

108TH CONGRESS
2D SESSION

S. 2740

To improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. DASCHLE (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Dental Health Provider Shortage Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXPANDED DELIVERY OF DENTAL SERVICES

Sec. 101. Expansion of dental services offered in underserved areas.

Sec. 102. Grants for capital expenditures for dental care practices in dental health professional shortage areas.

Sec. 103. Grants for administrative simplification for medicaid providers.

TITLE II—EXPANSION OF DENTAL TRAINING PROGRAMS

Sec. 201. Flexible use of training funds for general and pediatric dentistry.

Sec. 202. Loan repayment for faculty of dental educational programs.

TITLE III—IMPROVING DELIVERY OF DENTAL SERVICES THROUGH THE INDIAN HEALTH SERVICE AND THE NATIONAL HEALTH SERVICE CORPS

Sec. 301. Indian Health Service dental officer multiyear retention bonus.

Sec. 302. Increase in National Health Service Corps dental training positions.

Sec. 303. Availability of scholarship and loan repayment programs for National Health Service Corps dental hygienists.

1 **TITLE I—EXPANDED DELIVERY** 2 **OF DENTAL SERVICES** 3 **SEC. 101. EXPANSION OF DENTAL SERVICES OFFERED IN** 4 **UNDERSERVED AREAS.**

5 Section 330 of the Public Health Service Act (42
6 U.S.C. 254b) is amended by adding at the end the fol-
7 lowing:

8 “(s) HEALTH CENTER DENTAL ACCESS GRANTS.—

9 “(1) GRANT PROGRAM AUTHORIZED.—The Sec-
10 retary, acting through the Administrator of the
11 Health Resources and Services Administration, is
12 authorized to award grants and enter into coopera-
13 tive agreements, for a period not to exceed 3 years,
14 to health centers for the purpose of increasing the
15 number of dental providers associated with the
16 health centers.

1 “(2) AUTHORIZED ACTIVITIES.—A health cen-
 2 ter shall use amounts received under a grant under
 3 this subsection in any fiscal year—

4 “(A) for recruitment or retention efforts
 5 targeting the dental health care staff of a
 6 health center;

7 “(B) to contract for technical assistance
 8 for the purpose of recruiting or retaining dental
 9 health care staff; or

10 “(C) to contract for technical assistance in
 11 preparing contracts with local providers of den-
 12 tal health care to provide dental services for
 13 medically underserved populations.

14 “(3) APPLICATION.—Each health center desir-
 15 ing a grant under this subsection shall submit an
 16 application to the Secretary at such time, in such
 17 manner, and containing such information as the Sec-
 18 retary may reasonably require.

19 “(t) GRANTS FOR DENTAL CARE FACILITY CAPITAL
 20 EXPENDITURES.—

21 “(1) GRANT PROGRAM AUTHORIZED.—The Sec-
 22 retary, acting through the Administrator of the
 23 Health Resources and Services Administration, is
 24 authorized to award 1-year grants to health centers
 25 for the purpose of increasing dental health care ca-

1 pabilities by constructing or renovating building
2 space to provide for dental health care.

3 “(2) AUTHORIZED ACTIVITIES.—A health cen-
4 ter shall use amounts received under a grant under
5 this subsection in any fiscal year for the construc-
6 tion or expansion of dental care facilities, includ-
7 ing—

8 “(A) the costs of acquiring or leasing fa-
9 cilities;

10 “(B) the costs of constructing new facili-
11 ties;

12 “(C) the costs of repairing or modernizing
13 existing facilities; or

14 “(D) the purchase or lease of equipment.

15 “(3) APPLICATION.—Each health center desir-
16 ing a grant under this subsection shall submit an
17 application to the Secretary at such time, in such
18 manner, and containing such information as the Sec-
19 retary may reasonably require.

20 “(u) GRANTS FOR DENTAL RESIDENCY PRO-
21 GRAMS.—

22 “(1) GRANTS AUTHORIZED.—The Secretary is
23 authorized to award grants to health centers for the
24 purpose of establishing, at the health centers, new or
25 alternative-campus accredited dental residency train-

1 ing programs affiliated with accredited dental pro-
2 grams.

3 “(2) AUTHORIZED ACTIVITIES.—A health cen-
4 ter shall use amounts received under a grant under
5 this subsection for the costs of establishing a new or
6 alternative-campus accredited dental residency train-
7 ing program affiliated with an accredited dental pro-
8 gram at the health center, including the costs of cur-
9 riculum development, equipment, and recruitment,
10 training, and retention of residents and faculty for
11 such training program.

12 “(3) PRIORITY.—The Secretary shall give pri-
13 ority in awarding grants under this subsection to
14 health centers in rural areas.

15 “(4) APPLICATION.—Each health center desir-
16 ing a grant under this subsection shall submit an
17 application to the Secretary at such time, in such
18 manner, and containing such information as the Sec-
19 retary may reasonably require.

20 “(5) DEFINITION OF ACCREDITED.—

21 “(A) IN GENERAL.—In this subsection, the
22 term ‘accredited’, when applied to a dental
23 training program or a new or alternative-cam-
24 pus dental residency training program, means a
25 program that is accredited by a recognized body

1 or bodies approved for such purpose by the Sec-
2 retary of Education.

3 “(B) SPECIAL RULE.—A new dental resi-
4 dency training program that, by reason of an
5 insufficient period of operation, is not, at the
6 time of application for a grant under this sub-
7 section, eligible for accreditation by such a rec-
8 ognized body or bodies, shall be deemed accred-
9 ited for purposes of this subsection, if the Sec-
10 retary of Education finds, after consultation
11 with the appropriate accreditation body or bod-
12 ies, that there is reasonable assurance that the
13 new dental residency training program will
14 meet the accreditation standards of such body
15 or bodies prior to the graduation date of the
16 first entering class in such program.

17 “(C) RULE OF CONSTRUCTION.—The spe-
18 cial rule for accreditation described in subpara-
19 graph (B) shall not apply to an alternative-cam-
20 pus dental residency training program.”.

1 **SEC. 102. GRANTS FOR CAPITAL EXPENDITURES FOR DEN-**
 2 **TAL CARE PRACTICES IN DENTAL HEALTH**
 3 **PROFESSIONAL SHORTAGE AREAS.**

4 Subpart V of part D of title III of the Public Health
 5 Service Act (20 U.S.C. 256 et seq.) is amended by adding
 6 at the end the following:

7 **“SEC. 340A. GRANTS FOR CAPITAL EXPENDITURES FOR**
 8 **DENTAL CARE PRACTICES IN DENTAL**
 9 **HEALTH PROFESSIONAL SHORTAGE AREAS.**

10 “(a) GRANT PROGRAM AUTHORIZED.—The Sec-
 11 retary, acting through the Administrator of the Health
 12 Resources and Services Administration, is authorized to
 13 award 1-year grants to eligible individuals for the purpose
 14 of increasing dental health care capabilities in dental
 15 health professional shortage areas by constructing or ren-
 16 ovating building space to provide for dental health care.

17 “(b) AUTHORIZED ACTIVITIES.—An eligible indi-
 18 vidual shall use amounts received under a grant under this
 19 section in any fiscal year for the construction or expansion
 20 of dental care facilities in dental health professional short-
 21 age areas, including—

22 “(1) the costs of acquiring or leasing facilities;

23 “(2) the costs of constructing new facilities;

24 “(3) the costs of repairing or modernizing exist-
 25 ing facilities; or

26 “(4) the purchase or lease of equipment.

1 “(c) APPLICATION.—Each eligible individual desiring
2 a grant under this section shall submit an application to
3 the Secretary at such time, in such manner, and con-
4 taining such information as the Secretary may reasonably
5 require.

6 “(d) ELIGIBLE INDIVIDUAL.—To be eligible to re-
7 ceive a grant under this section, an individual shall be a
8 dental health professional who is licensed or certified in
9 accordance with the laws of the State in which such indi-
10 vidual provides dental services.

11 “(e) ELIGIBLE INDIVIDUAL GRANT AGREEMENT.—
12 Each eligible individual who receives a grant under this
13 section shall enter into an agreement with the Secretary
14 under which the eligible individual agrees—

15 “(1) to practice for 5 years in a dental health
16 professional shortage area, as determined by the
17 Secretary;

18 “(2) that during the period under paragraph
19 (1), not less than 25 percent of the patients of such
20 individual receive assistance—

21 “(A) under a State plan under title XIX of
22 the Social Security Act (42 U.S.C. 1396 et
23 seq.); or

1 “(B) under a State plan under title XXI of
2 the Social Security Act (42 U.S.C. 1397aa et
3 seq.);

4 “(3) to provide services to patients regardless of
5 such patients’ ability to pay;

6 “(4) to use a sliding payment scale for patients
7 who are unable to pay the total cost of services; and

8 “(5) to repay a pro rata portion of the grant
9 funds received if the eligible individual fails to prac-
10 tice in accordance with paragraphs (1) through (4).

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out this section
13 such sums as may be necessary for each of fiscal years
14 2005 through 2009.”.

15 **SEC. 103. GRANTS FOR ADMINISTRATIVE SIMPLIFICATION**
16 **FOR MEDICAID PROVIDERS.**

17 (a) AUTHORITY TO AWARD PROVIDER ADMINISTRA-
18 TIVE SIMPLIFICATION GRANTS.—

19 (1) IN GENERAL.—The Secretary of Health and
20 Human Services shall award grants to State agen-
21 cies responsible for the administration of the State
22 medicaid program under title XIX of the Social Se-
23 curity Act (42 U.S.C. 1396 et seq.) for the purpose
24 of simplifying and automating the procedures appli-
25 cable to providers of medical assistance under the

1 State medicaid program in order to encourage pro-
 2 viders to participate in the dental component of such
 3 program.

4 (2) USE OF FUNDS.—A grant awarded under
 5 this subsection may be used to simplify—

6 (A) provider enrollment contracts and
 7 processes through such means as providing for
 8 online provider enrollment forms;

9 (B) preauthorization procedures;

10 (C) claims remittance and processing; and

11 (D) any other procedures or requirements
 12 that would reduce the time and expenses nec-
 13 essary for providers to participate in the med-
 14 icaid program.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—

16 There is authorized to be appropriated to the Sec-
 17 retary of Health and Human Services to award
 18 grants under this subsection such sums as are nec-
 19 essary for fiscal year 2005.

20 (b) MODEL CONTRACT FOR THE ENROLLMENT OF
 21 DENTISTS AS MEDICAID PARTICIPATING PROVIDERS.—

22 (1) IN GENERAL.—The Secretary of Health and
 23 Human Services shall award grants to eligible enti-
 24 ties to develop, disseminate, and assist with the im-
 25 plementation of a model contract for States to use

1 to enroll dentists as participating providers under
 2 the State medicaid program under title XIX of the
 3 Social Security Act (42 U.S.C. 1396 et seq.).

4 (2) ELIGIBLE ENTITIES DEFINED.—In this sub-
 5 section, the term “eligible entities” means entities
 6 with expertise in the administration of State med-
 7 icaid programs, which may include the National As-
 8 sociation of State Medicaid Directors.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—
 10 There is authorized to be appropriated to the Sec-
 11 retary of Health and Human Services to award
 12 grants under this subsection such sums as are nec-
 13 essary for fiscal year 2005.

14 **TITLE II—EXPANSION OF** 15 **DENTAL TRAINING PROGRAMS**

16 **SEC. 201. FLEXIBLE USE OF TRAINING FUNDS FOR GEN-** 17 **ERAL AND PEDIATRIC DENTISTRY.**

18 Section 747(a)(6) of the Public Health Service Act
 19 (42 U.S.C. 293k(a)(6)) is amended to read as follows:

20 “(6) to plan, develop, or operate a program of
 21 general dentistry or pediatric dentistry, including the
 22 costs of faculty development, curriculum develop-
 23 ment, program administration, financial assistance
 24 to residents in such program, and other functions
 25 critical to building a competent dental workforce.”.

1 **SEC. 202. LOAN REPAYMENT FOR FACULTY OF DENTAL**
2 **EDUCATIONAL PROGRAMS.**

3 Part C of title VII of the Public Health Service Act
4 (42 U.S.C. 293k et seq.) is amended by inserting after
5 section 748 the following:

6 **“SEC. 749. LOAN REPAYMENT FOR FACULTY OF DENTAL**
7 **EDUCATIONAL PROGRAMS.**

8 “(a) ESTABLISHMENT.—The Secretary, acting
9 through the Administrator of the Health Resources and
10 Services Administration, shall carry out a program to
11 repay (by direct payment on behalf of the individual) any
12 outstanding student loan of an individual who is employed
13 as a full-time faculty member of a school of dentistry or
14 an accredited dental education program.

15 “(b) LOAN REPAYMENT.—The payments described in
16 subsection (a) shall be made by the Secretary as follows:

17 “(1) Upon completion by the individual for
18 whom the payments are to be made of the first year
19 of employment described under subsection (a), the
20 Secretary shall pay 25 percent of the principal of,
21 and the interest on, each outstanding student loan.

22 “(2) Upon completion by such individual of the
23 second consecutive year of such employment, the
24 Secretary shall pay an additional 25 percent of the
25 principal of, and the interest on, each such loan.

1 “(3) Upon completion by such individual of the
2 third consecutive year of such employment, the Sec-
3 retary shall pay an additional 35 percent of the prin-
4 cipal of, and the interest on, each such loan.

5 “(c) PRIORITY.—In entering into agreements to
6 repay outstanding student loans under subsection (a), the
7 Secretary shall give priority to qualified applicants—

8 “(1) with the greatest financial need; or

9 “(2) who are full-time faculty for an accredited
10 program of general or pediatric dentistry.

11 “(d) REGULATIONS.—The Secretary shall promul-
12 gate such regulations as may be necessary to carry out
13 the program under this section.

14 “(e) REPORTS.—Not later than 18 months after the
15 date of enactment of this section, and annually thereafter,
16 the Secretary shall prepare and submit to Congress a re-
17 port describing the program carried out under this section,
18 including—

19 “(1) the number and amount of loan repay-
20 ments made;

21 “(2) the number of individuals who receive loan
22 repayment under subsection (a) at each school of
23 dentistry or accredited dental education program
24 that employs individuals who receive such loan re-
25 payment;

1 “(3) the demographics of the individuals par-
 2 ticipating in the loan repayment program; and

3 “(4) an evaluation of the overall costs and bene-
 4 fits of the loan repayment program.

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated to carry out this section
 7 such sums as may be necessary for each of fiscal years
 8 2005 through 2009.”.

9 **TITLE III—IMPROVING DELIV-**
 10 **ERY OF DENTAL SERVICES**
 11 **THROUGH THE INDIAN**
 12 **HEALTH SERVICE AND THE**
 13 **NATIONAL HEALTH SERVICE**
 14 **CORPS**

15 **SEC. 301. INDIAN HEALTH SERVICE DENTAL OFFICER**
 16 **MULTIYEAR RETENTION BONUS.**

17 (a) TERMS AND DEFINITIONS.—In this section:

18 (1) CREDITABLE SERVICE.—The term “cred-
 19 itable service” includes all periods that a dental offi-
 20 cer spent in graduate dental educational training
 21 programs while not on active duty in the Indian
 22 Health Service and all periods of active duty in the
 23 Indian Health Service as a dental officer.

1 (2) DENTAL OFFICER.—The term “dental offi-
2 cer” means an individual in the dental health profes-
3 sion who is an officer of the Indian Health Service.

4 (3) DIRECTOR.—The term “Director” means
5 the Director of the Indian Health Service.

6 (4) RESIDENCY.—The term “residency” means
7 a graduate dental educational training program of at
8 least 12 months leading to a specialty, including
9 general practice residency or an advanced education
10 general dentistry.

11 (5) SPECIALTY.—The term “specialty” means a
12 dental specialty for which there is an Indian Health
13 Service specialty code number.

14 (b) GENERAL AUTHORITY.—The Director may au-
15 thorize a multiyear retention bonus under this section for
16 a dental officer of the Indian Health Service who meets
17 the eligibility requirements of subsection (c) and who exe-
18 cutes a written agreement to remain on active duty for
19 2, 3, or 4 years after the completion of any other active
20 duty service commitment to the Indian Health Service.

21 (c) ELIGIBILITY REQUIREMENTS.—In addition to the
22 requirements described under subsection (b), an eligible
23 dental officer shall—

24 (1) if trained as a dentist—

1 (A) be at or below such grade as the Di-
2 rector shall determine;

3 (B) hold the degree of doctor of dentistry
4 or an equivalent degree;

5 (C) have completed any active duty service
6 commitment of the Indian Health Service in-
7 curred for dental education and training or
8 have 8 years of creditable service; and

9 (D) have completed initial residency train-
10 ing, or be scheduled to complete initial resi-
11 dency training before September 30 of the fiscal
12 year in which the dental officer enters into a
13 multiyear retention bonus service agreement
14 under this section; or

15 (2) if trained as a dental hygienist—

16 (A) have graduated from a dental hygiene
17 educational or training program accredited by
18 the American Dental Association Commission
19 on Dental Accreditation (ADA CDA);

20 (B) hold a certification of successful com-
21 pletion of the National Board Dental Hygiene
22 Examination; and

23 (C) hold an active and current dental hy-
24 giene license.

25 (d) MAXIMUM BONUS AMOUNTS.—

1 (1) MAXIMUM BONUS AMOUNTS FOR DEN-
 2 TISTS.—A multiyear retention bonus authorized for
 3 a dental officer who meets the requirements of sub-
 4 section (c)(1) shall not exceed—

5 (A) \$14,000 for a 4-year written agree-
 6 ment;

7 (B) \$8,000 for a 3-year written agreement;
 8 or

9 (C) \$4,000 for a 2-year written agreement.

10 (2) MAXIMUM BONUS AMOUNTS FOR DENTAL
 11 HYGIENISTS.—A multiyear retention bonus author-
 12 ized for a dental officer who meets the requirements
 13 of subsection (c)(2) shall not exceed—

14 (A) \$4,000 for a 4-year written agreement;

15 (B) \$2,000 for a 3-year written agreement;

16 or

17 (C) \$1,000 for a 2-year written agreement.

18 (e) DISCRETION IN SELECTION PROCESS.—The Di-
 19 rector may, based on the requirements of the Indian
 20 Health Service, decline to offer a multi-year retention
 21 bonus to any specialty that is otherwise eligible, or to re-
 22 strict the length of such a retention bonus contract for
 23 a specialty to less than 4 years.

24 (f) TERMINATION OF ENTITLEMENT TO MULTIYEAR
 25 RETENTION BONUS.—

1 (1) IN GENERAL.—The Director may terminate,
 2 with cause, a dental officer multiyear retention
 3 bonus agreement with a dental officer under this
 4 section at any time.

5 (2) PRO RATA RECOUPMENT.—If a dental offi-
 6 cer multiyear retention bonus agreement is termi-
 7 nated under paragraph (1), the unserved portion of
 8 the retention bonus agreement shall be recouped on
 9 a pro rata basis.

10 (3) REGULATIONS.—The Director shall estab-
 11 lish regulations that—

12 (A) specify the conditions and procedures
 13 under which termination may take place; and

14 (B) shall be included in the dental officer
 15 multiyear retention bonus agreement under sub-
 16 section (b).

17 (g) REFUNDS.—

18 (1) IN GENERAL.—Prorated refunds shall be re-
 19 quired for sums paid under a retention bonus con-
 20 tract under this section if a dental officer who has
 21 received the retention bonus fails to complete the
 22 total period of service specified in the dental officer
 23 multiyear retention bonus agreement, as conditions
 24 and circumstances warrant.

1 (2) DEBT TO UNITED STATES.—An obligation
2 to reimburse the United States imposed under para-
3 graph (1) is a debt owed to the United States.

4 (3) NO DISCHARGE IN BANKRUPTCY.—Notwith-
5 standing any other provision of law, a discharge in
6 bankruptcy under title 11, United States Code, that
7 is entered less than 5 years after the termination of
8 a dental officer multiyear retention bonus agreement
9 under this section does not discharge the dental offi-
10 cer who signed such a contract from a debt arising
11 under the contract or under paragraph (1).

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 such sums as may be necessary for each of fiscal years
15 2005 through 2009.

16 **SEC. 302. INCREASE IN NATIONAL HEALTH SERVICE CORPS**
17 **DENTAL TRAINING POSITIONS.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services (referred to in this section as the “Sec-
20 retary”) shall increase the number of dentists in the Na-
21 tional Health Service Corps (referred to in this section as
22 the “Corps”), as designated in subpart II of part D of
23 title III of the Public Health Service Act (42 U.S.C. 254d
24 et seq.), by not less than 100 in each of fiscal years 2005,
25 2006, and 2007.

1 (b) AVAILABILITY OF LOAN REPAYMENT AND
 2 SCHOLARSHIP PROGRAMS FOR DENTISTS.—The Sec-
 3 retary shall increase the number of Corps dentists selected
 4 for the loan repayment and scholarship programs under
 5 subpart III of part D of title III of the Public Health Serv-
 6 ice Act (42 U.S.C. 254l et seq.) in a sufficient number
 7 to address the demand for such programs by qualified in-
 8 dividuals.

9 (c) REPORT ON CORPS.—The Secretary shall annu-
 10 ally report to Congress concerning how the Corps is meet-
 11 ing the oral health needs in underserved areas, including
 12 rural, frontier, and border areas.

13 **SEC. 303. AVAILABILITY OF SCHOLARSHIP AND LOAN RE-**
 14 **PAYMENT PROGRAMS FOR NATIONAL**
 15 **HEALTH SERVICE CORPS DENTAL HYGIEN-**
 16 **ISTS.**

17 Section 338A of the Public Health Service Act (42
 18 U.S.C. 254l) is amended—

19 (1) by redesignating subsection (h) as sub-
 20 section (i); and

21 (2) by inserting after subsection (g) the fol-
 22 lowing:

23 “(h) Of the total number of contracts under this sec-
 24 tion and section 338B for each school year that are dedi-
 25 cated to dental hygienists, not less than 20 percent of such

- 1 contracts for each such school year shall be entered into
- 2 under this section.”.

