Second Regular Session Sixty-ninth General Assembly STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0952.01 Jerry Barry x4341

SENATE BILL 14-180

SENATE SPONSORSHIP

Kefalas,

HOUSE SPONSORSHIP

Swalm,

Senate Committees Health & Human Services Appropriations

House Committees

A BILL FOR AN ACT CONCERNING THE COLORADO DENTAL HEALTH CARE PROGRAM FOR LOW-INCOME SENIORS, AND, IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT.

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.)

There is currently a program in the department of public health and environment to provide dental services to eligible, low-income seniors.

The bill moves the program to the department of health care policy and financing (department). The bill directs the department to make grants to area agencies on aging or other grantees designated by an area agency on aging to arrange for dental services for eligible seniors. The bill directs the medical services board (board) to promulgate rules governing the program including itemizing dental services to be covered and maximum fees to be charged for such services. The bill establishes a senior dental advisory committee to make recommendations to the department and the board.

1	Be it enacted by the General Assembly of the State of Colorado:
2	SECTION 1. In Colorado Revised Statutes, add part 4 to article
3	3 of title 25.5 as follows:
4	PART 4
5	COLORADO DENTAL HEALTH CARE PROGRAM
6	FOR LOW-INCOME SENIORS
7	25.5-3-401. Short title. This part 4 is known as and may be
8	CITED AS THE "COLORADO DENTAL HEALTH CARE PROGRAM FOR
9	LOW-INCOME SENIORS".
10	25.5-3-402. Legislative declaration. (1) THE GENERAL
11	ASSEMBLY HEREBY FINDS AND DECLARES THAT:
12	(a) THE PURPOSE OF THIS PART 4 IS TO PROMOTE THE HEALTH AND
13	WELFARE OF COLORADO LOW-INCOME SENIORS BY PROVIDING ACCESS TO
14	PATIENT-CENTERED DENTAL CARE AND SERVICES TO INDIVIDUALS SIXTY
15	YEARS OF AGE OR OLDER WHOSE INCOME AND RESOURCES ARE
16	INSUFFICIENT TO MEET THE COSTS OF SUCH CARE AND THEREBY SUPPORT
17	INDIVIDUALS AND FAMILIES TO LIVE INDEPENDENTLY WITH A GOOD
18	QUALITY OF LIFE;
19	(b) By relocating and reorganizing the "Colorado Dental
20	CARE ACT OF 1977", WHICH PROVIDED DENTAL SERVICES TO CERTAIN

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1	ELIGIBLE SENIORS, THE STATE DEPARTMENT CAN ALIGN THOSE DENTAL
2	HEALTH CARE SERVICES WITH ADULT DENTAL BENEFITS PROVIDED
3	THROUGH OTHER DENTAL HEALTH CARE PROGRAMS FOR SENIORS AND
4	THEREBY TARGET THE RESOURCES EFFECTIVELY TO LOW-INCOME SENIORS
5	WHO MAY NOT QUALIFY FOR THOSE PROGRAMS;
6	(c) The state department shall implement this part 4
7	THROUGH COLLABORATION AMONG VARIOUS EXECUTIVE DEPARTMENTS,
8	AGENCIES, AND POLITICAL SUBDIVISIONS OF THE STATE; PRIVATE
9	INDIVIDUALS; AND ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO:
10	(I) THE LOCAL AREA AGENCIES ON AGING;
11	(II) COMMUNITY HEALTH CENTERS;
12	(III) SAFETY-NET CLINICS;
13	(IV) PRIVATE PRACTICE DENTAL PROVIDERS; AND
14	(V) FOUNDATIONS; AND
15	(d) The state department shall implement this part $4\mathrm{as}\ \mathrm{a}$
16	GRANT PROGRAM THROUGHOUT ALL GEOGRAPHIC REGIONS OF THE STATE
17	USING BEST PRACTICES AND EXPERIENCE FROM OTHER GRANT PROGRAMS
18	OPERATED BY THE STATE DEPARTMENT TO PROVIDE MAXIMUM FLEXIBILITY
19	TO SAFETY-NET AND PRIVATE-PRACTICE DENTAL PROVIDERS IN ORDER TO
20	PROMOTE THE HEALTH AND WELFARE OF LOW-INCOME SENIORS.
21	25.5-3-403. Definitions. As used in this part 4, unless the
22	CONTEXT OTHERWISE REQUIRES:
23	(1) "ADVISORY COMMITTEE" MEANS THE SENIOR DENTAL
24	ADVISORY COMMITTEE CREATED IN SECTION 25.5-3-406.
25	(2) "COVERED DENTAL CARE SERVICES" ARE TO BE DEFINED BY
26	RULES OF THE MEDICAL SERVICES BOARD PURSUANT TO SECTION
27	25.5-3-404 AND INCLUDE BUT ARE NOT LIMITED TO DIAGNOSTIC.

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1	PREVENTATIVE, AND RESTORATIVE CARE.
2	(3) "DENTAL HEALTH CARE SERVICES GRANT" MEANS A GRANT
3	AWARDED TO A QUALIFIED GRANTEE PURSUANT TO SECTION 25.5-3-404.
4	(4) "ELIGIBLE SENIOR" MEANS AN ADULT WHO IS SIXTY YEARS OF
5	AGE OR OLDER AND WHO IS ECONOMICALLY DISADVANTAGED AS SPECIFIED
6	BY RULE OF THE MEDICAL SERVICES BOARD.
7	(5) "PROGRAM" MEANS THE COLORADO DENTAL HEALTH CARE
8	PROGRAM FOR LOW-INCOME SENIORS CREATED PURSUANT TO SECTION
9	25.5-3-404.
10	(6) "QUALIFIED GRANTEE" MEANS AN ENTITY THAT HAS A
11	DEMONSTRATED TRACK RECORD OF PROVIDING OR ARRANGING FOR THE
12	PROVISION OF COST-EFFECTIVE AND COMPREHENSIVE DENTAL AND ORAL
13	HEALTH CARE SERVICES TO LOW-INCOME SENIORS AND MAY INCLUDE BUT
14	IS NOT LIMITED TO:
15	(a) An area agency on aging, as defined in section
16	<u>26-11-203, C.R.S.;</u>
17	(b) A COMMUNITY-BASED ORGANIZATION OR FOUNDATION;
18	(c) A FEDERALLY QUALIFIED HEALTH CENTER, SAFETY-NET CLINIC,
19	OR HEALTH DISTRICT;
20	(d) A LOCAL PUBLIC HEALTH AGENCY; OR
21	(e) A PRIVATE DENTAL PRACTICE.
22	(7) "QUALIFIED PROVIDER" MEANS ANY PERSON WHO IS LICENSED
23	TO PRACTICE DENTISTRY IN COLORADO OR WHO EMPLOYS A DENTIST
24	LICENSED IN COLORADO AND WHO IS WILLING TO ACCEPT REIMBURSEMENT
25	FOR COVERED DENTAL SERVICES PURSUANT TO THIS PROGRAM.
26	25.5-3-404. Colorado dental health care program for
27	low-income seniors - rules. (1) (a) There is created in the state

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1	DEPARTMENT THE COLORADO DENTAL HEALTH CARE PROGRAM FOR
2	LOW-INCOME SENIORS TO PROVIDE COVERED DENTAL CARE SERVICES FOR
3	ELIGIBLE SENIORS WHO ARE NOT ELIGIBLE FOR DENTAL SERVICES UNDER
4	ANY OTHER DENTAL HEALTH CARE PROGRAM.
5	(b) To ensure the continuity of dental health care to
6	LOW-INCOME SENIORS, THE STATE DEPARTMENT SHALL ENSURE THAT ANY
7	INDIVIDUAL WHO MEETS, ON JUNE 30, 2014, THE ELIGIBILITY
8	REQUIREMENTS FOR DENTAL SERVICES UNDER THE "COLORADO DENTAL
9	CARE ACT OF 1977", ARTICLE 21 OF TITLE 25, C.R.S., PRIOR TO ITS
10	REPEAL, REMAINS ELIGIBLE FOR DENTAL SERVICES AFTER JUNE 30, 2014,
11	THROUGH THE "COLORADO DENTAL CARE ACT OF 1977", MEDICAID, THE
12	OLD AGE PENSION HEALTH AND MEDICAL CARE FUND, OR THE PROGRAM.
13	(2) On and after $\underline{March 1, 2015}$, the state department
14	SHALL:
15	(a) IN CONSULTATION WITH THE ADVISORY COMMITTEE, DEVELOP
16	A GRANT APPLICATION UNDER THE PROGRAM CONSISTENT WITH RULES OF
17	THE MEDICAL SERVICES BOARD;
18	(b) Accept applications for grants under the program
19	FROM ANY QUALIFIED GRANTEE;
20	(c) Award grants to qualified grantees to provide
21	COVERED DENTAL CARE SERVICES TO ELIGIBLE SENIORS;
22	(d) PAY GRANTS UNDER THE PROGRAM WITHIN THIRTY DAYS AFTER
23	APPROVAL BY THE STATE DEPARTMENT;
24	(e) Consider Geographic distribution of funds among
25	URBAN AND RURAL AREAS IN THE STATE WHEN MAKING FUNDING
26	<u>DECISIONS.</u>
27	(3) (a) QUALIFIED GRANTEES SHALL:

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1	(I) SUBMIT AN APPLICATION FOR A GRANT UNDER THE PROGRAM
2	TO THE STATE DEPARTMENT ON THE FORM DEVELOPED BY THE STATE
3	<u>DEPARTMENT;</u>
4	(II) PROVIDE OUTREACH TO TARGETED ELIGIBLE SENIORS AND
5	<u>DENTAL CARE PROVIDERS;</u>
6	(III) IDENTIFY ELIGIBLE SENIORS AND QUALIFIED PROVIDERS;
7	(IV) DEMONSTRATE COLLABORATION WITH COMMUNITY
8	ORGANIZATIONS;
9	(V) Ensure that eligible seniors receive covered dental
10	CARE SERVICES EFFICIENTLY WITHOUT DUPLICATION OF SERVICES;
11	(VI) MAINTAIN RECORDS OF ELIGIBLE SENIORS SERVED, DENTAL
12	CARE SERVICES PROVIDED, AND MONEYS SPENT FOR A MINIMUM OF SIX
13	YEARS:
14	(VII) DISTRIBUTE GRANT FUNDS TO QUALIFIED PROVIDERS IN
15	THEIR SERVICE AREA; AND
16	(VIII) CONDUCT AN EVALUATION OF THE PROGRAM IN ITS SERVICE
17	AREA ON THE PROGRAM'S EFFECTIVENESS AND WEAKNESSES.
18	(b) A QUALIFIED GRANTEE MAY EXPEND NO MORE THAN SEVEN
19	PERCENT OF THE AMOUNT OF ITS GRANT FOR ADMINISTRATIVE PURPOSES.
20	(c) A QUALIFIED GRANTEE MAY ALSO BE A QUALIFIED PROVIDER IF
21	THE PERSON MEETS THE QUALIFICATIONS OF A QUALIFIED PROVIDER.
22	(4) FOLLOWING RECOMMENDATIONS OF THE STATE
23	DEPARTMENT AND THE ADVISORY COMMITTEE, THE MEDICAL SERVICES
24	BOARD SHALL ADOPT RULES PURSUANT TO SECTION 24-4-103, C.R.S.,
25	GOVERNING THE PROGRAM, INCLUDING BUT NOT LIMITED TO:
26	(a) A DEFINITION OF "ECONOMICALLY DISADVANTAGED" FOR
2.7	PURPOSES OF ELIGIBILITY:

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1	(b) A DESCRIPTION OF DENTAL SERVICES THAT MAY BE PROVIDED
2	TO ELIGIBLE SENIORS UNDER THE PROGRAM; EXCEPT THAT SUCH SERVICES
3	MUST INCLUDE BUT NOT BE LIMITED TO ORAL EXAMINATION, DIAGNOSIS,
4	TREATMENT PLANNING, EMERGENCY TREATMENT, X RAYS, PARTIAL AND
5	FULL DENTURES, REPLACEMENT OR REPAIR OF PERMANENT TEETH,
6	REMOVAL OF PERMANENT TEETH, FILLINGS, PERIODONTAL TREATMENT,
7	AND SOFT TISSUE TREATMENT;
8	(c) A DISTRIBUTION FORMULA FOR THE AVAILABILITY OF MONEYS
9	TO EACH AREA OF THE STATE; AND
10	(d) Procedures, Criteria, and Standards for Awarding
11	GRANTS UNDER THE PROGRAM.
12	25.5-3-405. Program reporting. (1) ON OR BEFORE SEPTEMBER
13	$1,2015, {\tt ANDEACHSEPTEMBER1THEREAFTER}, {\tt EACHQUALIFIEDGRANTEE}$
14	RECEIVING A GRANT PURSUANT TO SECTION 25.5-3-404 SHALL REPORT TO
15	THE STATE DEPARTMENT CONCERNING THE NUMBER OF ELIGIBLE SENIORS
16	SERVED, THE TYPES OF DENTAL AND ORAL HEALTH SERVICES PROVIDED,
17	AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE STATE
18	DEPARTMENT.
19	(2) On or before November 1, 2015, and each November 1
20	THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
21	JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND TO THE
22	HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
23	PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
24	REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE OPERATION
25	AND EFFECTIVENESS OF THE PROGRAM, INCLUDING $\underline{\text{AN ITEMIZATION OF THE}}$
26	DEPARTMENT'S ADMINISTRATIVE EXPENDITURES IN IMPLEMENTING AND
27	ADMINISTERING THE PROGRAM AND ANY RECOMMENDATIONS FOR

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1	LEGISLATIVE CHANGES TO THE PROGRAM.
2	25.5-3-406. Senior dental advisory committee - creation -
3	duties - repeal. (1) (a) There is created in the state department a
4	SENIOR DENTAL ADVISORY COMMITTEE COMPRISED OF ELEVEN MEMBERS
5	APPOINTED BY THE EXECUTIVE DIRECTOR AS FOLLOWS:
6	(I) A MEMBER REPRESENTING THE STATE DEPARTMENT;
7	(II) A DENTIST IN PRIVATE PRACTICE PROVIDING DENTAL CARE TO
8	THE SENIOR POPULATION WHO REPRESENTS A STATEWIDE ORGANIZATION
9	OF DENTISTS;
10	(III) A DENTAL HYGIENIST PROVIDING DENTAL CARE TO SENIORS;
11	(IV) A REPRESENTATIVE OF EITHER AN AGENCY THAT
12	COORDINATES SERVICES FOR LOW-INCOME SENIORS OR THE OFFICE IN THE
13	DEPARTMENT OF HUMAN SERVICES RESPONSIBLE FOR OVERSEEING
14	SERVICES TO THE ELDERLY;
15	(V) A REPRESENTATIVE OF AN ORGANIZATION OF COLORADO
16	COMMUNITY HEALTH CENTERS, AS DEFINED IN THE FEDERAL "PUBLIC
17	HEALTH SERVICE ACT", 42 U.S.C. SEC. 254b;
18	(VI) A REPRESENTATIVE OF AN ORGANIZATION OF SAFETY-NET
19	HEALTH PROVIDERS THAT ARE NOT COMMUNITY HEALTH CENTERS;
20	(VII) A REPRESENTATIVE OF THE UNIVERSITY OF COLORADO
21	SCHOOL OF DENTAL MEDICINE;
22	(VIII) TWO CONSUMER ADVOCATES;
23	(IX) A SENIOR WHO IS ELIGIBLE FOR SERVICES UNDER THE
24	PROGRAM; AND
25	(X) A REPRESENTATIVE OF A FOUNDATION WITH EXPERIENCE IN
26	MAKING DENTAL CARE GRANTS.
27	(b) Members of the committee shall serve three-year

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1	TERMS. OF THE MEMBERS INITIALLY APPOINTED TO THE ADVISORY
2	COMMITTEE, THE EXECUTIVE DIRECTOR SHALL APPOINT SIX FOR TWO-YEAR
3	TERMS AND FIVE FOR THREE-YEAR TERMS. IN THE EVENT OF A VACANCY
4	ON THE ADVISORY COMMITTEE, THE EXECUTIVE DIRECTOR SHALL APPOINT
5	A SUCCESSOR TO FILL THE UNEXPIRED PORTION OF THE TERM OF SUCH
6	MEMBER.
7	(c) (I) The executive director shall designate a member to
8	SERVE AS THE CHAIR OF THE ADVISORY COMMITTEE. THE ADVISORY
9	COMMITTEE SHALL MEET AS NECESSARY AT THE CALL OF THE CHAIR.
10	(II) Members of the advisory committee serve without
11	COMPENSATION OR REIMBURSEMENT OF EXPENSES.
12	(III) PURSUANT TO SECTION 24-18-108.5, C.R.S., A MEMBER OF
13	THE ADVISORY COMMITTEE SHALL NOT PERFORM AN OFFICIAL ACT THAT
14	MAY HAVE A DIRECT ECONOMIC BENEFIT ON A BUSINESS OR OTHER
15	UNDERTAKING IN WHICH THE MEMBER HAS A DIRECT OR SUBSTANTIAL
16	FINANCIAL INTEREST.
17	(d)(I)Fortheinitialappointments, theexecutivedirector
18	SHALL CONSIDER APPOINTING MEMBERS WHO SERVED ON THE DENTAL
19	ADVISORY COMMITTEE ESTABLISHED PURSUANT TO SECTION 25-21-107.5,
20	C.R.S., PRIOR TO ITS REPEAL.
21	(II) This paragraph (d) is repealed, effective July 1, 2016.
22	(e) THE STATE DEPARTMENT SHALL PROVIDE STAFF ASSISTANCE TO
23	THE ADVISORY COMMITTEE.
24	(2) THE ADVISORY COMMITTEE SHALL:
25	(a) ADVISE THE STATE DEPARTMENT ON THE OPERATION OF THE
26	PROGRAM;
27	(b) Make recommendations to the medical services board

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1	REGARDING RULES TO BE PROMULGATED PURSUANT TO SECTION
2	25.5-3-304, INCLUDING BUT NOT LIMITED TO:
3	(I) DEFINING COVERED DENTAL CARE SERVICES;
4	(II) THE DISTRIBUTION FORMULA FOR THE AVAILABILITY OF FUNDS
5	TO EACH AREA OF THE STATE;
6	(III) Grant procedures, criteria, and standards, including
7	PREFERENCE FOR QUALIFIED GRANTEES WHO DEMONSTRATE
8	COLLABORATION WITH COMMUNITY ORGANIZATIONS SUCH AS A LOCAL
9	AREA AGENCY ON AGING; AND
10	(IV) A MAXIMUM AMOUNT PER PROCEDURE THAT CAN BE SPENT BY
11	QUALIFIED GRANTEES AND QUALIFIED PROVIDERS THAT SHALL NOT BE
12	LESS THAN THE REIMBURSEMENT SCHEDULE ADOPTED BY THE STATE
13	BOARD OF HEALTH PURSUANT TO SECTION 25-21-105, C.R.S., PRIOR TO ITS
14	REPEAL.
15	(3) (a) This section is repealed, effective September 1, 2024.
16	(b) PRIOR TO SAID REPEAL, THE ADVISORY COMMITTEE MUST BE
17	REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.
18	25.5-3-407. Senior dental program cash fund - creation.
19	(1) There is created in the state treasury the senior dental
20	PROGRAM CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
21	CONSISTING OF MONEYS TRANSFERRED TO THE FUND PURSUANT TO
22	SECTION 25-21-107.7 PRIOR TO ITS REPEAL AND ANY MONEYS THAT MAY
23	BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. THE MONEYS
24	IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
25	ASSEMBLY TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT
26	COSTS ASSOCIATED WITH IMPLEMENTING THE PROGRAM
2.7	(2) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND

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1	NOT EXPENDED FOR THE PURPOSE OF THE PROGRAM AS PROVIDED BY LAW.
2	THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
3	FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
4	FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
5	THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL
6	NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
7	FUND.
8	SECTION 2. In Colorado Revised Statutes, 25-21-104, add (4)
9	<u>as follows:</u>
10	25-21-104. Dental assistance program for seniors. (4) (a) FOR
11	SERVICES TO BE PERFORMED AFTER JUNE 30, 2014, THE QUALIFIED
12	GRANTEE SHALL ENCOURAGE THE ELIGIBLE SENIOR TO APPLY FOR DENTAL
13	AND ORAL HEALTH COVERAGE THROUGH THE MEDICAID OR THE OLD AGE
14	PENSION HEALTH AND MEDICAL CARE FUND.
15	(b) If an eligible senior does not qualify or apply for
16	DENTAL AND ORAL HEALTH COVERAGE THROUGH THESE PROGRAMS, THE
17	QUALIFIED GRANTEE MAY CONTINUE TO PROVIDE SERVICES UNDER THIS
18	ARTICLE; EXCEPT THAT, AFTER FEBRUARY 28, 2015, SERVICES MAY BE
19	PROVIDED ONLY TO THE EXTENT THAT THE SERVICES WERE PART OF A
20	TREATMENT PLAN ESTABLISHED PRIOR TO FEBRUARY 28, 2015.
21	SECTION 3. In Colorado Revised Statutes, add 25-21-109 as
22	follows:
23	25-21-109. Repeal of article. This article is repealed,
24	EFFECTIVE JULY 1, <u>2015.</u>
25	SECTION 4. In Colorado Revised Statutes, 2-3-1203, add (3)
26	(kk.5) as follows:
27	2-3-1203. Sunset review of advisory committees. (3) The

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1	following dates are the dates for which the statutory authorization for the
2	designated advisory committees is scheduled for repeal:
3	(kk.5) September 1, 2024:
4	(I) THE SENIOR DENTAL ADVISORY COMMITTEE CREATED IN
5	SECTION 25.5-3-406, C.R.S.
6	SECTION 5. Accountability. Two years after this act becomes
7	law and in accordance with section 2-2-1201, Colorado Revised Statutes,
8	the legislative service agencies of the Colorado General Assembly shall
9	conduct a post-enactment review of the implementation of this act
10	utilizing the information contained in the legislative declaration set forth
11	in section 26-11-208 (2), Colorado Revised Statutes, enacted in section
12	1 of this act.
13	SECTION <u>6.</u> Safety clause. The general assembly hereby finds,
14	determines, and declares that this act is necessary for the immediate
15	preservation of the public peace, health, and safety.

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