

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

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

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

Health, Insurance, & Environment
Appropriations

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/billsummaries>.)

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.

HOUSE
3rd Reading Unamended
May 5, 2014

HOUSE
Amended 2nd Reading
May 3, 2014

SENATE
3rd Reading Unamended
May 2, 2014

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 CAN
11 DEMONSTRATE THAT IT CAN PROVIDE OR ARRANGE FOR THE PROVISION OF
12 COMPREHENSIVE DENTAL AND ORAL CARE SERVICES AND MAY INCLUDE
13 BUT IS NOT LIMITED TO:

14 (a) AN AREA AGENCY ON AGING, AS DEFINED IN SECTION
15 26-11-203, C.R.S.:

16 (b) A COMMUNITY-BASED ORGANIZATION OR FOUNDATION;

17 (c) A FEDERALLY QUALIFIED HEALTH CENTER, SAFETY-NET CLINIC,
18 OR HEALTH DISTRICT;

19 (d) A LOCAL PUBLIC HEALTH AGENCY; OR

20 (e) A PRIVATE DENTAL PRACTICE.

21 (7) "QUALIFIED PROVIDER" MEANS ANY PERSON WHO IS LICENSED
22 TO PRACTICE DENTISTRY IN COLORADO OR WHO EMPLOYS A DENTIST
23 LICENSED IN COLORADO AND WHO IS WILLING TO ACCEPT REIMBURSEMENT
24 FOR COVERED DENTAL SERVICES PURSUANT TO THIS PROGRAM. _____

25 **25.5-3-404. Colorado dental health care program for**
26 **low-income seniors - rules.** (1) (a) THERE IS CREATED IN THE STATE
27 DEPARTMENT THE COLORADO DENTAL HEALTH CARE PROGRAM FOR

1 LOW-INCOME SENIORS TO PROVIDE COVERED DENTAL CARE SERVICES FOR
2 ELIGIBLE SENIORS WHO ARE NOT ELIGIBLE FOR DENTAL SERVICES UNDER
3 MEDICAID, THE OLD AGE PENSION HEALTH AND MEDICAL CARE PROGRAM,
4 OR PRIVATE INSURANCE.

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

14 (2) THE STATE DEPARTMENT SHALL:

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

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

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

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

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

27 (f) CONSIDER GEOGRAPHIC DISTRIBUTION OF FUNDS AMONG URBAN

1 AND RURAL AREAS IN THE STATE WHEN MAKING FUNDING DECISIONS.

2 (3) (a) QUALIFIED GRANTEEES SHALL:

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

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

8 (III) IDENTIFY ELIGIBLE SENIORS AND QUALIFIED PROVIDERS;

9 (IV) DEMONSTRATE COLLABORATION WITH COMMUNITY
10 ORGANIZATIONS;

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

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

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

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

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

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

27 (a) A DEFINITION OF "ECONOMICALLY DISADVANTAGED" FOR

1 PURPOSES OF ELIGIBILITY;

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

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

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

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

16 **25.5-3-405. Program reporting.** (1) ON OR BEFORE SEPTEMBER
17 1, 2015, AND EACH SEPTEMBER 1 THEREAFTER, EACH QUALIFIED GRANTEE
18 RECEIVING A DENTAL HEALTH CARE SERVICES GRANT SHALL REPORT TO
19 THE STATE DEPARTMENT CONCERNING THE NUMBER OF ELIGIBLE SENIORS
20 SERVED, THE TYPES OF DENTAL AND ORAL HEALTH SERVICES PROVIDED,
21 AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE STATE
22 DEPARTMENT.

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

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

6 **25.5-3-406. Senior dental advisory committee - creation -**
7 **duties - repeal.** (1) (a) THERE IS CREATED IN THE STATE DEPARTMENT A
8 SENIOR DENTAL ADVISORY COMMITTEE COMPRISED OF ELEVEN MEMBERS
9 APPOINTED BY THE EXECUTIVE DIRECTOR AS FOLLOWS:

10 (I) A MEMBER REPRESENTING THE STATE DEPARTMENT;

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

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

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

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

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

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

26 (VIII) TWO CONSUMER ADVOCATES;

27 (IX) A SENIOR WHO IS ELIGIBLE FOR SERVICES UNDER THE

1 PROGRAM; AND

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

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

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

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

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

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

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

26 (e) THE STATE DEPARTMENT SHALL PROVIDE STAFF ASSISTANCE TO
27 THE ADVISORY COMMITTEE.

1 (2) THE ADVISORY COMMITTEE SHALL:

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

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

7 (I) DEFINING COVERED DENTAL CARE SERVICES;

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

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

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

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

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

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

25 == ==

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

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

1 **25-21-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

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

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

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

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

14 **25-21-104. Dental assistance program for seniors.** (4) (a) FOR
15 SERVICES TO BE PERFORMED AFTER JUNE 30, 2014, THE QUALIFIED
16 GRANTEE SHALL ENCOURAGE THE ELIGIBLE SENIOR TO APPLY FOR DENTAL
17 AND ORAL HEALTH COVERAGE THROUGH THE MEDICAID OR THE OLD AGE
18 PENSION HEALTH AND MEDICAL CARE FUND.

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

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

27 **25-21-109. Repeal of article.** THIS ARTICLE IS REPEALED,

1 EFFECTIVE JANUARY 1, 2016.

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

4 **2-3-1203. Sunset review of advisory committees.** (3) The
5 following dates are the dates for which the statutory authorization for the
6 designated advisory committees is scheduled for repeal:

7 (kk.5) SEPTEMBER 1, 2024:

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

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

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

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

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

1 1 of this act.

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