



STATE FISCAL IMPACT

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Prime Sponsor(s): Rep. Ginal
 Sen. Crowder

Date: April 1, 2015
Bill Status: House Health, Insurance, & Environment
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BILL TOPIC: PROTECTIVE RESTORATIONS BY DENTAL HYGIENISTS

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue	<u>\$46,000</u>	<u>\$3,000</u>
Cash Funds	46,000	3,000
State Expenditures	<u>at least \$44,240</u>	<u>at least \$2,475</u>
General Fund / Federal Funds	Increase.	Increase.
Cash Funds	44,240	2,475
TABOR Set-Aside	\$46,000	\$3,000
FTE Position Change		
Appropriation Required: \$44,240 - Department of Regulatory Agencies (FY 2015-16)		

* This summary shows changes from current law under the bill for each fiscal year.

This fiscal note is preliminary. Affected agencies were canvassed but responses have not yet been received from all agencies due to time constraints. The fiscal note will be revised if additional information is provided.

Summary of Legislation

The bill allows dental hygienists to receive a permit from the Colorado Dental Board to perform interim therapeutic restorations. In order to receive a permit, a dental hygienist must:

- hold a license in good standing to practice dental hygiene;
- carry professional liability insurance;
- complete required training; and
- complete a board-approved course concerning interim therapeutic restorations.

Under the bill, the Department of Regulatory Agencies (DORA) must establish an advisory committee to develop standards for interim therapeutic restorations. The bill specifies the membership of the committee and requires the committee to submit its recommendations to the Dental Board within 120 days of the bill taking effect (i.e., December 3, 2015, assuming the bill takes effect on August 5, 2015).

The bill places various restrictions on dental hygienists performing interim therapeutic restorations, including prohibiting the use of local anesthesia and requiring that a dentist first provide the diagnosis, treatment plan, and instruction for the dental hygienist to perform the restoration. The bill allows dentists to supervise and order interim therapeutic restorations by dental hygienists via telehealth and outlines rules for such remote consultations. Medicaid and the Children's Basic Health Plan may reimburse dentists for services provide via telehealth relating to interim therapeutic restorations.

Background

Interim therapeutic restorations are a type of temporary dental restoration to stabilize a tooth until a dentist can assess the need for further treatment. According to the American Academy of Pediatric Dentists, interim therapeutic restorations may be beneficial in circumstances where traditional dental services for cavities are not available or when dealing with young patients, uncooperative patients, or patients with special health care needs.

State Revenue

The bill increases cash fund revenue to DORA by about **\$46,000 in FY 2015-16 and \$3,000 in FY 2016-17**. This revenue from fees is deposited to the Division of Professions and Occupations Cash Fund to offset the costs of the bill in DORA. The fiscal note estimates that about 10 dental hygienists will be permitted under the bill to perform interim therapeutic restorations. Given this low number, it is assumed that, in addition to the permit fee, DORA will raise the license fees on all dental hygienists. Dental hygienist licenses are renewed every two years.

Fee Impact on Individuals or Business. Section 2-2-322, C.R.S., requires legislative service agency review of measures which create or increase any fee collected by a state agency. While the exact fee schedule will be set by DORA in rule, Table 1 below shows the potential fee impact of the bill on dental hygienists.

Table 1. Fee Impact on Individuals or Business					
Type of Fee	Current Fee	Proposed Fee	Fee Change	Number Affected	Total Fee Impact
FY 2015-16					
Dental Hygienist License (New)	\$150	\$160	\$10	250	\$2,500
Dental Hygienist License (Renewal)	\$86	\$96	\$10	4,300	\$43,000
Interim Therapeutic Restoration Permit	\$0	\$50	\$50	10	\$500
FY 2015-16 TOTAL					\$46,000
FY 2016-17					
Dental Hygienist License (New)	\$150	\$160	\$10	250	\$2,500
Interim Therapeutic Restoration Permit	\$0	\$50	\$50	10	\$500
FY 2016-17 TOTAL					\$3,000
TWO-YEAR TOTAL					\$49,000

TABOR Impact

This bill increases state revenue from fees, which will increase the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

State Expenditures

The bill increases costs in DORA by **\$44,240 in FY 2015-16 and \$2,475 in FY 2016-17** and future years. In addition, the Department of Health Care Policy and Financing may have increased costs for additional provider reimbursements under Medicaid and the Children's Basic Health Plan (CHP+). These costs are summarized in Table 2 and discussed below.

Table 2. Expenditures Under HB 15-1309		
Cost Components	FY 2015-16	FY 2016-17
Personal Services	\$6,014	\$0
Committee Per Diem and Expenses	6,300	0
Legal Services	7,426	2,475
Expert Consultant	24,500	0
TOTAL	\$44,240	\$2,475

Department of Regulatory Agencies. To implement the permitting of dental hygienists to perform interim therapeutic restorations, the DORA will have costs to hire an expert consultant to develop standards for this procedure (\$24,500). There will also be costs to reimburse advisory committee members for per diem and travel expenses (\$6,300). DORA will also require 260 hours of temporary staff to assist the committee and conduct the initial permitting process (\$6,014). It is anticipated that DORA will require an additional 75 hours of legal services in the first year (\$7,426) and 25 hours in future years (\$2,475) for rulemaking.

Department of Health Care Policy and Financing. The bill will likely increase costs for provider reimbursement under Medicaid and CHP+. While interim therapeutic restorations may limit the costs of future dental work in some cases (i.e., prevent a tooth from getting worse and requiring a more complicated procedure), reimbursement for this procedure is expected to increase costs overall for several reasons. First, in some cases, the cost of the permanent restoration will be the same as if no interim restoration was done, even after Medicaid and CHP+ has paid for an extra procedure. Second, the bill requires that a dentist supervise cases where it is appropriate for a dental hygienist to perform an interim therapeutic restoration and allows reimbursement for telehealth consultations. Reimbursement for consultation and telehealth will be higher than if a standard restoration or no restoration was performed. At this time, an exact estimate of costs is not available. The fiscal note will be revised if additional information is provided. Medicaid costs are paid using General Fund and federal funds; CHP+ costs are paid using cash funds and federal funds.

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2015-16, the bill requires an appropriation of \$44,240 to DORA from the Division of Professions and Occupations Cash Fund. Of this amount, \$7,426 is reappropriated to the Department of Law.

State and Local Government Contacts

Regulatory Agencies
Personnel and Administration
Public Health and Environment
Corrections

Health Care Policy and Financing
Human Services
Law
Counties