

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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

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

101 **CONCERNING THE COLORADO DENTAL HEALTH CARE PROGRAM FOR**
102 **LOW-INCOME SENIORS, AND, IN CONNECTION THEREWITH,**
103 **REQUIRING A POST-ENACTMENT REVIEW OF THE**
104 **IMPLEMENTATION OF THIS ACT, AND MAKING AND REDUCING**
105 **APPROPRIATIONS.**

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/bills summaries>.)

There is currently a program in the department of public health 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
May 1, 2014

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 AS 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,

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 26-11-203, C.R.S.:

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**

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 MEDICAID, THE OLD AGE PENSION HEALTH AND MEDICAL CARE PROGRAM,
5 OR PRIVATE INSURANCE.

6 (b) TO ENSURE THE CONTINUITY OF DENTAL HEALTH CARE TO
7 LOW-INCOME SENIORS, THE STATE DEPARTMENT AND THE DEPARTMENT OF
8 PUBLIC HEALTH AND ENVIRONMENT SHALL ENSURE THAT ANY INDIVIDUAL
9 WHO MEETS, ON JUNE 30, 2014, THE ELIGIBILITY REQUIREMENTS FOR
10 DENTAL SERVICES UNDER THE "COLORADO DENTAL CARE ACT OF 1977",
11 ARTICLE 21 OF TITLE 25, C.R.S., PRIOR TO ITS REPEAL, REMAINS ELIGIBLE
12 FOR DENTAL SERVICES AFTER JUNE 30, 2014, THROUGH THE "COLORADO
13 DENTAL CARE ACT OF 1977", MEDICAID, THE OLD AGE PENSION HEALTH
14 AND MEDICAL CARE FUND, OR THE PROGRAM.

15 (2) THE STATE DEPARTMENT SHALL:

16 (a) IN CONSULTATION WITH THE ADVISORY COMMITTEE, DEVELOP
17 A GRANT APPLICATION UNDER THE PROGRAM CONSISTENT WITH RULES OF
18 THE MEDICAL SERVICES BOARD;

19 (b) ACCEPT APPLICATIONS FOR DENTAL HEALTH CARE SERVICES
20 GRANTS FROM ANY QUALIFIED GRANTEE;

21 (c) ON AND AFTER JULY 1, 2015, AWARD DENTAL HEALTH CARE
22 SERVICES GRANTS TO QUALIFIED GRANTEES TO PROVIDE COVERED DENTAL
23 CARE SERVICES TO ELIGIBLE SENIORS;

24 (d) PAY DENTAL HEALTH CARE SERVICES GRANTS WITHIN THIRTY
25 DAYS AFTER APPROVAL BY THE STATE DEPARTMENT;

26 (e) ENSURE THAT ALL ELIGIBLE SENIORS HAVE ACCESS TO
27 SERVICES THROUGH THE PROGRAM; AND

1 (f) CONSIDER GEOGRAPHIC DISTRIBUTION OF FUNDS AMONG URBAN
2 AND RURAL AREAS IN THE STATE WHEN MAKING FUNDING DECISIONS.

3 (3) (a) QUALIFIED GRANTEE SHALL:

4 (I) SUBMIT AN APPLICATION FOR A DENTAL HEALTH CARE SERVICES
5 GRANT TO THE STATE DEPARTMENT ON THE FORM DEVELOPED BY THE
6 STATE DEPARTMENT;

7 (II) PROVIDE OUTREACH TO TARGETED ELIGIBLE SENIORS AND
8 DENTAL CARE PROVIDERS;

9 (III) IDENTIFY ELIGIBLE SENIORS AND QUALIFIED PROVIDERS;

10 (IV) DEMONSTRATE COLLABORATION WITH COMMUNITY
11 ORGANIZATIONS;

12 (V) ENSURE THAT ELIGIBLE SENIORS RECEIVE COVERED DENTAL
13 CARE SERVICES EFFICIENTLY WITHOUT DUPLICATION OF SERVICES;

14 (VI) MAINTAIN RECORDS OF ELIGIBLE SENIORS SERVED, DENTAL
15 CARE SERVICES PROVIDED, AND MONEYS SPENT FOR A MINIMUM OF SIX
16 YEARS; AND

17 (VII) DISTRIBUTE GRANT FUNDS TO QUALIFIED PROVIDERS IN
18 THEIR SERVICE AREA OR DIRECTLY PROVIDE COVERED DENTAL CARE
19 SERVICES TO ELIGIBLE SENIORS IN THEIR SERVICE AREA. ___

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

22 (c) A QUALIFIED GRANTEE MAY ALSO BE A QUALIFIED PROVIDER IF
23 THE PERSON MEETS THE QUALIFICATIONS OF A QUALIFIED PROVIDER.

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

1 (a) A DEFINITION OF "ECONOMICALLY DISADVANTAGED" FOR
2 PURPOSES OF ELIGIBILITY;

3 (b) A DESCRIPTION OF DENTAL SERVICES THAT MAY BE PROVIDED
4 TO ELIGIBLE SENIORS UNDER THE PROGRAM; EXCEPT THAT SUCH SERVICES
5 MUST INCLUDE BUT NOT BE LIMITED TO ORAL EXAMINATION, DIAGNOSIS,
6 TREATMENT PLANNING, EMERGENCY TREATMENT, X RAYS, PARTIAL AND
7 FULL DENTURES, REPLACEMENT OR REPAIR OF PERMANENT TEETH,
8 REMOVAL OF PERMANENT TEETH, FILLINGS, PERIODONTAL TREATMENT,
9 AND SOFT TISSUE TREATMENT;

10 (c) WHETHER TO REQUIRE ELIGIBLE SENIORS TO MAKE A
11 CO-PAYMENT AND, IF SO, THE CIRCUMSTANCES AND AMOUNT OF THE
12 CO-PAYMENT;

13 (d) A DISTRIBUTION FORMULA FOR THE AVAILABILITY OF MONEYS
14 TO EACH AREA OF THE STATE; AND

15 (e) PROCEDURES, CRITERIA, AND STANDARDS FOR AWARDED
16 DENTAL HEALTH CARE SERVICES GRANTS.

17 **25.5-3-405. Program reporting.** (1) ON OR BEFORE SEPTEMBER
18 1, 2015, AND EACH SEPTEMBER 1 THEREAFTER, EACH QUALIFIED GRANTEE
19 RECEIVING A DENTAL HEALTH CARE SERVICES GRANT SHALL REPORT TO
20 THE STATE DEPARTMENT CONCERNING THE NUMBER OF ELIGIBLE SENIORS
21 SERVED, THE TYPES OF DENTAL AND ORAL HEALTH SERVICES PROVIDED,
22 AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE STATE
23 DEPARTMENT.

24 (2) ON OR BEFORE NOVEMBER 1, 2016, AND EACH NOVEMBER 1
25 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
26 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND TO THE
27 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE

1 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
2 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE OPERATION
3 AND EFFECTIVENESS OF THE PROGRAM, INCLUDING AN ITEMIZATION OF
4 THE DEPARTMENT'S ADMINISTRATIVE EXPENDITURES IN IMPLEMENTING
5 AND ADMINISTERING THE PROGRAM AND ANY RECOMMENDATIONS FOR
6 LEGISLATIVE CHANGES TO THE PROGRAM.

7 **25.5-3-406. Senior dental advisory committee - creation -**
8 **duties - repeal.** (1) (a) THERE IS CREATED IN THE STATE DEPARTMENT A
9 SENIOR DENTAL ADVISORY COMMITTEE COMPRISED OF ELEVEN MEMBERS
10 APPOINTED BY THE EXECUTIVE DIRECTOR AS FOLLOWS:

11 (I) A MEMBER REPRESENTING THE STATE DEPARTMENT;

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

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

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

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

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

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

27 (VIII) TWO CONSUMER ADVOCATES;

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

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

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

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

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

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

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

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

27 (e) THE STATE DEPARTMENT SHALL PROVIDE STAFF ASSISTANCE TO

1 THE ADVISORY COMMITTEE.

2 (2) THE ADVISORY COMMITTEE SHALL:

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

5 (b) MAKE RECOMMENDATIONS TO THE MEDICAL SERVICES BOARD
6 REGARDING RULES TO BE PROMULGATED PURSUANT TO SECTION
7 25.5-3-304, INCLUDING BUT NOT LIMITED TO:

8 (I) DEFINING COVERED DENTAL CARE SERVICES;

9 (II) WHETHER TO REQUIRE ELIGIBLE SENIORS TO MAKE A
10 CO-PAYMENT AND, IF SO, THE CIRCUMSTANCES AND AMOUNT OF THE
11 CO-PAYMENT;

12 (III) THE DISTRIBUTION FORMULA FOR THE AVAILABILITY OF
13 FUNDS TO EACH AREA OF THE STATE;

14 (IV) DENTAL HEALTH CARE SERVICES GRANT PROCEDURES,
15 CRITERIA, AND STANDARDS, INCLUDING PREFERENCE FOR QUALIFIED
16 GRANTEES WHO DEMONSTRATE COLLABORATION WITH COMMUNITY
17 ORGANIZATIONS SUCH AS A LOCAL AREA AGENCY ON AGING; AND

18 (V) A MAXIMUM AMOUNT PER PROCEDURE THAT CAN BE SPENT BY
19 QUALIFIED GRANTEES AND QUALIFIED PROVIDERS THAT SHALL NOT BE
20 LESS THAN THE REIMBURSEMENT SCHEDULE ADOPTED BY THE STATE
21 BOARD OF HEALTH PURSUANT TO SECTION 25-21-105, C.R.S., PRIOR TO ITS
22 REPEAL.

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

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

26 == ==

27 **SECTION 2. In Colorado Revised Statutes, 25-21-103, amend**

1 (3) (b) (II); and add (3) (c) as follows:

2 **25-21-103. Definitions.** As used in this article, unless the context
3 otherwise requires:

4 (3) "Eligible senior" means an adult who:

5 (b) (II) Is eligible for medical assistance pursuant to section
6 25.5-5-101 (1) (I), C.R.S., but is not eligible for long-term care services
7 pursuant to article 6 of title 25.5, C.R.S.; AND

8 (c) ON AND AFTER JULY 1, 2014, NOTWITHSTANDING ANY RULE ON
9 ELIGIBILITY PROMULGATED BY THE STATE BOARD OF HEALTH AS OF THE
10 EFFECTIVE DATE OF THIS PARAGRAPH (C), IS NOT ELIGIBLE FOR DENTAL
11 SERVICES UNDER MEDICAID OR THE OLD AGE PENSION HEALTH AND
12 MEDICAL PROGRAM.

13 **SECTION 3.** In Colorado Revised Statutes, 25-21-104, add (4)
14 as follows:

15 **25-21-104. Dental assistance program for seniors.** (4) (a) FOR
16 SERVICES TO BE PERFORMED AFTER JUNE 30, 2014, THE QUALIFIED
17 GRANTEE SHALL ENCOURAGE THE ELIGIBLE SENIOR TO APPLY FOR DENTAL
18 AND ORAL HEALTH COVERAGE THROUGH THE MEDICAID OR THE OLD AGE
19 PENSION HEALTH AND MEDICAL CARE FUND.

20 (b) IF AN ELIGIBLE SENIOR DOES NOT QUALIFY FOR DENTAL AND
21 ORAL HEALTH COVERAGE THROUGH THESE PROGRAMS, THE QUALIFIED
22 GRANTEE MAY CONTINUE TO PROVIDE SERVICES UNDER THIS ARTICLE;
23 EXCEPT THAT, AFTER JUNE 30, 2015, SERVICES MAY BE PROVIDED ONLY TO
24 THE EXTENT THAT THE SERVICES WERE PART OF A TREATMENT PLAN
25 ESTABLISHED PRIOR TO JUNE 30, 2015.

26 **SECTION 4.** In Colorado Revised Statutes, add 25-21-109 as
27 follows:

1 **25-21-109. Repeal of article.** THIS ARTICLE IS REPEALED,
2 EFFECTIVE JANUARY 1, 2016.

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

5 **2-3-1203. Sunset review of advisory committees.** (3) The
6 following dates are the dates for which the statutory authorization for the
7 designated advisory committees is scheduled for repeal:

8 (kk.5) SEPTEMBER 1, 2024:

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

11 **SECTION 6. Appropriation - adjustments to 2014 long bill.**

12 (1) For the implementation of this act, appropriations made in the annual
13 general appropriation act to the department of public health and
14 environment, from the general fund, for the fiscal year beginning July 1,
15 2014, for the senior dental program, is decreased by \$55,000.

16 (2) In addition to any other appropriation, for the fiscal year
17 beginning July 1, 2014, there is hereby appropriated, out of any moneys
18 in the general fund not otherwise appropriated, to the department of
19 health care policy and financing, for the fiscal year beginning July 1,
20 2014, the sum of \$55,000 and 0.8 FTE, or so much thereof as may be
21 necessary, for allocation to the executive director’s office for personal
22 services and operating expenses related to the implementation of this act.

23 **SECTION 7. Accountability.** Two years after this act becomes
24 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
25 the legislative service agencies of the Colorado General Assembly shall
26 conduct a post-enactment review of the implementation of this act
27 utilizing the information contained in the legislative declaration set forth

1 in section 26-11-208 (2), Colorado Revised Statutes, enacted in section
2 1 of this act.

3 **SECTION 8. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.