCHIP AS A SUPPLEMENT TO OTHER**  
 19 **HEALTH COVERAGE.**

20 (a) AUTHORITY TO PROVIDE COVERAGE.—

21 (1) SCHIP.—

22 (A) IN GENERAL.—Section 2105(a)(1)(C)  
 23 of the Social Security Act (42 U.S.C.  
 24 1397ee(a)(1)(C)) is amended—

25 (i) by inserting “(i)” after “(C)”; and

1 (ii) by adding at the end the fol-  
2 lowing:

3 “(ii) notwithstanding clause (i), in the case  
4 of a State that satisfies the conditions described  
5 in subsection (c)(8) and at the option of a  
6 State, for child health assistance that consists  
7 only of coverage of dental services for a child  
8 who would be considered a targeted low-income  
9 child if—

10 “(I) that portion of subparagraph (C)  
11 of section 2110(b)(1) relating to coverage  
12 of the child under a group health plan or  
13 under health insurance coverage did not  
14 apply, and such child has such coverage  
15 that does not include coverage of dental  
16 services; or

17 “(II) such child meets the require-  
18 ments (other than income-related require-  
19 ments) to be a targeted low-income child;  
20 and”.

21 (B) CONDITIONS DESCRIBED.—Section  
22 2105(c) of such Act (42 U.S.C. 1397ee(c)) is  
23 amended by adding at the end the following:

24 “(8) CONDITIONS FOR PROVISION OF DENTAL  
25 SERVICES ONLY COVERAGE.—For purposes of sub-

1 section (a)(1)(C)(ii), the conditions described in this  
2 paragraph are the following:

3 “(A) INCOME ELIGIBILITY.—The State  
4 child health plan (whether implemented under  
5 title XIX or this title)—

6 “(i) has the highest income eligibility  
7 standard permitted under this title as of  
8 January 1, 2002;

9 “(ii) subject to subparagraph (B),  
10 does not limit the acceptance of applica-  
11 tions for children; and

12 “(iii) provides benefits to all children  
13 in the State who apply for and meet eligi-  
14 bility standards.

15 “(B) NO WAITING LIST IMPOSED.—With  
16 respect to children whose family income is at or  
17 below 200 percent of the poverty line, the State  
18 does not impose any numerical limitation, wait-  
19 ing list, or similar limitation on the eligibility of  
20 such children for child health assistance under  
21 such State plan.”.

22 (C) AUTHORIZATION OF APPROPRIA-  
23 TIONS.—In addition to any funds otherwise au-  
24 thorized to be appropriated, there are author-  
25 ized to be appropriated such additional funds as

1 may be necessary to carry out the amendments  
2 made by subparagraphs (A) and (B).

3 (D) STATE OPTION TO WAIVE WAITING PE-  
4 RIOD.—Section 2102(b)(1)(B) of such Act (42  
5 U.S.C. 1397bb(b)(1)(B)) is amended—

6 (i) in clause (i), by striking “and” at  
7 the end;

8 (ii) in clause (ii), by striking the pe-  
9 riod and inserting “; and”; and

10 (iii) by adding at the end the fol-  
11 lowing new clause:

12 “(iii) at State option, may choose not  
13 to apply a waiting period in the case of a  
14 child described in section  
15 2105(a)(1)(C)(ii), if the State satisfies the  
16 requirements of section 2105(c)(8) and  
17 provides such child with child health assist-  
18 ance that consists only of coverage of den-  
19 tal services.”.

20 (E) OPTIONAL APPLICATION TO ADULTS  
21 COVERED UNDER WAIVERS.—The amendments  
22 made by this paragraph shall also apply under  
23 title XXI of the Social Security Act at a State’s  
24 option to adults receiving assistance under such  
25 title in a manner comparable to the manner in

1           which such amendments apply to child health  
2           assistance furnished to a child covered under  
3           such title.

4           (2) APPLICATION OF ENHANCED MATCH UNDER  
5       MEDICAID.—Section 1905 of the Social Security Act  
6       (42 U.S.C. 1396d) is amended—

7           (A) in subsection (b), in the fourth sen-  
8           tence, by striking “or subsection (u)(3)” and  
9           inserting “(u)(3), or (u)(4)”; and

10          (B) in subsection (u)—

11               (i) by redesignating paragraph (4) as  
12               paragraph (5); and

13               (ii) by inserting after paragraph (3)  
14               the following new paragraph:

15       “(4) For purposes of subsection (b), the expenditures  
16       described in this paragraph are expenditures for dental  
17       services for children described in section  
18       2105(a)(1)(C)(ii), but only in the case of a State that sat-  
19       isfies the requirements of section 2105(c)(8).”.

20       (b) EFFECTIVE DATE.—The amendments made by  
21       subsection (a) take effect on the date of the enactment  
22       of this Act, and apply to child health assistance and med-  
23       ical assistance provided on or after that date.

1 **SEC. 5. ENHANCED MATCHING RATE UNDER MEDICAID**  
2 **FOR COVERAGE OF FULL ADULT DENTAL**  
3 **BENEFITS.**

4 (a) IN GENERAL.—Section 1905(a)(4) of the Social  
5 Security Act (42 U.S.C. 1396d(a)(4)) is amended—

6 (1) by inserting “(A)” after “with respect to”;

7 and

8 (2) by inserting before the period at the end the  
9 following: “and (B) with respect to medical assist-  
10 ance provided for dental benefits for adults but only  
11 if such benefits cover the full range of dental bene-  
12 fits (including orthodontia and dentures)”.

13 (b) EFFECTIVE DATE.—The amendments made by  
14 subsection (a) shall apply to medical assistance for items  
15 and services furnished on or after the date of the enact-  
16 ment of this Act, regardless of whether the State medicaid  
17 plan provided for full adult dental benefits before such  
18 date.

19 **SEC. 6. ESTABLISHMENT OF FUND FOR ORAL HEALTH**  
20 **SERVICES THROUGH COMMUNITY-BASED**  
21 **HEALTH CENTERS.**

22 (a) IN GENERAL.—There is established in the Treas-  
23 ury of the United States a fund to be known as Commu-  
24 nity Oral Health Expansion Fund (referred to in this sec-  
25 tion as the “Fund”). The Fund shall consist of such  
26 amounts as may be appropriated under subsection (b) to



1 the Fund. Amounts appropriated for the Fund shall re-  
2 main available until expended.

3 (b) AUTHORIZATION OF APPROPRIATIONS TO  
4 FUND.—For each fiscal year beginning with fiscal year  
5 2003, there is authorized to be appropriated to the Fund  
6 \$140,000,000.

7 (c) USE OF FUND.—

8 (1) IN GENERAL.—Amounts in the Fund and  
9 available pursuant to appropriations Act shall be  
10 used by the Secretary of Health and Human Serv-  
11 ices to make grants to the States for the purpose of  
12 establishing or expanding the availability of oral  
13 health services through Federally-qualified health  
14 centers (as defined in section 1905(l)(2)(B) of the  
15 Social Security Act) or through other nonprofit pri-  
16 vate or public community-based providers of health  
17 services.

18 (2) CERTAIN USES.—The purposes for which a  
19 grant under paragraph (1) may be expended include,  
20 with respect to oral health services—

21 (A) recruiting and compensating staff;

22 (B) purchasing equipment; and

23 (C) constructing, modernizing, or ren-  
24 ovating facilities.

1           (3) USE FOR DEMONSTRATION PROJECTS.—In  
2       conjunction with any of the uses specified under  
3       paragraph (2), grants under paragraph (1) also may  
4       be used by health centers and other community-  
5       based providers described in paragraph (1) for dem-  
6       onstration projects and demonstration partnerships  
7       with Head Start programs for identifying children at  
8       risk of dental disease and providing early interven-  
9       tion and prevention of such disease.

10       (d) REQUIREMENT OF MATCHING FUNDS.—

11           (1) IN GENERAL.—With respect to the costs of  
12       the program to be carried out under subsection (c)  
13       by a State, a grant under such subsection may be  
14       made only if the State agrees to make available (di-  
15       rectly or through donations from public or private  
16       entities) non-Federal contributions toward such  
17       costs in an amount that is not less than 10 percent  
18       of such costs (\$1 for each \$9 of Federal funds pro-  
19       vided in the grant).

20           (2) DETERMINATION OF AMOUNT CONTRIB-  
21       UTED.—Non-Federal contributions required in para-  
22       graph (1) may be in cash or in kind, fairly evalu-  
23       ated, including plant, equipment, or services.  
24       Amounts provided by the Federal Government, or  
25       services assisted or subsidized to any significant ex-

1 tent by the Federal Government, may not be in-  
2 cluded in determining the amount of such non-Fed-  
3 eral contributions.

4 (e) PRIORITY FOR STATES COVERING MEDICAID  
5 LEVEL OF DENTAL BENEFITS UNDER SCHIP AND  
6 PREFERENCE FOR STATES WITH MARKET-BASED PAY-  
7 MENT RATES FOR DENTAL SERVICES UNDER MEDICAID  
8 AND SCHIP.—In awarding grants to States under this  
9 section, the Secretary of Health and Human Services  
10 shall—

11 (1) give priority to those States that provide,  
12 under its State child health insurance plan under  
13 title XXI of the Social Security Act, for the coverage  
14 of dental benefits in an amount, duration, and scope  
15 equivalent to that provided under its State medicaid  
16 plan under title XIX of such Act; and

17 (2) give preference to States that provide for  
18 reimbursement under its State medicaid plan and its  
19 State child health insurance plan under titles XIX  
20 and XXI of such Act for dental services at levels  
21 consistent with market-based rates.

22 (f) STATE DEFINED.—For purposes of this section,  
23 the term “State” has the meaning given such term for  
24 purposes of title XIX of the Social Security Act.

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