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White Coat Notes

News from the Boston-area medical community

Court bows out of dental program for low-income children

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A federal judge in Boston today ended the court's five-year oversight of dental care for thousands of low-income children in Massachusetts after the latest data showed significant improvement in services.

US District Court Justice Rya W. Zobel, who has presided over the issue since health advocates first sued the state in 2000, said in an interview that all sides worked diligently to reach a remarkable outcome.

"In the end, they found a very good solution under very difficult circumstances," Zobel said. "The court monitor was very imaginative and effective and, in the end, I think the Commonwealth, its taxpayers, and its children got a great benefit."

Court records show that since 2004, there has been an increase of about 100,000 children who receive state subsidized dental care in the Medicaid program, known as MassHealth. Despite that gain, the proportion of children who were treated by a dentist also increased substantially. Half of the children in the program saw a dentist in the past year, compared with a third when the case first went to trial.

One major reason low-income children used to have such trouble getting dental care is that dentists were reluctant to treat Medicaid patients because state rules said if a dentist treated one Medicaid patient, he or she needed to accept all who sought services. The rules were also cumbersome, making it hard for dentists to be paid for their services.

Under the court's oversight, state rules were changed, allowing dentists to cap the number of Medicaid patients they accepted. The reimbursement system was also improved so that payments to dentists were more timely.

The court monitor, Dr. Catherine Hayes, a former Tufts University professor and immediate past president of the American Board of Dental Public Health, also spearheaded a change to state law that now allows dental assistants to go into schools to apply fluoride treatments to children.

In 2005, Health Law Advocates and Greater Boston Legal Services won a federal court suit they brought on behalf of Health Care for All, a consumer group, and children enrolled in the state's Medicaid program. They said the dental services for poor children were abysmal.

Zobel ruled that the program was so inadequate it violated federal law and ordered the state to improve services in cooperation with the health advocates, and an appointed court monitor.

"The case is about children getting needed dental services," said Matt Selig, executive director of Health Law Advocates. "But it also shows how legal advocacy can play an important role in increasing access to health services when the system can't fix itself."