

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
10.14.09

BILL 12

LLS NO. 10-0169.01 Brita Darling

INTERIM COMMITTEE BILL

Health Care Task Force

SHORT TITLE: "Medicaid Dental Services Contract Admin"

A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF DENTAL SERVICES PROVIDED**
102 **UNDER MEDICAID.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Health Care Task Force. This bill requires the department of health care policy and financing (department) to enter into a contract with a single entity for the administration of dental services under medicaid (medicaid dental services). Medicaid dental services are primarily provided to children and are distinct from the dental services provided under the children's basic health plan that is currently administered by a single entity.

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

The bill sets forth certain provisions that must be included in the contract and requires the department to monitor the contract for compliance and performance. The contracting entity will be required to provide any data or information necessary for the department to monitor and evaluate the contracting entity's performance.

The department is not required to enter into a contract for the administration of medicaid dental services if no suitable proposals are received by the department or if the department determines that contracting for the administration of medicaid dental services is not cost-effective or efficient for the state or does not result in the improvement of services provided to clients.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 2 of article 4 of title 25.5, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **25.5-4-211. Administration of dental services.** (1) AS USED IN
6 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "DENTAL
7 PROVIDER" MEANS A LICENSED PROFESSIONAL WHO PROVIDES COVERED
8 DENTAL SERVICES PURSUANT TO THIS ARTICLE AND ARTICLES 5 AND 6 OF
9 THIS TITLE.

10 (2)(a) THE STATE DEPARTMENT SHALL CONTRACT WITH A SINGLE,
11 QUALIFIED ENTITY FOR THE ADMINISTRATION OF DENTAL SERVICES
12 PURSUANT TO SECTION 25.5-5-102 (1) (d) AND (1) (g), THAT WILL RESULT
13 IN GREATER EFFICIENCY TO THE STATE AND WILL FACILITATE BETTER
14 ACCESS FOR BOTH CLIENTS AND DENTAL PROVIDERS. THE CONTRACT
15 SHALL BE AWARDED THROUGH A COMPETITIVE BIDDING PROCESS IN
16 ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
17 TITLE 24, C.R.S. THE STATE DEPARTMENT SHALL NEGOTIATE A
18 CONTRACT, AND THAT CONTRACT SHALL INCLUDE, BUT NEED NOT BE
19 LIMITED TO, PROVISIONS CONCERNING THE FOLLOWING:

1 (I) ADMINISTRATION TO STANDARDS OF THE INDUSTRY;
2 (II) COORDINATION WITH OTHER PUBLIC BENEFITS PROGRAMS;
3 (III) ELIGIBILITY VERIFICATION;
4 (IV) STREAMLINED AUTHORIZATION REQUIREMENTS;
5 (V) TIMELY PROCESSING OF CLAIMS AND PROMPT PAYMENT OF
6 DENTAL PROVIDERS;

7 (VI) TIMELY IDENTIFICATION OF BILLING ERRORS AND THE ABILITY
8 OF DENTAL PROVIDERS TO CORRECT ERRORS AND RECEIVE PAYMENT FOR
9 SERVICES;

10 (VII) SIMPLIFIED DENTAL PROVIDER CREDENTIALING PROCESS;

11 (VIII) RECRUITMENT OF DENTAL PROVIDERS;

12 (IX) OUTREACH TO CLIENTS;

13 (X) COMPLIANCE WITH LEGAL REQUIREMENTS;

14 (XI) PERFORMANCE METRICS AND OUTCOMES DERIVED FROM
15 PERFORMANCE OBJECTIVES; AND

16 (XII) DATA EXCHANGE.

17 (b) THE CONTRACT SHALL SPECIFICALLY PROVIDE THAT THE
18 CONTRACTING ENTITY IS PROHIBITED FROM REQUIRING DENTAL PROVIDERS
19 TO PARTICIPATE IN ANY OTHER PUBLIC OR PRIVATE PROGRAM OR TO
20 ACCEPT ANY OTHER INSURANCE PRODUCTS AS A CONDITION OF
21 PARTICIPATING AS A DENTAL PROVIDER.

22 (c) (I) THE STATE DEPARTMENT SHALL RETAIN POLICY-MAKING
23 AUTHORITY, INCLUDING BUT NOT LIMITED TO POLICIES CONCERNING
24 COVERED BENEFITS AND RATE SETTING, AND SHALL MONITOR COMPLIANCE
25 WITH THE CONTRACT AND THE PERFORMANCE OF THE CONTRACTING
26 ENTITY.

27 (II) THE CONTRACTING ENTITY SHALL COMPLY WITH FEDERAL

1 REPORTING REQUIREMENTS AND SHALL PROVIDE THE STATE DEPARTMENT
2 WITH DATA AND INFORMATION NECESSARY FOR THE STATE DEPARTMENT
3 TO MONITOR COMPLIANCE WITH THE CONTRACT AND EVALUATE THE
4 PERFORMANCE OF THE CONTRACTING ENTITY.

5 (3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
6 SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT SHALL NOT BE
7 REQUIRED TO ENTER INTO A CONTRACT WITH AN ENTITY FOR THE
8 ADMINISTRATION OF DENTAL SERVICES PURSUANT TO SECTION 25.5-5-102
9 (1) (d) AND (1) (g), IF THE STATE DEPARTMENT DOES NOT RECEIVE A
10 PROPOSAL MEETING THE STATE DEPARTMENT'S CONTRACTING
11 REQUIREMENTS OR TERMS, OR IF THE STATE DEPARTMENT DETERMINES
12 THAT ENTERING INTO A CONTRACT FOR THESE SERVICES IS NOT
13 COST-EFFECTIVE OR EFFICIENT FOR THE STATE OR DOES NOT IMPROVE THE
14 OVERALL QUALITY OF SERVICES PROVIDED TO CLIENTS.

15 **SECTION 2. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety. <{Does the
18 committee want a safety clause?