

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

**REVISED**

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

LLS NO. 13-0472.01 Jennifer Berman x3286

**SENATE BILL 13-261**

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**SENATE SPONSORSHIP**

**Nicholson,**

**HOUSE SPONSORSHIP**

**McCann,**

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**Senate Committees**  
Health & Human Services

**House Committees**  
Health, Insurance & Environment

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**A BILL FOR AN ACT**

101      **CONCERNING THE RESTRUCTURING OF THE ORAL HEALTH PROGRAMS**  
102              **ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND**  
103              **ENVIRONMENT, AND, IN CONNECTION THEREWITH, ELIMINATING**  
104              **THE OVERSIGHT OF COMPLAINTS REGARDING DENTISTS FOR THE**  
105              **DENTAL ASSISTANCE PROGRAM FOR SENIORS AND CREATING THE**  
106              **ORAL HEALTH COMMUNITY GRANTS PROGRAM.**

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**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>.)*

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.*

HOUSE  
2nd Reading Unamended  
May 2, 2013

SENATE  
3rd Reading Unamended  
April 24, 2013

SENATE  
2nd Reading Unamended  
April 23, 2013

The bill restructures the oral health programs administered by the department of public health and environment (department) by repealing the current dental assistance and water fluoridation programs and replacing them with a consolidated oral health community grants program. Under the program, the department will award grants to communities to assist with implementing oral health strategies, including school dental sealant programs and water fluoridation systems.

The bill also repeals the oversight provided by a designated group of dentists for the dental assistance program for seniors.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 25-21-107 as  
3 follows:

4 **25-21-107. Records - complaints.** ~~(1) (Deleted by amendment,~~  
5 ~~L. 2003, p. 2043, § 5, effective July 1, 2003.)~~

6 ~~(2) The department shall designate a major association of dentists~~  
7 ~~in this state, willing to do so, for the receiving and processing of~~  
8 ~~complaints of persons applying for or receiving dental appliances or~~  
9 ~~services under the provisions of this article.~~

10 ~~(3) (Deleted by amendment, L. 2003, p. 2043, § 5, effective July~~  
11 ~~1, 2003.)~~

12 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-21.5-101  
13 as follows:

14 **25-21.5-101. Short title.** This article shall be known and may be  
15 cited as the "Colorado ~~Dental~~ ORAL HEALTH COMMUNITY GRANTS  
16 Program Act". ~~of 1997".~~

17 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**  
18 **with amendments,** 25-21.5-102 as follows:

19 **25-21.5-102. Legislative declaration.** (1) THE GENERAL  
20 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

1 (a) STATEWIDE, STUDENTS MISS SEVEN MILLION EIGHT HUNDRED  
2 THOUSAND SCHOOL HOURS EACH YEAR DUE TO ORAL PAIN. NATIONWIDE,  
3 WORKERS MISS ONE HUNDRED SIXTY-FOUR MILLION WORK HOURS EACH  
4 YEAR DUE TO DENTAL ISSUES.

5 (b) FORTY PERCENT OF CHILDREN IN KINDERGARTEN AND  
6 FIFTY-FIVE PERCENT OF CHILDREN IN THIRD GRADE HAVE A HISTORY OF  
7 DENTAL DECAY.

8 (c) CHILDREN IN LOW-INCOME SCHOOLS HAVE TWICE AS MUCH  
9 UNTREATED TOOTH DECAY AND ARE TWICE AS LIKELY TO HAVE A HISTORY  
10 OF CAVITIES THAN CHILDREN WHO ARE NOT IN LOW-INCOME SCHOOLS.

11 (d) AMONG CHILDREN, NINETY PERCENT OF DENTAL DECAY IS IN  
12 THE PITS AND FISSURES OF POSTERIOR PERMANENT TEETH.

13 (e) CHILDREN WHO HAVE RECEIVED DENTAL SEALANTS IN A  
14 SCHOOL-BASED PROGRAM HAVE, FOR A PERIOD OF UP TO FIVE YEARS,  
15 SIXTY PERCENT FEWER NEW DECAYED PIT AND FISSURE SURFACES IN THEIR  
16 POSTERIOR PERMANENT TEETH THAN CHILDREN WHO HAVE NOT RECEIVED  
17 AN APPLICATION OF DENTAL SEALANTS.

18 (f) FLUORIDE IS NATURE'S CAVITY FIGHTER. FLUORIDE OCCURS  
19 NATURALLY IN ALMOST ALL WATER SOURCES. SINCE 1948, SCIENTIFIC  
20 RESEARCH HAS SHOWN THAT COMMUNITY WATER FLUORIDATION CAN  
21 REDUCE THE INCIDENCE OF DENTAL CAVITIES.

22 (g) COMMUNITY WATER FLUORIDATION IS THE PROCESS OF  
23 ADJUSTING THE LEVEL OF FLUORIDE FOUND NATURALLY IN WATER TO A  
24 LEVEL RECOMMENDED TO PROTECT AGAINST DENTAL DECAY. THE  
25 CENTERS FOR DISEASE CONTROL NAMED COMMUNITY WATER  
26 FLUORIDATION AS ONE OF TEN GREAT PUBLIC HEALTH ACHIEVEMENTS OF  
27 THE TWENTIETH CENTURY.

1 (h) WATER FLUORIDATION IS SAFE AND PROVIDES THE MOST  
2 COST-EFFECTIVE MEANS TO PREVENT TOOTH DECAY FOR PERSONS OF ALL  
3 AGES AND SOCIOECONOMIC BACKGROUNDS.

4 (i) WATER FLUORIDATION IS ONE OF THE MOST RESEARCHED AND  
5 COST-EFFECTIVE ORAL HEALTH INTERVENTIONS AVAILABLE, AS THE  
6 AVERAGE COST OF ONE DENTAL FILLING CAN FUND A LIFETIME OF  
7 FLUORIDATION, WHICH IS KNOWN TO PREVENT EIGHTEEN TO FORTY  
8 PERCENT OF CAVITIES IN BOTH CHILDREN AND ADULTS.

9 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT IMPROVING  
10 ACCESS TO ORAL HEALTH CARE SERVICES AND FLUORIDATED WATER FOR  
11 ALL COLORADANS, PARTICULARLY LOW-INCOME COLORADANS, WILL  
12 REDUCE THE BURDEN OF ORAL DISEASE. THEREFORE, THE COLORADO  
13 ORAL HEALTH PROGRAM DEDICATES ITSELF TO IMPROVING ACCESS TO  
14 ORAL HEALTH CARE SERVICES BY WORKING WITH COMMUNITY  
15 STAKEHOLDERS, PROFESSIONAL ORGANIZATIONS, AND DIRECT RECIPIENTS  
16 OF ORAL HEALTH CARE TO REMOVE BARRIERS TO ACCESS TO ORAL HEALTH  
17 CARE.

18 (3) THE PURPOSE OF THIS ARTICLE IS TO PROMOTE THE PUBLIC  
19 HEALTH AND WELFARE OF COLORADANS BY PROVIDING A GRANT  
20 PROGRAM TO:

21 (a) PROVIDE ORAL HEALTH SERVICES, INCLUDING SEALANTS, TO  
22 SCHOOL CHILDREN; AND

23 (b) ASSIST COMMUNITIES IN ATTAINING OPTIMAL LEVELS OF  
24 FLUORIDE IN DRINKING WATER PROVIDED BY COMMUNITY WATER SYSTEMS  
25 AS A MEANS OF PREVENTING DENTAL DECAY.

26 **SECTION 4.** In Colorado Revised Statutes, 25-21.5-103, **repeal**  
27 (3) as follows:

1           **25-21.5-103. Definitions.** As used in this article, unless the  
2 context otherwise requires:

- 3           (3) ~~"Eligible child" means a child:~~  
4           ~~(a) Who is under the age of twenty-one years;~~  
5           ~~(b) Who is not covered under a policy of dental insurance;~~  
6           ~~(c) Who is not eligible for medicaid; and~~  
7           ~~(d) Whose family income is equal to or less than one hundred~~  
8 ~~eighty-five percent of the federal poverty line.~~

9           **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**  
10 **with amendments,** 25-21.5-104 as follows:

11           **25-21.5-104. Oral health community grants program.**

12           (1) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL  
13 ADMINISTER A GRANT PROGRAM TO ASSIST COMMUNITIES WITH:

14           (a) IMPLEMENTING POPULATION-BASED, EVIDENCE-BASED  
15 STRATEGIES, INCLUDING ADMINISTERING SCHOOL DENTAL SEALANT  
16 PROGRAMS, TO PREVENT DENTAL DECAY IN CHILDREN;

17           (b) ASSISTING WATER SYSTEMS, OPERATORS, AND PERSONNEL,  
18 INCLUDING WATER DISTRICTS, WITH ADJUSTING THE LEVEL OF FLUORIDE  
19 IN DRINKING WATER TO OPTIMAL LEVELS AS A MEANS OF PREVENTING  
20 DENTAL DECAY IN BOTH CHILDREN AND ADULTS; AND

21           (c) OTHER ORAL HEALTH EVIDENCE-BASED PROGRAMS THAT THE  
22 DEPARTMENT IDENTIFIES AND DEEMS ELIGIBLE FOR ASSISTANCE.

23           (2) SUBJECT TO CRITERIA THAT THE DEPARTMENT MAY ESTABLISH,  
24 INCLUDING THE TYPES OF PROVIDERS TO WHOM THE DEPARTMENT MAY  
25 AWARD GRANTS, THE DEPARTMENT SHALL AWARD GRANTS IN THE  
26 FOLLOWING CATEGORIES:

27           (a) ORAL HEALTH SERVICES THAT TARGET CHILDREN WHO ARE

1 ELIGIBLE FOR FREE AND REDUCED-PRICE LUNCHES UNDER THE "NATIONAL  
2 SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., OR WHO ATTEND  
3 SCHOOL IN A SCHOOL DISTRICT WHOSE MEDIAN HOUSEHOLD INCOME IS AT  
4 OR BELOW TWO HUNDRED THIRTY-FIVE PERCENT OF THE FEDERAL  
5 POVERTY LINE. GRANTS AWARDED IN THIS CATEGORY MAY SUPPORT THE  
6 FOLLOWING:

7 (I) SCHOOL-BASED PROGRAMS THAT ARE CONDUCTED  
8 COMPLETELY WITHIN THE SCHOOL SETTING;

9 (II) SCHOOL-LINKED PROGRAMS THAT ARE CONNECTED WITH  
10 SCHOOLS BUT DELIVER SERVICES OFF-SITE;

11 (III) SCHOOL-LINKED PROGRAMS THAT CONDUCT DENTAL  
12 SCREENINGS AT SCHOOLS; AND

13 (IV) HYBRID PROGRAMS THAT INCORPORATE SCHOOL-BASED AND  
14 SCHOOL-LINKED COMPONENTS.

15 (b) FLUORIDATION SUPPORT SERVICES, INCLUDING:

16 (I) ASSISTANCE IN THE DESIGN, PURCHASE, INSTALLATION,  
17 MAINTENANCE, AND INSPECTION OF EQUIPMENT DESIGNED TO ADD  
18 FLUORIDE TO DRINKING WATER TO ACHIEVE OPTIMAL LEVELS FOR THE  
19 PREVENTION OF TOOTH DECAY, AS DETERMINED BY THE FEDERAL  
20 DEPARTMENT OF HEALTH AND HUMAN SERVICES;

21 (II) TRAINING OF WATER TREATMENT PERSONNEL IN THE PROPER  
22 OPERATION OF FLUORIDATION EQUIPMENT AND CURRENT WATER  
23 FLUORIDATION PRACTICES; AND

24 (III) MONITORING OF FLUORIDE CONTENT BY OBTAINING MONTHLY  
25 SAMPLES OF FINISHED DRINKING WATER TO ASSURE THE OPTIMAL LEVEL  
26 OF FLUORIDE TO PREVENT DENTAL DECAY.

27 **SECTION 6.** In Colorado Revised Statutes, **repeal** 25-21.5-105,

1 25-21.5-107, 25-21.5-108, and 25-21.5-109.

2           **SECTION 7. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.