A BILL FOR AN ACT

CONCERNING PROVIDING ORAL HEALTH SERVICES TO PREGNANT WOMEN WHO ARE ENROLLED IN MEDICAID, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

The bill includes dental services as a benefit for pregnant women under Colorado's medicaid program. The implementation date is January 1, 2014. The dental services provided to pregnant women will include those relevant dental services provided to children under the early and
periodic screening, diagnosis, and treatment benefit, with the addition of certain supplemental dental services.

The department of health care policy and financing (state department) is required to report to the general assembly concerning the oral health outcomes for pregnant women and their children and the cost-effectiveness of providing the dental benefits to pregnant women, and is authorized to contract for an independent evaluation of the program.

The state department is authorized to seek gifts, grants, and donations to pay for any necessary computer system changes and federal authorization for the dental benefit and services. The provision concerning gifts, grants, and donations repeals after three years.

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

SECTION 1. In Colorado Revised Statutes, 25.5-5-202, add (1)

(r.5) as follows:

25.5-5-202. Basic services for the categorically needy - optional services - repeal. (1) Subject to the provisions of subsection (2) of this section, the following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(r.5) DENTAL SERVICES FOR PREGNANT WOMEN PURSUANT TO SECTION 25.5-5-207.

SECTION 2. In Colorado Revised Statutes, add 25.5-5-207 as follows:

25.5-5-207. Dental services for pregnant women - legislative declaration - report - notice of funding through gifts, grants, and donations - repeal. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES:

(I) COMPREHENSIVE ORAL HEALTH SERVICES ARE NOT CURRENTLY PROVIDED TO PREGNANT AND POSTPARTUM WOMEN UNDER COLORADO'S MEDICAID PROGRAM;
(II) Research has shown that untreated oral health conditions involving bacterial infection and inflammation may result in medical complications that impact a woman’s pregnancy;

(III) Further, the pregnant woman's poor oral health may affect the fetus and may result in pregnancy complications for the fetus, including pre-term delivery and low birth weight;

(IV) Babies born with a low birth weight can have medical problems that last a lifetime, and the cost of providing medical care for these babies under the Medicaid program, including continuing care for a pre-term, low-birth-weight child, is significant;

(V) Additionally, a mother's untreated oral health conditions may potentially impact the developing child's oral health in the early years of his or her life due to the mother exposing the child to mutans streptococci bacteria and lactobacillus bacteria, and a mother's inadequate instruction to his or her child concerning necessary oral hygiene can impact the child's oral health status; and

(VI) Some children whose mothers have poor oral health and inadequate oral hygiene have significant and costly problems relating to the development of teeth and may need extensive, but possibly avoidable, dental restoration procedures related to severe tooth decay.

(b) The general assembly finds that in order to improve the health outcomes of pregnant women and their children and to promote savings in the Medicaid program, the program should
INCLUDE DENTAL SERVICES FOR WOMEN DURING THE PREGNANCY AND POSTPARTUM PERIOD.

(2) (a) On or before January 1, 2014, pregnant women enrolled in Medicaid shall be eligible for dental services specified in this paragraph (a), continuing for sixty days postpartum. Dental services provided to women during the pregnancy and postpartum period shall include:

(I) Oral examination, limited to one comprehensive examination;

(II) prophylaxis;

(III) debridement;

(IV) cariostatic agents, when recommended by the treating dentist;

(V) radiographs, as needed; and

(VI) dental restorations, including amalgam and composite fillings, limited to five restorations.

(b) The state department shall determine the most cost-effective method for providing the dental benefits, including, but not limited to a comparison of a capitated or fee-for-service method of payment and the purchase of dental insurance.

(c) The state department shall seek any federal authorization necessary to provide the dental benefit.

(3) (a) In accordance with the provisions of section 24-1-136 (9), C.R.S., the state department shall report to the joint budget committee of the general assembly, the health and human services committee of the senate, or any successor
COMMITTEE, AND THE HEALTH AND ENVIRONMENT COMMITTEE OF THE
HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE,
CONCERNING THE IMPLEMENTATION OF THE DENTAL BENEFIT AS FOLLOWS:

(I) ON OR BEFORE JANUARY 1, 2015, CONCERNING THE INITIAL
IMPLEMENTATION OF THE DENTAL BENEFIT, INCLUDING, AT A MINIMUM,
THE NUMBER OF PREGNANT WOMEN ELIGIBLE TO RECEIVE THE BENEFIT,
THE NUMBER OF CLIENTS RECEIVING SERVICES UNDER THE BENEFIT,
INCLUDING THE COST OF THOSE SERVICES, AND THE NUMBER OF PRE-TERM,
LOW-BIRTH-WEIGHT BABIES BORN TO WOMEN RECEIVING DENTAL
SERVICES, COMPARED TO PREGNANT WOMEN WHO DID NOT RECEIVE
DENTAL SERVICES; AND

(II) ON OR BEFORE JANUARY 1, 2016, CONCERNING THE
IMPLEMENTATION AND ORAL HEALTH OUTCOMES OF CLIENTS AND THEIR
CHILDREN AND THE COST ASSOCIATED WITH THE DENTAL BENEFIT,
INCLUDING, AT A MINIMUM, THE DATA AND INFORMATION REQUIRED IN
THE REPORT SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND
ANY OTHER DATA AND INFORMATION RELATED TO THE IMPACT OF THE
DENTAL BENEFIT ON THE HEALTH OUTCOMES OF PREGNANT WOMAN
DURING THE PREGNANCY AND POSTPARTUM PERIOD AND THE CHILDREN
BORN TO THOSE WOMEN.

(b) THE STATE DEPARTMENT IS AUTHORIZED TO CONTRACT FOR AN
INDEPENDENT EVALUATION OF THE HEALTH OUTCOMES OF CLIENTS AND
THEIR CHILDREN AND THE COST-EFFECTIVENESS OF PROVIDING DENTAL
BENEFITS TO PREGNANT AND POSTPARTUM WOMEN PURSUANT TO THIS
SECTION. THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT
GIFTS, GRANTS, AND DONATIONS TO COVER THE COST OF THE EVALUATION.

(4) (a) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND
ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF MAKING ANY NECESSARY CHANGES TO THE MEDICAID MANAGEMENT INFORMATION SYSTEM RELATED TO THE DENTAL BENEFIT, SEEKING ANY NECESSARY FEDERAL AUTHORIZATION, AND CONDUCTING AN INDEPENDENT EVALUATION OF THE DENTAL BENEFIT; EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CASH FUND CREATED IN SECTION 25.5-1-109. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION.

(b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE STATE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2012, the sum
of $38,906 or so much thereof as may be necessary, for allocation to professional services contracts for the implementation of this act. Said sum is subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2012, the department of health care policy and financing will receive the sum of $116,719 in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

(2) In addition to any other appropriation, there is hereby appropriated out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2012, the sum of $278,581 or so much thereof as may be necessary, for allocation to medical service premiums for the implementation of this act. Said sum is subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2012, the department of health care policy and financing will receive the sum of $278,581 in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August
8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2012 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.