

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0611.01 Brita Darling x2241

SENATE BILL 13-242

SENATE SPONSORSHIP

Nicholson,

HOUSE SPONSORSHIP

Primavera,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING DENTAL SERVICES FOR ADULTS IN THE MEDICAID**
102 **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND**
103 **REDUCING 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 requires the department of health care policy and financing (state department) to design and implement a dental benefit for adults in the medicaid program. The state department shall use a collaborative stakeholder process to consider the components of the

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.*

dental benefit. Additionally, the bill includes certain provisions that must be contained in any contract with an administrative service organization should the state department choose to use an administrative service organization to administer the dental benefit. The bill creates the adult dental fund.

Further, the bill authorizes the treasurer to transfer principal and interest from the unclaimed property trust fund to the adult dental fund for use in implementing the dental benefit.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-202, **amend**
3 (1) (u) (II); and **add** (1) (v) 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 (u) (II) Notwithstanding the provisions of subparagraph (I) of this
10 paragraph (u), services relating to screening, brief intervention, and
11 referral to treatment shall not take effect unless all necessary approvals
12 under federal law and regulation have been obtained to receive federal
13 financial participation for the costs of such services; AND

14 (v) DENTAL SERVICES FOR ADULTS.

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

17 **25.5-5-207. Adult dental benefit - adult dental fund - creation**
18 **- legislative declaration.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS
19 THAT:

20 (I) AS OF 2011, COLORADO WAS ONE OF ONLY TEN STATES THAT
21 DID NOT OFFER BASIC ORAL HEALTH SERVICES TO ADULTS UNDER

1 MEDICAID;

2 (II) RESEARCH HAS SHOWN THAT UNTREATED ORAL HEALTH
3 CONDITIONS NEGATIVELY AFFECT A PERSON'S OVERALL HEALTH AND THAT
4 GUM DISEASE HAS BEEN LINKED TO DIABETES, HEART DISEASE, STROKES,
5 KIDNEY DISEASE, ALZHEIMER'S DISEASE, AND EVEN MENTAL ILLNESS;

6 (III) REGULAR DENTAL CARE AND PREVENTION ARE THE MOST
7 COST-EFFECTIVE METHODS AVAILABLE TO PREVENT MINOR ORAL
8 CONDITIONS FROM DEVELOPING INTO MORE COMPLEX ORAL AND PHYSICAL
9 HEALTH CONDITIONS THAT WOULD EVENTUALLY REQUIRE EMERGENCY
10 AND PALLIATIVE CARE;

11 (IV) FURTHER, ONE IN FOUR ADULTS HAS UNTREATED TOOTH
12 DECAY. EARLY DETECTION AND ACCESS TO PREVENTIVE AND
13 RESTORATIVE TREATMENTS FOR ORAL HEALTH CONDITIONS CAN BE UP TO
14 TEN TIMES LESS EXPENSIVE THAN TREATING THOSE SAME CONDITIONS IN
15 AN EMERGENCY SETTING.

16 (V) RESEARCH HAS ALSO SHOWN THAT GOOD ORAL HEALTH
17 IMPROVES MEDICAID BENEFICIARIES' ABILITY TO OBTAIN AND KEEP
18 EMPLOYMENT. EMPLOYED ADULTS LOSE MORE THAN ONE HUNDRED AND
19 SIXTY-FOUR MILLION HOURS OF WORK EACH YEAR DUE TO DENTAL
20 PROBLEMS.

21 (VI) CHILDREN ARE MORE LIKELY TO RECEIVE REGULAR DENTAL
22 SERVICES IF THEIR PARENTS HAVE ACCESS TO DENTAL SERVICES; AND

23 (VII) PREGNANT WOMEN ARE ONE OF THE MOST VULNERABLE
24 ADULT POPULATIONS THAT ARE WITHOUT ORAL HEALTH BENEFITS UNDER
25 MEDICAID. DURING PREGNANCY, THE PHYSICAL CHANGES A WOMAN'S
26 BODY UNDERGOES CAN NEGATIVELY AFFECT ORAL HEALTH. UNTREATED
27 DECAY AND PERIODONTAL DISEASE ARE ASSOCIATED WITH ADVERSE

1 PREGNANCY OUTCOMES SUCH AS INCREASED RISK FOR PREECLAMPSIA,
2 PRE-TERM LABOR, AND LOW BIRTH WEIGHT BABIES.

3 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IN
4 ORDER TO IMPROVE OVERALL HEALTH, PROMOTE SAVINGS IN MEDICAID
5 PROGRAMS, AND PREVENT FUTURE HEALTH CONDITIONS CAUSED BY ORAL
6 HEALTH PROBLEMS, IT IS IN THE BEST INTEREST OF THE STATE OF
7 COLORADO TO CREATE A LIMITED ORAL HEALTH BENEFIT FOR ADULTS IN
8 THE MEDICAID PROGRAM.

9 (2) (a) PURSUANT TO SECTION 25.5-5-202 (1) (v), BY APRIL 1,
10 2014, THE STATE DEPARTMENT SHALL DESIGN AND IMPLEMENT A LIMITED
11 DENTAL BENEFIT FOR ADULTS USING A COLLABORATIVE STAKEHOLDER
12 PROCESS TO CONSIDER THE COMPONENTS OF THE BENEFIT, INCLUDING BUT
13 NOT LIMITED TO THE COST, BEST PRACTICES, THE EFFECT ON HEALTH
14 OUTCOMES, CLIENT EXPERIENCE, SERVICE DELIVERY MODELS, AND
15 MAXIMUM EFFICIENCIES IN THE ADMINISTRATION OF THE BENEFIT.

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

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

23 (3) IF THE STATE DEPARTMENT CHOOSES TO USE AN
24 ADMINISTRATIVE SERVICE ORGANIZATION TO MANAGE THE ADULT DENTAL
25 BENEFIT:

26 (a) THE CONTRACT WITH THE ADMINISTRATIVE SERVICE
27 ORGANIZATION MUST PROVIDE THAT THE CONTRACTING ENTITY IS

1 PROHIBITED FROM REQUIRING DENTAL PROVIDERS TO PARTICIPATE IN ANY
2 OTHER PUBLIC OR PRIVATE PROGRAM OR TO ACCEPT ANY OTHER
3 INSURANCE PRODUCTS AS A CONDITION OF PARTICIPATING AS A DENTAL
4 PROVIDER; AND

5 (b) THE STATE DEPARTMENT SHALL RETAIN POLICY-MAKING
6 AUTHORITY, INCLUDING BUT NOT LIMITED TO POLICIES CONCERNING
7 COVERED BENEFITS AND RATE SETTING.

8 (4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
9 ADULT DENTAL FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
10 CONSISTING OF MONEYS TRANSFERRED TO THE FUND FROM THE
11 UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 38-13-116.5
12 (2.8), C.R.S., AND ANY MONEYS THAT MAY BE APPROPRIATED TO THE
13 FUND BY THE GENERAL ASSEMBLY. THE MONEYS IN THE FUND ARE
14 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
15 STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED
16 WITH IMPLEMENTING THE ADULT DENTAL BENEFIT PURSUANT TO SECTION
17 25.5-5-202 (1) (v).

18 (b) THE STATE TREASURER MAY INVEST ANY UNEXPENDED
19 MONEYS IN THE FUND AS PROVIDED BY LAW. THE STATE TREASURER SHALL
20 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
21 DEPOSIT OF MONEYS IN THE FUND TO THE FUND.

22 (c) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING
23 IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND
24 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
25 ANOTHER FUND.

26 **SECTION 3.** In Colorado Revised Statutes, 38-13-116.5, **add**
27 (2.8) as follows:

1 **38-13-116.5. Unclaimed property trust fund - creation -**
2 **payments - interest - appropriations - records - rules.** (2.8) (a) ON
3 AND AFTER APRIL 1, 2014, AFTER RESERVING THE AMOUNTS DESCRIBED IN
4 PARAGRAPH (b) OF THIS SUBSECTION (2.8), THE STATE TREASURER SHALL
5 TRANSMIT TO THE ADULT DENTAL FUND CREATED IN SECTION 25.5-5-207
6 (4), C.R.S., AN AMOUNT OF PRINCIPAL AND INTEREST IN THE TRUST FUND
7 SUFFICIENT TO IMPLEMENT THE ADULT DENTAL BENEFIT PURSUANT TO
8 SECTION 25.5-5-202 (1) (v), C.R.S.

9 (b) THE STATE TREASURER SHALL RESERVE IN THE TRUST FUND
10 AND SHALL NOT TRANSFER ANY MONEYS NECESSARY FOR:

11 (I) THE CLAIMS PAID PURSUANT TO THIS ARTICLE FOR EACH FISCAL
12 YEAR;

13 (II) THE RESERVE AMOUNT NECESSARY TO PAY ANTICIPATED
14 CLAIMS; AND

15 (III) PUBLICATIONS AND CORRESPONDENCE EXPENSES PURSUANT
16 TO SECTION 38-13-111 (7).

17 **SECTION 4. Appropriation.** (1) In addition to any other
18 appropriation, there is hereby appropriated to the department of health
19 care policy and financing, for the fiscal year beginning July 1, 2013, the
20 sum of \$999,490 and 1.3 FTE, or so much thereof as may be necessary,
21 comprised of \$272,112 from the adult dental fund created in section
22 25.5-5-207 (4) (a), Colorado Revised Statutes, and \$727,378 from federal
23 funds, to be allocated to the executive director's office for the
24 implementation of this act as follows:

25 (a) \$78,410, comprised of \$39,205 from the adult dental fund
26 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and
27 \$39,205 from federal funds, and 1.3 FTE, for personal services;

1 (b) \$10,546, comprised of \$5,273 from the adult dental fund
2 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and
3 \$5,273 from federal funds, for operating expenses;

4 (c) \$555,534, comprised of \$138,884 from the adult dental fund
5 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and
6 \$416,650 from federal funds, for information technology contracts and
7 projects for medicaid management information system maintenance and
8 projects; and

9 (d) \$355,000, comprised of \$88,750 from the adult dental fund
10 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and
11 \$266,250 from federal funds, for professional services contracts.

12 **SECTION 5. Appropriation - adjustments to 2013 long bill.**

13 (1) For the implementation of this act, appropriations made in the annual
14 general appropriation act to the department of health care policy and
15 financing for the fiscal year beginning July 1, 2013, for medical service
16 premiums are adjusted as follows:

17 (a) The general fund appropriation is decreased by \$738,262;

18 (b) The cash funds appropriation from the adult dental fund
19 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, is
20 increased by \$11,150,016;

21 (c) The cash funds appropriation from the hospital provider fee
22 cash fund created in section 25.5-4-402.3 (4) (a), Colorado Revised
23 Statutes, is increased by \$3,013,248; and

24 (d) The federal funds appropriation is increased by \$13,425,002.

25 **SECTION 6. Appropriation - adjustments to 2013 long bill.**

26 (1) For the implementation of this act, appropriations made in the annual
27 general appropriation act to the department of health care policy and

1 financing for the fiscal year beginning July 1, 2013, for medical service
2 premiums are adjusted as follows:

3 (a) The general fund appropriation is decreased by \$738,262;

4 (b) The cash funds appropriation from the adult dental fund
5 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, is
6 increased by \$11,185,718;

7 (c) The cash funds appropriation from the hospital provider fee
8 cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes,
9 is decreased by \$213,659; and

10 (d) The federal funds appropriation is increased by \$22,625,118.

11 **SECTION 7. Act subject to petition - effective date.** (1) Except
12 as otherwise provided in subsection (2) of this section, this act takes
13 effect at 12:01 a.m. on the day following the expiration of the ninety-day
14 period after final adjournment of the general assembly (August 7, 2013,
15 if adjournment sine die is on May 8, 2013); except that, if a referendum
16 petition is filed pursuant to section 1 (3) of article V of the state
17 constitution against this act or an item, section, or part of this act within
18 such period, then the act, item, section, or part will not take effect unless
19 approved by the people at the general election to be held in November
20 2014 and, in such case, will take effect on the date of the official
21 declaration of the vote thereon by the governor.

22 (2) (a) Section 5 of this act takes effect only if Senate Bill 13-200
23 is not enacted and does not become law.

24 (b) Section is 6 of this act takes effect only if Senate Bill 13-200
25 is enacted and becomes law.