**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO CREATE THE “DENTALLY INDIGENT CHILDREN PREVENTATIVE DENTAL CARE ASSISTANCE ACT” BY ADDING ARTICLE 10 TO CHAPTER 6, TITLE 44 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO CREATE THE SOUTH CAROLINA DENTALLY INDIGENT CHILDREN PREVENTATIVE DENTAL CARE ASSISTANCE PROGRAM ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PAY FOR PREVENTATIVE DENTAL CARE TO DENTALLY INDIGENT CHILDREN FROM DENTISTS WHO DO NOT ACCEPT MEDICAID PATIENTS, AND TO PROVIDE THAT THE AVAILABILITY OF SERVICES UNDER THIS ARTICLE ARE SUBJECT TO THE AVAILABILITY OF FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY.

Whereas, the General Assembly finds that while Medicaid provides free dental care for indigent children, the lack of dentists who accept Medicaid patients limits accessibility to dental care for these children who need proper dental care to reach their potential; and

Whereas, the General Assembly finds that it must seek to make funds available to assure a minimal level of dental care for indigent children; and

Whereas, the General Assembly finds that the best way to accomplish this goal is by creating a program to provide preventative dental care assistance to those children who do not have the means to pay for dental care and who, while qualified for Medicaid, are unable to access this care due to the limited number of dentists who accept Medicaid patients, practicing within a reasonable distance from where the child lives, and by providing incentives for cost containment to providers of preventative dental care to indigent children by implementing a prospective payment system paid from the fund. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Article 10

Dentally Indigent Children Preventative Dental Care Assistance

Section 44‑6‑1210. This article must be known and may be cited as the ‘Dentally Indigent Children Preventative Dental Care Assistance Act’.

Section 44‑6‑1220. For the purposes of this section:

(1) ‘Dentally indigent child’ means a person eighteen years age or less whose gross family income and size falls:

(a) at or below the federal Community Service Administration guidelines and who meet certain qualifying criteria regarding real property allowance, qualifying services, residency requirements, and other sponsorship, and migrant or seasonal farm workers who have no established domicile in any state; and

(b) between one hundred percent and two hundred percent of the Community Service Administration guidelines who meet certain other qualifying criteria regarding real property allowance, qualifying services, residency requirements, and other sponsorship and whose dental bill is sufficiently large in relation to their income and resources to preclude full payment. For the purposes of this definition, the qualifying criteria for real property allowance shall permit ownership of up to fifty acres of farmland upon which the family has resided for at least twenty‑five years.

(2) ‘Preventative dental care’ encompasses work performed by a dentist and dental staff in a dental office to help a patient maintain healthy teeth and gums with the objective of stopping the development of oral disease or to find it at an early stage, particularly periodontal disease, dental decay, and other change in the soft tissue of the mouth that could lead to oral cancer. Preventive care in a dental office includes:

(a) prophylaxis, or the cleaning of the teeth, which removes accumulations of calculus;

(b) examination of the teeth and soft tissue, using visual and tactile exams, radiographic examination, such as x‑rays;

(c) oral cancer screening;

(d) use of fluoride supplements and applications, such as the application of dental sealants to a child’s teeth to form a barrier between tooth crevasses and bacteria to help ward off dental decay;

(e) evaluating for malocclusions; and

(f) educating patients about at‑home care performed by patients that help ward off dental disease including regular and proper brushing techniques, flossing techniques, and the use of mouth rinses and at‑home fluoride applications.

Section 44‑6‑1230. (A)(1) There is created the Dentally Indigent Children Preventative Dental Care Assistance Program administered by the Department of Health and Human Services. The program is authorized to pay for preventative dental care to dentally indigent children from dentists who do not accept Medicaid patients for which a dentist shall receive no reimbursement except for payment from the program. A dental office equipped to provide the necessary treatment shall:

(a) admit a patient sponsored by the program; and

(b) accept the transfer of a patient sponsored by the program from a hospital or dental office that is not equipped to provide the necessary treatment.

(2) In addition to or in lieu of an action taken affecting the license of the dentist responsible for the dental practice, when it is established that an officer, employee, or member of the dental office has violated this section, the Department of Health and Environmental Control shall require the hospital to pay a civil penalty of up to one thousand dollars.

(B) In administering the program, the department shall determine:

(1) a method of administration including the specific procedures and materials to be used statewide in determining eligibility for the program;

(2) the population to be served, including eligibility criteria based on family income and resources. Eligibility is determined on an episodic basis for a given spell of illness. Eligibility criteria must be uniform statewide and may include only those persons who meet the program’s definition of dentally indigent;

(3) the health care services covered;

(4) a process by which an eligibility determination can be contested and appealed; and

(5) the program may not sponsor a patient until all other means of paying for or providing services have been exhausted, except where the patient is a Medicaid recipient but is unable to receive the services of a dentist who accepts Medicaid patients due to geographic proximity or other factors determined by the department through regulation.

Section 44‑6‑1240. Availability of services under this article are subject to the availability of funds appropriated by the General Assembly in the annual General Appropriations Act for this purpose.

Section 44‑6‑1250. The department is authorized to promulgate regulations, pursuant to the Administrative Procedures Act, to administer this article.”

SECTION 2. This act takes effect July 1, 2014.

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