

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 16-0883.01 Kristen Forrestal x4217

HOUSE BILL 16-1327

HOUSE SPONSORSHIP

Ginal, McCann

SENATE SPONSORSHIP

Grantham,

House Committees

Health, Insurance, & Environment

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO DENTAL BOARD'S AUTHORITY TO**
102 **PROMULGATE RULES IMPLEMENTING FINANCIAL**
103 **RESPONSIBILITY REQUIREMENTS FOR DENTAL CARE PROVIDERS.**

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>.)

Current law allows the board of dentistry, by rule, to establish lesser financial responsibility standards for dentists who:

- ! Perform dental services as employees of the United States government;
- ! Render limited, or occasional, or no dental services;

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
2nd Reading Unamended
April 5, 2016

HOUSE
3rd Reading Unamended
March 29, 2016

HOUSE
2nd Reading Unamended
March 28, 2016

! Perform less than full-time active dental services because of administrative or other nonclinical duties or partial or complete retirement; or

! Provide uncompensated dental care to patients but do not otherwise provide any compensated dental care to patients.

The bill extends this rule-making authority to cover dental hygienists.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-35-122, **amend**
3 (2) (c) as follows:

4 **12-35-122. Inactive dental or dental hygienist license.** (2) Any
5 person applying for a license under this section shall:

6 (c) Comply with ~~the~~ ANY financial responsibility or professional
7 liability insurance requirements ~~specified in~~ ESTABLISHED BY THE BOARD
8 UNDER section 12-35-141, as applicable.

9 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-35-141 as
10 follows:

11 **12-35-141. Professional liability insurance required - rules.**

12 (1) A licensed dentist ~~shall~~ AND A LICENSED DENTAL HYGIENIST MUST
13 meet the financial responsibility requirements established by the board
14 pursuant to section 13-64-301 (1) (a), C.R.S.

15 (2) ~~A licensed dental hygienist shall have professional liability~~
16 ~~insurance in an amount not less than fifty thousand dollars per claim and~~
17 ~~with an aggregate liability limit for all claims during a calendar year of~~
18 ~~not less than three hundred thousand dollars.~~ Upon request of the board,
19 a LICENSED DENTIST OR LICENSED dental hygienist shall provide proof of
20 professional liability insurance to the board.

21 (3) THE BOARD MAY, BY RULE, EXEMPT FROM OR ESTABLISH
22 LESSER FINANCIAL RESPONSIBILITY STANDARDS FOR LICENSED DENTISTS

1 AND LICENSED DENTAL HYGIENISTS WHO MEET THE CRITERIA IN SECTION
2 13-64-301 (1) (a) (II), C.R.S.

3 **SECTION 3.** In Colorado Revised Statutes, 13-64-301, **amend**
4 (1) introductory portion and (1) (a) as follows:

5 **13-64-301. Financial responsibility.** (1) As a condition of active
6 licensure or authority to practice in this state, every physician, ~~or~~ dentist,
7 OR DENTAL HYGIENIST and every health care institution as defined in
8 section 13-64-202, except as provided in section 13-64-303.5, that
9 provides health care services shall establish financial responsibility, as
10 follows:

11 (a) (I) If a dentist, by maintaining commercial professional
12 liability insurance coverage with an insurance company authorized to do
13 business in this state or an eligible nonadmitted insurer allowed to insure
14 in Colorado pursuant to article 5 of title 10, C.R.S., in a minimum
15 indemnity amount of five hundred thousand dollars per incident and one
16 million five hundred thousand dollars annual aggregate per year; except
17 that this requirement is not applicable to a dentist who is a public
18 employee under the "Colorado Governmental Immunity Act", article 10
19 of title 24, C.R.S. A LICENSED DENTAL HYGIENIST MUST HAVE
20 PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN FIFTY
21 THOUSAND DOLLARS PER CLAIM AND WITH AN AGGREGATE LIABILITY
22 LIMIT FOR ALL CLAIMS DURING A CALENDAR YEAR OF NOT LESS THAN
23 THREE HUNDRED THOUSAND DOLLARS; EXCEPT THAT THIS REQUIREMENT
24 DOES NOT APPLY TO A LICENSED DENTAL HYGIENIST WHO IS A PUBLIC
25 EMPLOYEE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
26 ARTICLE 10 OF TITLE 24, C.R.S.

27 (II) The Colorado dental board, by rule, may exempt from or

1 establish lesser financial responsibility standards than those prescribed in
2 this section for classes of dentists AND LICENSED DENTAL HYGIENISTS
3 who:

4 (A) Perform dental services as employees of the United States
5 government;

6 (B) Render limited, ~~or~~ occasional, OR NO dental services;

7 (C) Perform less than full-time active dental services because of
8 administrative or other nonclinical duties or partial or complete
9 retirement; or

10 (D) Provide uncompensated dental care to patients but do not
11 otherwise provide any compensated dental care to patients.

12 (III) The Colorado dental board may exempt from or establish
13 lesser financial responsibility standards for a dentist OR LICENSED DENTAL
14 HYGIENIST for reasons other than those described in subparagraph (II) of
15 this paragraph (a) that render the limits provided in subparagraph (I) of
16 this paragraph (a) unreasonable or unattainable.

17 (IV) Nothing in this paragraph (a) shall preclude or otherwise
18 prohibit a licensed dentist OR LICENSED DENTAL HYGIENIST from
19 rendering appropriate patient care on an occasional basis when the
20 circumstances surrounding the need for care so warrant.

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.