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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 3017

(By Delegates Fleischauer, Compton, Kominar,
Butcher, Mahan, Hatfield and Beane)



Passed March 9, 2002

In Effect Ninety Days from Passage

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H. B. 3017

(BY DELEGATES FLEISCHAUER, COMPTON, KOMINAR,
BUTCHER, MAHAN, HATFIELD AND BEANE)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article forty, relating to the creation of a state oral health program within the bureau for public health; setting requirements for the director of the program; setting forth the duties and the goals of the program; creating a special revenue account for funds received and requiring legislative appropriation of the moneys in the account; exception to legislative appropriation; authorizing the director to enter into contracts and agreements; and requiring annual reports.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article forty, to read as follows:

ARTICLE 40. ORAL HEALTH IMPROVEMENT ACT.

§16-40-1. Short title.

1 This article may be cited as the “West Virginia Oral Health
2 Improvement Act”.

§16-40-2. Oral health program and director.

1 (a) The commissioner of the bureau for public health shall
2 establish and maintain an oral health program.

3 (b) The commissioner of the bureau for public health shall
4 appoint a dentist licensed in this state as director of the oral
5 health program who shall administer the program pursuant to
6 the provisions of section three of this article.

§16-40-3. Duties and directives of oral health program.

1 (a) The director of the oral health program shall implement
2 and maintain the oral health program to include, but not be
3 limited to, the following goals and objectives:

4 (1) The development of comprehensive dental health plans
5 within the framework of the state plan of operation, provided
6 for in subdivision (f), section six, article one of this chapter, to
7 maximize use of all available resources;

8 (2) Providing the consultation necessary to coordinate
9 federal, state, county and city agency programs concerned with
10 dental health;

11 (3) Encouraging, supporting and augmenting the efforts of
12 local boards of health and boards of education in the implemen-
13 tation of a dental health component in their program plans;

14 (4) Providing consultation and program information to, at
15 a minimum, health professions, health professional educational

16 institutions, school educators, extension specialists and volun-
17 teen agencies;

18 (5) Providing programs aimed at preventing and detecting
19 oral cancer in the state, with a primary focus of meeting the
20 needs of high-risk under-served populations, with the intent to
21 reduce oral cancer mortality;

22 (6) Providing programs addressing oral health education
23 and promotion, including:

24 (A) Public health education to promote the prevention of
25 oral disease through self-help methods, including the initiation
26 and expansion of preschool, school age and adult education
27 programs;

28 (B) Organized continuing health education training pro-
29 grams for, at a minimum, health care providers, school educa-
30 tors and extension specialists; and

31 (C) Preventive health education information for the public;

32 (7) Facilitation of access to oral health services, including:

33 (A) The improvement of the existing oral health services
34 delivery system for the provision of services to all West
35 Virginia residents;

36 (B) Outreach activities to inform the public of the type and
37 availability of oral health services to increase the accessibility
38 of oral health care for all West Virginia residents; and

39 (C) Assistance and cooperation in promoting better
40 distribution of dentists and other oral health professionals
41 throughout the state;

42 (8) Providing programs specifically targeting prevention of
43 tooth loss and the restoration of existing teeth to the extent that
44 funds are available.

45 (9) Providing oral or dental health services to individuals in
46 need, to the extent funds are available for the services; and

47 (10) Provide evaluation of these programs in terms of
48 preventive services.

49 (b) In consultation with dental care providers, the commis-
50 sioner shall develop and implement ongoing oral cancer
51 educational programs in the state:

52 (1) To train health care providers to screen and properly
53 refer patients with oral cancers; and

54 (2) To promote the cessation of the use of alcohol and
55 tobacco products with a primary focus of meeting the needs of
56 high-risk under-served populations.

57 (c) The programs developed and implemented under this
58 section shall address:

59 (1) The risk factors that lead to oral cancer;

60 (2) The signs and symptoms of oral cancer;

61 (3) The high-risk behaviors that may lead to oral cancer;
62 and

63 (4) The accessibility of screening to detect oral cancer.

64 (d) In addition to the duties and responsibilities required
65 under this section, the director of the oral health program shall
66 administer and supervise all dental health programs within the
67 bureau of public health.

§16-40-4. Receipt of funds; special revenue account.

1 (a) The secretary of the department of health and human
2 services may, in his or her discretion, transfer funds from other
3 programs within his or her control, to the special revenue
4 account created in this section for the purposes established in
5 this article.

6 (b) The director may apply for and receive for the oral
7 health program any financial aid granted by any private,
8 federal, state or local or other grant or source.

9 (c) There is hereby established in the state treasury a special
10 revenue account designated the "Oral Health Program Fund."
11 All funds received by the director for the oral health program
12 shall be deposited in the special revenue account.

13 (d) Moneys deposited in this fund shall be used exclusively
14 to provide oral health services to accomplish the purposes of
15 this article. Expenditures of moneys deposited in this fund are
16 to be made in accordance with appropriation by the Legislature
17 and in accordance with article three, chapter twelve of this code
18 and upon fulfillment of the provisions of article two, chapter
19 five-a of this code: *Provided*, That for the fiscal year beginning
20 the first day of July, two thousand two, expenditures are
21 authorized from deposits rather than pursuant to appropriation
22 by the Legislature. The director may disburse funds from the
23 special revenue account as required by this article.

§16-40-5. Contracts.

1 The director may enter into contracts and agreements
2 necessary to facilitate the efficient and economical provision of
3 oral health services under this article, including contracts for
4 the purchase of services, equipment, and supplies from quali-
5 fied providers, if included in the plan.

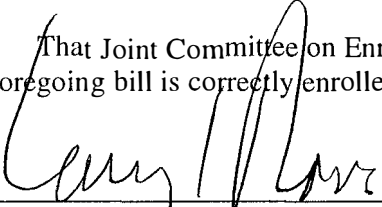
§16-40-6. Reporting requirements.

1 On or before the first day of December of each year, the
2 commissioner shall submit a report on the commissioner's
3 findings and recommendations to the governor and the joint
4 committee on government and finance on the oral health
5 programs established under this article. The report shall include
6 the identification of existing barriers to proper oral health care
7 in the state and recommendations addressing the removal of the
8 barriers.

§16-40-7. Continuation of program.

1 Pursuant to the provisions of article ten, chapter four of this
2 code, the oral health program shall continue until the first day
3 of July, two thousand five, unless sooner terminated, continued
4 or reestablished pursuant to the provisions of that article.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



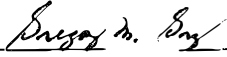
Chairman House Committee

Originating in the House.

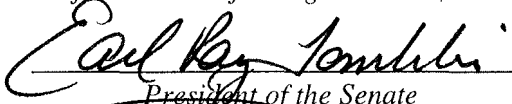
In effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates

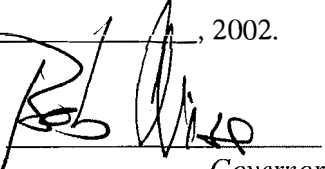


President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of April, 2002.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/02

Time 2:55 pm