

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**

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.*



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 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 JULY 1, 2015, THE STATE DEPARTMENT SHALL:

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

17 (b) ACCEPT APPLICATIONS FOR GRANTS UNDER THE PROGRAM  
18 FROM ANY QUALIFIED GRANTEE;

19 (c) AWARD GRANTS TO QUALIFIED GRANTEES TO PROVIDE  
20 COVERED DENTAL CARE SERVICES TO ELIGIBLE SENIORS;

21 (d) PAY GRANTS UNDER THE PROGRAM WITHIN THIRTY DAYS AFTER  
22 APPROVAL BY THE STATE DEPARTMENT;

23 (e) CONSIDER GEOGRAPHIC DISTRIBUTION OF FUNDS AMONG  
24 URBAN AND RURAL AREAS IN THE STATE WHEN MAKING FUNDING  
25 DECISIONS.

26 (3) (a) QUALIFIED GRANTEES SHALL:

27 (I) SUBMIT AN APPLICATION FOR A GRANT UNDER THE PROGRAM

1 TO THE STATE DEPARTMENT ON THE FORM DEVELOPED BY THE STATE  
2 DEPARTMENT;

3 (II) PROVIDE OUTREACH TO TARGETED ELIGIBLE SENIORS AND  
4 DENTAL CARE PROVIDERS;

5 (III) IDENTIFY ELIGIBLE SENIORS AND QUALIFIED PROVIDERS;

6 (IV) DEMONSTRATE COLLABORATION WITH COMMUNITY  
7 ORGANIZATIONS;

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

10 (VI) MAINTAIN RECORDS OF ELIGIBLE SENIORS SERVED, DENTAL  
11 CARE SERVICES PROVIDED, AND MONEYS SPENT FOR A MINIMUM OF SIX  
12 YEARS;

13 (VII) DISTRIBUTE GRANT FUNDS TO QUALIFIED PROVIDERS IN  
14 THEIR SERVICE AREA; AND

15 (VIII) CONDUCT AN EVALUATION OF THE PROGRAM IN ITS SERVICE  
16 AREA ON THE PROGRAM'S EFFECTIVENESS AND WEAKNESSES. \_\_\_\_\_

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

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

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

25 (a) A DEFINITION OF "ECONOMICALLY DISADVANTAGED" FOR  
26 PURPOSES OF ELIGIBILITY;

27 (b) A DESCRIPTION OF DENTAL SERVICES THAT MAY BE PROVIDED

1 TO ELIGIBLE SENIORS UNDER THE PROGRAM; EXCEPT THAT SUCH SERVICES  
2 MUST INCLUDE BUT NOT BE LIMITED TO ORAL EXAMINATION, DIAGNOSIS,  
3 TREATMENT PLANNING, EMERGENCY TREATMENT, X RAYS, PARTIAL AND  
4 FULL DENTURES, REPLACEMENT OR REPAIR OF PERMANENT TEETH,  
5 REMOVAL OF PERMANENT TEETH, FILLINGS, PERIODONTAL TREATMENT,  
6 AND SOFT TISSUE TREATMENT;

7 (c) A DISTRIBUTION FORMULA FOR THE AVAILABILITY OF MONEYS  
8 TO EACH AREA OF THE STATE; AND

9 (d) PROCEDURES, CRITERIA, AND STANDARDS FOR AWARDING  
10 GRANTS UNDER THE PROGRAM.

11 **25.5-3-405. Program reporting.** (1) ON OR BEFORE SEPTEMBER  
12 1, 2015, AND EACH SEPTEMBER 1 THEREAFTER, EACH QUALIFIED GRANTEE  
13 RECEIVING A GRANT PURSUANT TO SECTION 25.5-3-404 SHALL REPORT TO  
14 THE STATE DEPARTMENT CONCERNING THE NUMBER OF ELIGIBLE SENIORS  
15 SERVED, THE TYPES OF DENTAL AND ORAL HEALTH SERVICES PROVIDED,  
16 AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE STATE  
17 DEPARTMENT.

18 (2) ON OR BEFORE NOVEMBER 1, 2015, AND EACH NOVEMBER 1  
19 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE  
20 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND TO THE  
21 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE  
22 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF  
23 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE OPERATION  
24 AND EFFECTIVENESS OF THE PROGRAM, INCLUDING AN ITEMIZATION OF THE  
25 DEPARTMENT'S ADMINISTRATIVE EXPENDITURES IN IMPLEMENTING AND  
26 ADMINISTERING THE PROGRAM AND ANY RECOMMENDATIONS FOR  
27 LEGISLATIVE CHANGES TO THE PROGRAM.

1           **25.5-3-406. Senior dental advisory committee - creation -**

2           **duties - repeal.** (1) (a) THERE IS CREATED IN THE STATE DEPARTMENT A  
3 SENIOR DENTAL ADVISORY COMMITTEE COMPRISED OF ELEVEN MEMBERS  
4 APPOINTED BY THE EXECUTIVE DIRECTOR AS FOLLOWS:

5           (I) A MEMBER REPRESENTING THE STATE DEPARTMENT;

6           (II) A DENTIST IN PRIVATE PRACTICE PROVIDING DENTAL CARE TO  
7 THE SENIOR POPULATION WHO REPRESENTS A STATEWIDE ORGANIZATION  
8 OF DENTISTS;

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

10          (IV) A REPRESENTATIVE OF EITHER AN AGENCY THAT  
11 COORDINATES SERVICES FOR LOW-INCOME SENIORS OR THE OFFICE IN THE  
12 DEPARTMENT OF HUMAN SERVICES RESPONSIBLE FOR OVERSEEING  
13 SERVICES TO THE ELDERLY;

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

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

19          (VII) A REPRESENTATIVE OF THE UNIVERSITY OF COLORADO  
20 SCHOOL OF DENTAL MEDICINE;

21          (VIII) TWO CONSUMER ADVOCATES;

22          (IX) A SENIOR WHO IS ELIGIBLE FOR SERVICES UNDER THE  
23 PROGRAM; AND

24          (X) A REPRESENTATIVE OF A FOUNDATION WITH EXPERIENCE IN  
25 MAKING DENTAL CARE GRANTS.

26          (b) MEMBERS OF THE COMMITTEE SHALL SERVE THREE-YEAR  
27 TERMS. OF THE MEMBERS INITIALLY APPOINTED TO THE ADVISORY



1 COMMITTEE, THE EXECUTIVE DIRECTOR SHALL APPOINT SIX FOR TWO-YEAR  
2 TERMS AND FIVE FOR THREE-YEAR TERMS. IN THE EVENT OF A VACANCY  
3 ON THE ADVISORY COMMITTEE, THE EXECUTIVE DIRECTOR SHALL APPOINT  
4 A SUCCESSOR TO FILL THE UNEXPIRED PORTION OF THE TERM OF SUCH  
5 MEMBER.

6 (c) (I) THE EXECUTIVE DIRECTOR SHALL DESIGNATE A MEMBER TO  
7 SERVE AS THE CHAIR OF THE ADVISORY COMMITTEE. THE ADVISORY  
8 COMMITTEE SHALL MEET AS NECESSARY AT THE CALL OF THE CHAIR.

9 (II) MEMBERS OF THE ADVISORY COMMITTEE SERVE WITHOUT  
10 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

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

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

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

21 (e) THE STATE DEPARTMENT SHALL PROVIDE STAFF ASSISTANCE TO  
22 THE ADVISORY COMMITTEE.

23 (2) THE ADVISORY COMMITTEE SHALL:

24 (a) ADVISE THE STATE DEPARTMENT ON THE OPERATION OF THE  
25 PROGRAM;

26 (b) MAKE RECOMMENDATIONS TO THE MEDICAL SERVICES BOARD  
27 REGARDING RULES TO BE PROMULGATED PURSUANT TO SECTION

1 25.5-3-304, INCLUDING BUT NOT LIMITED TO:

2 (I) DEFINING COVERED DENTAL CARE SERVICES;

3 (II) THE DISTRIBUTION FORMULA FOR THE AVAILABILITY OF FUNDS  
4 TO EACH AREA OF THE STATE;

5 (III) GRANT PROCEDURES, CRITERIA, AND STANDARDS, INCLUDING  
6 PREFERENCE FOR QUALIFIED GRANTEES WHO DEMONSTRATE  
7 COLLABORATION WITH COMMUNITY ORGANIZATIONS SUCH AS A LOCAL  
8 AREA AGENCY ON AGING; AND

9 (IV) A MAXIMUM AMOUNT PER PROCEDURE THAT CAN BE SPENT BY  
10 QUALIFIED GRANTEES AND QUALIFIED PROVIDERS THAT SHALL NOT BE  
11 LESS THAN THE REIMBURSEMENT SCHEDULE ADOPTED BY THE STATE  
12 BOARD OF HEALTH PURSUANT TO SECTION 25-21-105, C.R.S., PRIOR TO ITS  
13 REPEAL.

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

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

17 == ==

18 **SECTION 2.** In Colorado Revised Statutes, 25-21-104, **add** (4)  
19 as follows:

20 **25-21-104. Dental assistance program for seniors.** (4) (a) FOR  
21 SERVICES TO BE PERFORMED AFTER JUNE 30, 2014, THE QUALIFIED  
22 GRANTEE SHALL ENCOURAGE THE ELIGIBLE SENIOR TO APPLY FOR DENTAL  
23 AND ORAL HEALTH COVERAGE THROUGH THE MEDICAID OR THE OLD AGE  
24 PENSION HEALTH AND MEDICAL CARE FUND.

25 (b) IF AN ELIGIBLE SENIOR DOES NOT QUALIFY OR APPLY FOR  
26 DENTAL AND ORAL HEALTH COVERAGE THROUGH THESE PROGRAMS, THE  
27 QUALIFIED GRANTEE MAY CONTINUE TO PROVIDE SERVICES UNDER THIS

1 ARTICLE; EXCEPT THAT, AFTER JUNE 30, 2015, SERVICES MAY BE  
2 PROVIDED ONLY TO THE EXTENT THAT THE SERVICES WERE PART OF A  
3 TREATMENT PLAN ESTABLISHED PRIOR TO JUNE 30, 2015.

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

6 **25-21-109. Repeal of article.** THIS ARTICLE IS REPEALED,  
7 EFFECTIVE JANUARY 1, 2016.

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

10 **2-3-1203. Sunset review of advisory committees.** (3) The  
11 following dates are the dates for which the statutory authorization for the  
12 designated advisory committees is scheduled for repeal:

13 (kk.5) SEPTEMBER 1, 2024:

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

16 **SECTION 5. Appropriation - adjustments to 2014 long bill.**

17 (1) For the implementation of this act, appropriations made in the annual  
18 general appropriation act to the department of public health and  
19 environment, from the general fund, for the fiscal year beginning July 1,  
20 2014, for the senior dental program, is decreased by \$55,000.

21 (2) In addition to any other appropriation, for the fiscal year  
22 beginning July 1, 2014, there is hereby appropriated, out of any moneys  
23 in the general fund not otherwise appropriated, to the department of  
24 health care policy and financing, for the fiscal year beginning July 1,  
25 2014, the sum of \$55,000 and 0.8 FTE, or so much thereof as may be  
26 necessary, for allocation to the executive director's office for personal  
27 services and operating expenses related to the implementation of this act.

1           **SECTION 6. Accountability.** Two years after this act becomes  
2 law and in accordance with section 2-2-1201, Colorado Revised Statutes,  
3 the legislative service agencies of the Colorado General Assembly shall  
4 conduct a post-enactment review of the implementation of this act  
5 utilizing the information contained in the legislative declaration set forth  
6 in section 26-11-208 (2), Colorado Revised Statutes, enacted in section  
7 1 of this act.

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