

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0273.01 Brita Darling x2241

SENATE BILL 12-108

SENATE SPONSORSHIP

Nicholson,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health and Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROVIDING ORAL HEALTH SERVICES TO PREGNANT**
102 **WOMEN WHO ARE ENROLLED IN MEDICAID, AND, IN CONNECTION**
103 **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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 26, 2012

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-202, **add** (1)
3 (r.5) as follows:

4 **25.5-5-202. Basic services for the categorically needy - optional**
5 **services - repeal.** (1) Subject to the provisions of subsection (2) of this
6 section, the following are services for which federal financial
7 participation is available and which Colorado has selected to provide as
8 optional services under the medical assistance program:

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

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

13 **25.5-5-207. Dental services for pregnant women - legislative**
14 **declaration - report - notice of funding through gifts, grants, and**
15 **donations - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS AND
16 DECLARES:

17 (I) COMPREHENSIVE ORAL HEALTH SERVICES ARE NOT CURRENTLY
18 PROVIDED TO PREGNANT AND POSTPARTUM WOMEN UNDER COLORADO'S
19 MEDICAID PROGRAM;

1 (II) RESEARCH HAS SHOWN THAT UNTREATED ORAL HEALTH
2 CONDITIONS INVOLVING BACTERIAL INFECTION AND INFLAMMATION MAY
3 RESULT IN MEDICAL COMPLICATIONS THAT IMPACT A WOMAN'S
4 PREGNANCY;

5 (III) FURTHER, THE PREGNANT WOMAN'S POOR ORAL HEALTH MAY
6 AFFECT THE FETUS AND MAY RESULT IN PREGNANCY COMPLICATIONS FOR
7 THE FETUS, INCLUDING PRE-TERM DELIVERY AND LOW BIRTH WEIGHT;

8 (IV) BABIES BORN WITH A LOW BIRTH WEIGHT CAN HAVE MEDICAL
9 PROBLEMS THAT LAST A LIFETIME, AND THE COST OF PROVIDING MEDICAL
10 CARE FOR THESE BABIES UNDER THE MEDICAID PROGRAM, INCLUDING
11 CONTINUING CARE FOR A PRE-TERM, LOW-BIRTH-WEIGHT CHILD, IS
12 SIGNIFICANT;

13 (V) ADDITIONALLY, A MOTHER'S UNTREATED ORAL HEALTH
14 CONDITIONS MAY POTENTIALLY IMPACT THE DEVELOPING CHILD'S ORAL
15 HEALTH IN THE EARLY YEARS OF HIS OR HER LIFE DUE TO THE MOTHER
16 EXPOSING THE CHILD TO MUTANS STREPTOCOCCI BACTERIA AND
17 LACTOBACILLUS BACTERIA, AND A MOTHER'S INADEQUATE INSTRUCTION
18 TO HIS OR HER CHILD CONCERNING NECESSARY ORAL HYGIENE CAN IMPACT
19 THE CHILD'S ORAL HEALTH STATUS; AND

20 (VI) SOME CHILDREN WHOSE MOTHERS HAVE POOR ORAL HEALTH
21 AND INADEQUATE ORAL HYGIENE HAVE SIGNIFICANT AND COSTLY
22 PROBLEMS RELATING TO THE DEVELOPMENT OF TEETH AND MAY NEED
23 EXTENSIVE, BUT POSSIBLY AVOIDABLE, DENTAL RESTORATION
24 PROCEDURES RELATED TO SEVERE TOOTH DECAY.

25 (b) THE GENERAL ASSEMBLY FINDS THAT IN ORDER TO IMPROVE
26 THE HEALTH OUTCOMES OF PREGNANT WOMEN AND THEIR CHILDREN AND
27 TO PROMOTE SAVINGS IN THE MEDICAID PROGRAM, THE PROGRAM SHOULD

1 INCLUDE DENTAL SERVICES FOR WOMEN DURING THE PREGNANCY AND
2 POSTPARTUM PERIOD.

3 (2) (a) ON OR BEFORE JANUARY 1, 2014, PREGNANT WOMEN
4 ENROLLED IN MEDICAID SHALL BE ELIGIBLE FOR DENTAL SERVICES
5 SPECIFIED IN THIS PARAGRAPH (a), CONTINUING FOR SIXTY DAYS
6 POSTPARTUM. DENTAL SERVICES PROVIDED TO WOMEN DURING THE
7 PREGNANCY AND POSTPARTUM PERIOD SHALL INCLUDE:

8 (I) ORAL EXAMINATION, LIMITED TO ONE COMPREHENSIVE
9 EXAMINATION;

10 (II) PROPHYLAXIS;

11 (III) DEBRIDEMENT;

12 (IV) CARIOSTATIC AGENTS, WHEN RECOMMENDED BY THE
13 TREATING DENTIST;

14 (V) RADIOGRAPHS, AS NEEDED; AND

15 (VI) DENTAL RESTORATIONS, INCLUDING AMALGAM AND
16 COMPOSITE FILLINGS, LIMITED TO FIVE RESTORATIONS.

17 (b) THE STATE DEPARTMENT SHALL DETERMINE THE MOST
18 COST-EFFECTIVE METHOD FOR PROVIDING THE DENTAL BENEFITS,
19 INCLUDING, BUT NOT LIMITED TO A COMPARISON OF A CAPITATED OR
20 FEE-FOR-SERVICE METHOD OF PAYMENT AND THE PURCHASE OF DENTAL
21 INSURANCE.

22 (c) THE STATE DEPARTMENT SHALL SEEK ANY FEDERAL
23 AUTHORIZATION NECESSARY TO PROVIDE THE DENTAL BENEFIT.

24 (3) (a) IN ACCORDANCE WITH THE PROVISIONS OF SECTION
25 24-1-136 (9), C.R.S., THE STATE DEPARTMENT SHALL REPORT TO THE
26 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE HEALTH AND
27 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR

1 COMMITTEE, AND THE HEALTH AND ENVIRONMENT COMMITTEE OF THE
2 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE,
3 CONCERNING THE IMPLEMENTATION OF THE DENTAL BENEFIT AS FOLLOWS:

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

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

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

27 (4) (a) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND

1 ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
2 FOR THE PURPOSES OF MAKING ANY NECESSARY CHANGES TO THE
3 MEDICAID MANAGEMENT INFORMATION SYSTEM RELATED TO THE DENTAL
4 BENEFIT, SEEKING ANY NECESSARY FEDERAL AUTHORIZATION, AND
5 CONDUCTING AN INDEPENDENT EVALUATION OF THE DENTAL BENEFIT;
6 EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT,
7 OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT
8 WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE STATE
9 DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS
10 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
11 TREASURER, WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF
12 HEALTH CARE POLICY AND FINANCING CASH FUND CREATED IN SECTION
13 25.5-1-109. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
14 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT
15 FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING
16 THIS SECTION.

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

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

24 **SECTION 3. Appropriation.** (1) In addition to any other
25 appropriation, there is hereby appropriated out of any moneys in the
26 general fund not otherwise appropriated, to the department of health care
27 policy and financing, for the fiscal year beginning July 1, 2012, the sum

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

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

25 **SECTION 4. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2012 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.