

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0952.01 Jerry Barry x4341

SENATE BILL 14-180

SENATE SPONSORSHIP

Kefalas,

HOUSE SPONSORSHIP

Swalm,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE COLORADO DENTAL HEALTH CARE PROGRAM FOR
102 LOW-INCOME SENIORS.

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

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.

1 THROUGH OTHER DENTAL HEALTH CARE PROGRAMS FOR SENIORS AND
2 THEREBY TARGET THE RESOURCES EFFECTIVELY TO LOW-INCOME SENIORS
3 WHO MAY NOT QUALIFY FOR THOSE PROGRAMS;

4 (c) THE STATE DEPARTMENT SHALL IMPLEMENT THIS PART 4
5 THROUGH COLLABORATION AMONG VARIOUS EXECUTIVE DEPARTMENTS,
6 AGENCIES, AND POLITICAL SUBDIVISIONS OF THE STATE; PRIVATE
7 INDIVIDUALS; AND ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO:

8 (I) THE LOCAL AREA AGENCIES ON AGING;

9 (II) COMMUNITY HEALTH CENTERS;

10 (III) SAFETY-NET CLINICS;

11 (IV) PRIVATE PRACTICE DENTAL PROVIDERS; AND

12 (V) FOUNDATIONS; AND

13 (d) THE STATE DEPARTMENT SHALL IMPLEMENT THIS PART 4 AS A
14 GRANT PROGRAM THROUGHOUT ALL GEOGRAPHIC REGIONS OF THE STATE
15 USING BEST PRACTICES AND EXPERIENCE FROM OTHER GRANT PROGRAMS
16 OPERATED BY THE STATE DEPARTMENT TO PROVIDE MAXIMUM FLEXIBILITY
17 TO SAFETY-NET AND PRIVATE-PRACTICE DENTAL PROVIDERS IN ORDER TO
18 PROMOTE THE HEALTH AND WELFARE OF LOW-INCOME SENIORS.

19 **25.5-3-403. Definitions.** AS USED IN THIS PART 4, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "ADVISORY COMMITTEE" MEANS THE SENIOR DENTAL
22 ADVISORY COMMITTEE CREATED IN SECTION 25.5-3-406.

23 (2) "COVERED DENTAL CARE SERVICES" ARE TO BE DEFINED BY
24 RULES OF THE MEDICAL SERVICES BOARD PURSUANT TO SECTION
25 25.5-3-404 AND INCLUDE BUT ARE NOT LIMITED TO DIAGNOSTIC,
26 PREVENTATIVE, AND RESTORATIVE CARE.

27 (3) "DENTAL HEALTH CARE SERVICES GRANT" MEANS A GRANT

1 AWARDED TO A QUALIFIED GRANTEE PURSUANT TO SECTION 25.5-3-404.

2 (4) "ELIGIBLE SENIOR" MEANS AN ADULT WHO IS SIXTY YEARS OF
3 AGE OR OLDER AND WHO IS ECONOMICALLY DISADVANTAGED AS
4 DETERMINED BY THE QUALIFIED GRANTEE BASED ON THE PERSON:

5 (a) HAVING LIMITED ENGLISH PROFICIENCY;

6 (b) HAVING GREAT SOCIAL OR ECONOMIC NEED, WITH PARTICULAR
7 ATTENTION TO LOW-INCOME MINORITY OLDER ADULTS; OR

8 (c) BEING FRAIL, HOMEBOUND BY REASON OF ILLNESS, HAVING AN
9 INCAPACITATING DISABILITY, OR OTHERWISE ISOLATED DUE TO
10 NONECONOMIC FACTORS, INCLUDING BUT NOT LIMITED TO PHYSICAL AND
11 MENTAL DISABILITIES, LANGUAGE BARRIERS, AND CULTURAL, SOCIAL, OR
12 GEOGRAPHICAL ISOLATION SUCH AS THOSE CAUSED BY RACIAL OR ETHNIC
13 STATUS THAT RESTRICT THE PERSON'S ABILITY TO PERFORM NORMAL
14 DAILY TASKS OR WHICH THREATEN THE PERSON'S CAPACITY TO LIVE
15 INDEPENDENTLY.

16 (5) "PROGRAM" MEANS THE COLORADO DENTAL HEALTH CARE
17 PROGRAM FOR LOW-INCOME SENIORS CREATED PURSUANT TO SECTION
18 25.5-3-404.

19 (6) "QUALIFIED GRANTEE" MEANS AN AREA AGENCY ON AGING, AS
20 DEFINED IN SECTION 26-11-203, C.R.S., OR THE AREA AGENCY ON AGING
21 FOR A GEOGRAPHIC REGION SHALL DESIGNATE AS THE QUALIFIED GRANTEE
22 FOR THAT GEOGRAPHIC REGION:

23 (a) A COMMUNITY-BASED ORGANIZATION OR FOUNDATION THAT
24 HAS A DEMONSTRATED TRACK RECORD OF EXPERIENCE MANAGING
25 DIFFERENT REIMBURSEMENT RATES, PROGRAMS, AND BILLING SYSTEMS;
26 OR

27 (b) A COMMUNITY HEALTH CENTER, SAFETY-NET CLINIC, OR

1 HEALTH DISTRICT THAT HAS A DEMONSTRATED TRACK RECORD OF
2 PROVIDING COST-EFFECTIVE AND COMPREHENSIVE DENTAL AND ORAL
3 HEALTH CARE TO SENIORS.

4 **25.5-3-404. Colorado dental health care program for**
5 **low-income seniors - rules.** (1) THERE IS CREATED IN THE STATE
6 DEPARTMENT THE COLORADO DENTAL HEALTH CARE PROGRAM FOR
7 LOW-INCOME SENIORS TO PROVIDE COVERED DENTAL CARE SERVICES FOR
8 ELIGIBLE SENIORS WHO ARE NOT ELIGIBLE FOR DENTAL SERVICES UNDER
9 ANY OTHER DENTAL HEALTH CARE PROGRAM.

10 (2) ON AND AFTER SEPTEMBER 1, 2014, THE STATE DEPARTMENT
11 SHALL AWARD GRANTS TO QUALIFIED GRANTEEES TO PROVIDE COVERED
12 DENTAL CARE SERVICES TO ELIGIBLE SENIORS WITHIN ALL GEOGRAPHIC
13 REGIONS OF THE STATE. THE STATE DEPARTMENT SHALL AWARD GRANTS
14 TO THE QUALIFIED GRANTEEES IN THE AMOUNT APPROPRIATED TO THE
15 STATE DEPARTMENT FOR THE PROGRAM, LESS ADMINISTRATIVE EXPENSES
16 OF THE STATE DEPARTMENT, IN THE SAME PROPORTION THAT THE ADULT
17 POPULATION OF THE QUALIFIED GRANTEE'S GEOGRAPHIC REGION BEARS TO
18 THE ADULT POPULATION OF THE STATE.

19 (3) (a) QUALIFIED GRANTEEES SHALL:

20 (I) PROVIDE OUTREACH TO TARGETED ELIGIBLE SENIORS AND
21 DENTAL CARE PROVIDERS;

22 (II) IDENTIFY ELIGIBLE SENIORS AND DENTAL CARE PROVIDERS;

23 (III) PAY CLAIMS OF ELIGIBLE SENIORS FOR COVERED DENTAL CARE
24 SERVICES;

25 (IV) MAINTAIN RECORDS OF CLAIMS SUBMITTED AND PAID AND
26 ANY OTHER RECORDS REQUIRED BY THE STATE DEPARTMENT; AND

27 (V) CONDUCT A QUALITATIVE EVALUATION OF THE PROGRAM IN

1 ITS GEOGRAPHIC REGION ON THE PROGRAM'S EFFECTIVENESS AND
2 WEAKNESSES.

3 (b) A QUALIFIED GRANTEE MAY EXPEND NO MORE THAN SEVEN
4 PERCENT OF THE AMOUNT OF ITS GRANT FOR ADMINISTRATIVE PURPOSES.

5 (4) (a) FOLLOWING RECOMMENDATIONS OF THE STATE
6 DEPARTMENT AND THE ADVISORY COMMITTEE, THE MEDICAL SERVICES
7 BOARD SHALL ADOPT RULES PURSUANT TO SECTION 24-4-103, C.R.S.,
8 GOVERNING THE PROGRAM, INCLUDING BUT NOT LIMITED TO:

9 (I) ITEMIZATION OF COVERED DENTAL CARE SERVICES;

10 (II) A SCHEDULE OF MAXIMUM FEES A GRANTEE MAY DISTRIBUTE
11 FOR COVERED DENTAL CARE SERVICES BROKEN DOWN BY DENTAL CODE
12 RECOGNIZED BY A NATIONAL ASSOCIATION OF DENTAL PROVIDERS.

13 (b) (I) THE MEDICAL SERVICES BOARD IS ENCOURAGED TO ADOPT
14 THE SCHEDULE OF COVERED DENTAL SERVICES USED UNDER ARTICLE 21 OF
15 TITLE 25, C.R.S., PRIOR TO ITS REPEAL.

16 (II) THE MAXIMUM FEE SCHEDULE ADOPTED BY THE MEDICAL
17 SERVICES BOARD SHALL NOT BE LESS THAN THE SCHEDULE OF MAXIMUM
18 FEES AUTHORIZED UNDER ARTICLE 21 OF TITLE 25, C.R.S., PRIOR TO ITS
19 REPEAL.

20 **25.5-3-405. Program reporting.** (1) ON OR BEFORE SEPTEMBER
21 1, 2015, AND EACH SEPTEMBER 1 THEREAFTER, EACH QUALIFIED GRANTEE
22 RECEIVING A GRANT PURSUANT TO SECTION 25.5-3-404 SHALL REPORT TO
23 THE STATE DEPARTMENT CONCERNING THE NUMBER OF ELIGIBLE SENIORS
24 SERVED, THE TYPES OF DENTAL AND ORAL HEALTH SERVICES PROVIDED,
25 AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE STATE
26 DEPARTMENT.

27 (2) ON OR BEFORE NOVEMBER 1, 2015, AND EACH NOVEMBER 1

1 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
2 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND TO THE
3 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
4 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE OPERATION
6 AND EFFECTIVENESS OF THE PROGRAM, INCLUDING ANY
7 RECOMMENDATIONS FOR LEGISLATIVE CHANGES TO THE PROGRAM.

8 **25.5-3-406. Senior dental advisory committee - creation -**
9 **duties - repeal.** (1) (a) THERE IS CREATED IN THE STATE DEPARTMENT A
10 SENIOR DENTAL ADVISORY COMMITTEE COMPRISED OF ELEVEN MEMBERS
11 APPOINTED BY THE EXECUTIVE DIRECTOR AS FOLLOWS:

12 (I) A MEMBER REPRESENTING THE STATE DEPARTMENT;

13 (II) A DENTIST IN PRIVATE PRACTICE PROVIDING DENTAL CARE TO
14 THE SENIOR POPULATION WHO REPRESENTS A STATEWIDE ORGANIZATION
15 OF DENTISTS;

16 (III) A DENTAL HYGIENIST PROVIDING DENTAL CARE TO SENIORS;

17 (IV) A REPRESENTATIVE OF EITHER AN AGENCY THAT
18 COORDINATES SERVICES FOR LOW-INCOME SENIORS OR THE OFFICE IN THE
19 DEPARTMENT OF HUMAN SERVICES RESPONSIBLE FOR OVERSEEING
20 SERVICES TO THE ELDERLY;

21 (V) A REPRESENTATIVE OF AN ORGANIZATION OF COLORADO
22 COMMUNITY HEALTH CENTERS, AS DEFINED IN THE FEDERAL "PUBLIC
23 HEALTH SERVICE ACT", 42 U.S.C. SEC. 254b;

24 (VI) A REPRESENTATIVE OF AN ORGANIZATION OF SAFETY-NET
25 HEALTH PROVIDERS THAT ARE NOT COMMUNITY HEALTH CENTERS;

26 (VII) A REPRESENTATIVE OF THE UNIVERSITY OF COLORADO
27 SCHOOL OF DENTAL MEDICINE;

1 (VIII) TWO CONSUMER ADVOCATES;

2 (IX) A SENIOR WHO IS ELIGIBLE FOR SERVICES UNDER THE
3 PROGRAM; AND

4 (X) A REPRESENTATIVE OF A FOUNDATION WITH EXPERIENCE IN
5 MAKING DENTAL CARE GRANTS.

6 (b) MEMBERS OF THE COMMITTEE SHALL SERVE THREE-YEAR
7 TERMS. OF THE MEMBERS INITIALLY APPOINTED TO THE ADVISORY
8 COMMITTEE, THE EXECUTIVE DIRECTOR SHALL APPOINT SIX FOR TWO-YEAR
9 TERMS AND FIVE FOR THREE-YEAR TERMS. IN THE EVENT OF A VACANCY
10 ON THE ADVISORY COMMITTEE, THE EXECUTIVE DIRECTOR SHALL APPOINT
11 A SUCCESSOR TO FILL THE UNEXPIRED PORTION OF THE TERM OF SUCH
12 MEMBER.

13 (c) (I) THE EXECUTIVE DIRECTOR SHALL DESIGNATE A MEMBER TO
14 SERVE AS THE CHAIR OF THE ADVISORY COMMITTEE. THE ADVISORY
15 COMMITTEE SHALL MEET AS NECESSARY AT THE CALL OF THE CHAIR.

16 (II) MEMBERS OF THE ADVISORY COMMITTEE SERVE WITHOUT
17 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

18 (III) PURSUANT TO SECTION 24-18-108.5, C.R.S., A MEMBER OF
19 THE ADVISORY COMMITTEE SHALL NOT PERFORM AN OFFICIAL ACT THAT
20 MAY HAVE A DIRECT ECONOMIC BENEFIT ON A BUSINESS OF OTHER
21 UNDERTAKING IN WHICH THE MEMBER HAS A DIRECT OR SUBSTANTIAL
22 FINANCIAL INTEREST.

23 (d) (I) FOR THE INITIAL APPOINTMENTS, THE EXECUTIVE DIRECTOR
24 SHALL CONSIDER APPOINTING MEMBERS WHO SERVED ON THE DENTAL
25 ADVISORY COMMITTEE ESTABLISHED PURSUANT TO SECTION 25-21-107.5,
26 C.R.S., PRIOR TO ITS REPEAL.

27 (II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2016.

1 (e) THE STATE DEPARTMENT SHALL PROVIDE STAFF ASSISTANCE TO
2 THE ADVISORY COMMITTEE.

3 (2) THE ADVISORY COMMITTEE SHALL:

4 (a) ADVISE THE STATE DEPARTMENT ON THE OPERATION OF THE
5 PROGRAM;

6 (b) MAKE RECOMMENDATIONS TO THE MEDICAL SERVICES BOARD
7 REGARDING RULES TO BE PROMULGATED PURSUANT TO SECTION
8 25.5-3-404, INCLUDING DEFINING COVERED DENTAL CARE SERVICES AND
9 FEES TO MAXIMIZE THE NUMBER OF PARTICIPATING PROVIDERS AND THE
10 NUMBER OF ELIGIBLE SENIORS RECEIVING SERVICES.

11 (3) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

12 (b) PRIOR TO SAID REPEAL, THE ADVISORY COMMITTEE MUST BE
13 REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

14 **25.5-3-407. Senior dental program cash fund - creation.**

15 (1) THERE IS CREATED IN THE STATE TREASURY THE SENIOR DENTAL
16 PROGRAM CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
17 CONSISTING OF MONEYS TRANSFERRED TO THE FUND PURSUANT TO
18 SECTION 25-21-107.7 PRIOR TO ITS REPEAL AND ANY MONEYS THAT MAY
19 BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. THE MONEYS
20 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
21 ASSEMBLY TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT
22 COSTS ASSOCIATED WITH IMPLEMENTING THE PROGRAM. THE STATE
23 DEPARTMENT MAY EXPEND UP TO THREE PERCENT OF THE MONEYS
24 ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS
25 INCURRED IN IMPLEMENTING THE PROGRAM.

26 (2) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
27 NOT EXPENDED FOR THE PURPOSE OF THE PROGRAM AS PROVIDED BY LAW.

1 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
2 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
3 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
4 THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL
5 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
6 FUND.

7 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-21-107.7
8 as follows:

9 **25-21-107.7. Program funding.** (1) The general assembly shall
10 make annual appropriations to the department for service grants and for
11 the payment of administrative costs of the dental assistance program. A
12 grantee's administrative costs shall not exceed ten percent of the grant
13 amount awarded.

14 (2) ON JUNE 30, 2014, THE STATE TREASURER SHALL TRANSFER
15 FROM THE GENERAL FUND TO THE SENIOR DENTAL PROGRAM CASH FUND,
16 CREATED PURSUANT TO SECTION 25.5-3-407, C.R.S., ANY UNEXPENDED
17 AND UNENCUMBERED MONEYS REMAINING IN THE APPROPRIATION
18 DESCRIBED IN SUBSECTION (1) OF THIS SECTION FOR THE 2013-14 STATE
19 FISCAL YEAR.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 25-21-109 as
21 follows:

22 **25-21-109. Repeal of article.** THIS ARTICLE IS REPEALED,
23 EFFECTIVE JULY 1, 2014.

24 **SECTION 4.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
25 (kk.5) as follows:

26 **2-3-1203. Sunset review of advisory committees.** (3) The
27 following dates are the dates for which the statutory authorization for the

1 designated advisory committees is scheduled for repeal:

2 (kk.5) SEPTEMBER 1, 2024:

3 (I) THE SENIOR DENTAL ADVISORY COMMITTEE CREATED IN
4 SECTION 25.5-3-406, C.R.S.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.