

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4223**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending the heading of part 93 and sections 9307 and 9321 (MCL
333.9307 and 333.9321) and by adding sections 9312 and 9316.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 93
2 HEARING, ~~AND~~ VISION, **AND DENTAL**
3 Sec. 9307. (1) A parent, guardian, or person in loco parentis
4 applying to have a child registered for the first time in a
5 kindergarten or first grade in a school in this state shall present
6 to school officials, at the time of registration or not later than
7 the first day of school, a certificate of hearing and vision
8 testing or screening or statement of exemption under section 9311.

1 (2) Before November 1 of each year, the principal or
2 administrator of each school shall give the state and local health
3 departments a summary of the hearing and vision reports at the time
4 of school entry of new entering kindergarten and first grade
5 students. The reports ~~shall~~**must** be made on forms provided or
6 approved by the department.

7 ~~(3) Records of testing and screening administered and~~
8 ~~conducted shall be made and preserved as provided by the~~
9 ~~department. The records shall be available to health agencies and~~
10 ~~other persons to assist in obtaining proper and necessary health~~
11 ~~and educational care, attention, and treatment as permitted by the~~
12 ~~department. Individual testing and screening records shall be~~
13 ~~confidential as required by section 2637.~~

14 **Sec. 9312. Records of hearing or vision testing and screening**
15 **administered and conducted under this part and of dental oral**
16 **assessments administered and conducted under this part must be made**
17 **and preserved as provided by the department. The records must be**
18 **available to health agencies and other persons to assist in**
19 **obtaining proper and necessary health, dental, and educational**
20 **care, attention, and treatment as permitted by the department.**
21 **Individual records are confidential as required by section 2637.**

22 **Sec. 9316. (1) By the 2021-2022 school year, the department**
23 **shall establish and maintain a dental oral assessment program to**
24 **provide dental oral assessments to children residing in this state**
25 **whose parents, guardians, or persons in loco parentis do not have**
26 **dental oral assessments conducted as described in subsection (5) (a)**
27 **but otherwise decide to have dental oral assessments conducted on**
28 **their children under this section.**

29 (2) Subject to subsection (3), the department shall accomplish

1 the program by contracting with a government entity or person,
2 which may include a grantee health agency described in section
3 16625. The following apply to the government entity or person
4 selected by the department under this subsection:

5 (a) The government entity or person shall conduct the program
6 in each area served by a local health department and shall
7 publicize the dental oral assessment service and the time and place
8 of the clinics.

9 (b) A dental oral assessment administered under the program
10 must include a limited clinical inspection, performed by a dentist
11 or a dental hygienist, to identify possible signs of oral or
12 systemic disease, malformation, or injury, and the potential need
13 for referral for diagnosis and treatment.

14 (3) If a school district has entered into a contract with a
15 government entity or person to administer dental oral assessments
16 to the school district's students, the school district may continue
17 to use the government entity or person to conduct the dental oral
18 assessments if the school district ensures that the dental oral
19 assessments are conducted by May 31 of each year and the
20 requirements of subsections (4) and (7) are met and provides all of
21 the following information to the department:

22 (a) The name of the government entity or person that conducts
23 the dental oral assessments.

24 (b) Each date the government entity or person is scheduled to
25 provide the dental oral assessments.

26 (c) The total number of dental oral assessments that are
27 scheduled.

28 (4) When the result of a dental oral assessment indicates that
29 a child requires follow-up care, the dentist or dental hygienist or

1 government entity or person conducting the assessment shall present
2 to the individual bringing the child a written statement clearly
3 indicating that follow-up treatment is encouraged and, upon
4 request, provide information concerning the availability and
5 sources of dental treatment required to eliminate or reduce an
6 identified problem.

7 (5) Beginning in the 2021-2022 school year, a parent,
8 guardian, or person in loco parentis applying to have a child
9 registered for the first time in kindergarten or first grade in a
10 school in this state may do the following:

11 (a) Have a dentist or dental hygienist conduct a dental oral
12 assessment on the child not earlier than 6 months before the date
13 of the child's registration with the school and obtain from the
14 dentist or dental hygienist a written statement certifying that the
15 child has received the dental oral assessment within the time frame
16 required under this subdivision. The written statement must be on a
17 form prescribed by the department.

18 (b) If the parent, guardian, or person in loco parentis of the
19 child does not have a dental oral assessment conducted as described
20 in subdivision (a), have a dental oral assessment conducted on the
21 child by the government entity or person selected by the department
22 under subsection (2).

23 (6) Beginning in the 2021-2022 school year, a parent,
24 guardian, or person in loco parentis applying to have a child
25 registered for the first time in kindergarten or first grade in a
26 school in this state who chooses to have a dental oral assessment
27 conducted on the child as described in subsection (5) may present
28 to school officials, at the time of registration or not later than
29 the first day of school, the statement described in subsection (5)

1 or a written statement indicating that the parent, guardian, or
2 person in loco parentis of the child will provide for the child's
3 dental oral assessment by a government entity or person selected by
4 the department under subsection (2). A child shall not be excluded
5 from school attendance if the parent, guardian, or person in loco
6 parentis of the child does not present a statement to school
7 officials under this section.

8 (7) Before November 1 of each year, beginning in the 2021-2022
9 school year, the principal or administrator of each school shall
10 give the department a summary of any dental reports that it
11 receives at the time of school entry of new kindergarten and first
12 grade students. The reports must be made on forms provided or
13 approved by the department.

14 (8) This section does not apply in a fiscal year in which the
15 legislature does not appropriate money for the program.

16 (9) As used in this section, "program" means the dental oral
17 assessment program described in subsection (1).

18 (10) This section does not apply beginning January 1, 2024.

19 Sec. 9321. The department may promulgate rules to implement
20 this part, including, **but not limited to**, the age and frequency for
21 **hearing and vision** testing and screening under section 9302 and the
22 maintenance and disclosure of records under section ~~9307~~-**9312**.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.