

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0623.01 Yelana Love x2295

SENATE BILL 22-058

SENATE SPONSORSHIP

Simpson,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A PEER HEALTH ASSISTANCE
102 PROGRAM FOR DENTAL HYGIENISTS.

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://leg.colorado.gov>.)

The bill creates a peer health assistance program (program) for dental hygienists to assist dental hygienists with physical, emotional, or psychological problems that may be detrimental to the dental hygienist's ability to practice dental hygiene.

The program is funded by a fee each dental hygienist is required to pay upon renewal of the dental hygienist's license.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-220-507 as
3 follows:

4 **12-220-507. Dental hygienist peer health assistance program**

5 **- fees - rules.** (1) (a) (I) EFFECTIVE JULY 1, 2022, AS A CONDITION OF
6 RENEWAL IN THIS STATE, EVERY DENTAL HYGIENIST APPLYING TO RENEW
7 THE DENTAL HYGIENIST'S LICENSE MUST PAY TO THE ADMINISTERING
8 ENTITY THAT HAS BEEN SELECTED BY THE BOARD PURSUANT TO
9 SUBSECTION (1)(c) OF THIS SECTION AN AMOUNT NOT TO EXCEED ELEVEN
10 DOLLARS PER YEAR. THE BOARD MAY ADJUST THIS AMOUNT ON JANUARY
11 1, 2023, AND ANNUALLY THEREAFTER TO REFLECT CHANGES IN THE
12 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
13 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
14 URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX; EXCEPT THAT
15 THE AMOUNT MUST NOT EXCEED TWENTY-FIVE DOLLARS PER YEAR.

16 (II) THE ADMINISTERING ENTITY SHALL USE THE MONEY
17 COLLECTED PURSUANT TO THIS SUBSECTION (1)(a) TO ADMINISTER A PEER
18 HEALTH ASSISTANCE PROGRAM FOR DENTAL HYGIENISTS, INCLUDING TO
19 SUPPORT DESIGNATED PROVIDERS THAT THE BOARD SELECTS PURSUANT
20 TO SUBSECTION (1)(b) OF THIS SECTION TO ASSIST DENTAL HYGIENISTS
21 WITH PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL PROBLEMS THAT MAY
22 BE DETRIMENTAL TO DENTAL HYGIENISTS' ABILITY TO PRACTICE DENTAL
23 HYGIENE.

24 (b) THE BOARD SHALL SELECT ONE OR MORE PEER HEALTH
25 ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR
26 DESIGNATION BY THE BOARD, A PEER HEALTH ASSISTANCE PROGRAM

1 MUST:

2 (I) PROVIDE FOR THE EDUCATION OF DENTAL HYGIENISTS WITH
3 RESPECT TO THE RECOGNITION AND PREVENTION OF PHYSICAL,
4 EMOTIONAL, AND PSYCHOLOGICAL PROBLEMS AND PROVIDE FOR
5 INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES THAT MAY
6 BE ESTABLISHED BY RULES PROMULGATED BY THE BOARD;

7 (II) OFFER ASSISTANCE TO A DENTAL HYGIENIST IN IDENTIFYING
8 PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL PROBLEMS;

9 (III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
10 PSYCHOLOGICAL PROBLEMS AND REFER THE DENTAL HYGIENIST FOR
11 APPROPRIATE TREATMENT;

12 (IV) MONITOR THE STATUS OF A DENTAL HYGIENIST WHO HAS
13 BEEN REFERRED FOR TREATMENT;

14 (V) PROVIDE COUNSELING AND SUPPORT FOR A DENTAL HYGIENIST
15 AND FOR THE FAMILY OF ANY DENTAL HYGIENIST REFERRED FOR
16 TREATMENT;

17 (VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

18 (VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED
19 COLORADO DENTAL HYGIENISTS.

20 (c) THE BOARD SHALL SELECT AN ADMINISTERING ENTITY TO
21 ADMINISTER THE PEER HEALTH ASSISTANCE PROGRAM. THE
22 ADMINISTERING ENTITY MUST BE A QUALIFIED, NONPROFIT FOUNDATION
23 THAT IS QUALIFIED UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL
24 REVENUE CODE OF 1986", AS AMENDED, THAT IS DEDICATED TO
25 PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT, EDUCATIONAL, AND
26 SCIENTIFIC PURPOSES THAT ARE RELATED TO DENTAL HYGIENE, ORAL
27 HEALTH EDUCATION, ORAL HEALTH RESEARCH AND SCIENCE, AND OTHER

1 ORAL CHARITABLE PURPOSES.

2 (d) THE ADMINISTERING ENTITY SHALL:

3 (I) COLLECT THE REQUIRED FEES, DIRECTLY OR THROUGH THE
4 BOARD;

5 (II) VERIFY TO THE BOARD, IN A MANNER ACCEPTABLE TO THE
6 BOARD, THE NAMES OF ALL DENTAL HYGIENIST APPLICANTS WHO HAVE
7 PAID THE FEE SET BY THE BOARD;

8 (III) DISTRIBUTE THE MONEY COLLECTED, LESS EXPENSES, TO THE
9 DESIGNATED PROVIDER, AS DIRECTED BY THE BOARD;

10 (IV) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL
11 AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED;
12 AND

13 (V) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED
14 BY THE BOARD TO SECURE PERFORMANCE UNDER THE REQUIREMENTS OF
15 THIS SECTION. THE ADMINISTERING ENTITY MAY RECOVER THE ACTUAL
16 ADMINISTRATIVE COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS
17 SECTION IN AN AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL
18 AMOUNT OF FEES COLLECTED.

19 (e) THE BOARD MAY COLLECT THE REQUIRED FEES PAYABLE TO
20 THE ADMINISTERING ENTITY FOR THE BENEFIT OF THE ADMINISTERING
21 ENTITY AND SHALL TRANSFER THE FEES TO THE ADMINISTERING ENTITY.
22 ALL REQUIRED FEES COLLECTED OR DUE TO THE BOARD FOR EACH STATE
23 FISCAL YEAR ARE CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO
24 APPROPRIATION BY THE GENERAL ASSEMBLY, AND THE FEE REVENUES DO
25 NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION
26 20 OF ARTICLE X OF THE STATE CONSTITUTION.

27 (2) (a) ANY DENTAL HYGIENIST WHO IS A REFERRED PARTICIPANT

1 IN A PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO A WRITTEN
2 AGREEMENT WITH THE BOARD PRIOR TO THE DENTAL HYGIENIST
3 BECOMING A PARTICIPANT IN THE PROGRAM. THE AGREEMENT MUST
4 CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE
5 PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM
6 WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, A PROVISION
7 REQUIRING A PARTICIPATING DENTAL HYGIENIST TO PROMPTLY REPORT TO
8 THE BOARD A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS,
9 AND A PROVISION SPECIFYING THAT FAILURE TO COMPLY WITH THE
10 REQUIREMENTS AND GOALS RESULTS IN DISCIPLINARY ACTION BY THE
11 BOARD.

12 (b) NOTWITHSTANDING SECTIONS 12-220-201 AND 24-4-104, THE
13 BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF ANY DENTAL
14 HYGIENIST WHO IS REFERRED TO A PEER HEALTH ASSISTANCE PROGRAM BY
15 THE BOARD AND WHO FAILS TO ATTEND OR COMPLETE THE PROGRAM. IF
16 THE DENTAL HYGIENIST OBJECTS TO THE SUSPENSION, THE DENTAL
17 HYGIENIST MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR A
18 FORMAL HEARING ON THE SUSPENSION WITHIN TEN DAYS AFTER RECEIVING
19 NOTICE OF THE SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST.
20 IN THE HEARING, THE DENTAL HYGIENIST BEARS THE BURDEN OF PROVING
21 THAT THE DENTAL HYGIENIST'S LICENSE SHOULD NOT BE SUSPENDED.

22 (c) ANY DENTAL HYGIENIST WHO IS ACCEPTED INTO A PEER
23 HEALTH ASSISTANCE PROGRAM IN LIEU OF DISCIPLINARY ACTION BY THE
24 BOARD SHALL AFFIRM THAT, TO THE BEST OF THE DENTAL HYGIENIST'S
25 KNOWLEDGE, INFORMATION, AND BELIEF, THE DENTAL HYGIENIST KNOWS
26 OF NO INSTANCE IN WHICH THE DENTAL HYGIENIST HAS VIOLATED THIS
27 ARTICLE 220 OR THE RULES OF THE BOARD, EXCEPT IN THOSE INSTANCES

1 AFFECTED BY THE DENTAL HYGIENIST'S PHYSICAL, EMOTIONAL, OR
2 PSYCHOLOGICAL PROBLEMS.

3 (3) IF A DENTAL HYGIENIST IS ARRESTED FOR A DRUG- OR
4 ALCOHOL-RELATED OFFENSE, THE DENTAL HYGIENIST SHALL SELF-REFER
5 TO THE PEER HEALTH ASSISTANCE PROGRAM WITHIN THIRTY DAYS AFTER
6 THE ARREST FOR AN EVALUATION AND REFERRAL FOR TREATMENT AS
7 NECESSARY. IF THE DENTAL HYGIENIST SELF-REFERS, THE EVALUATION BY
8 THE PROGRAM IS CONFIDENTIAL AND CANNOT BE USED AS EVIDENCE IN
9 ANY PROCEEDING OTHER THAN BEFORE THE BOARD. IF A DENTAL
10 HYGIENIST FAILS TO COMPLY WITH THIS SUBSECTION (3), THE FAILURE
11 ALONE IS NOT GROUNDS FOR DISCIPLINE UNDER SECTIONS 12-220-201 AND
12 12-220-202 UNLESS THE DENTAL HYGIENIST HAS ALSO COMMITTED AN ACT
13 OR OMISSION SPECIFIED IN SECTION 12-220-201, OTHER THAN AN ACT OR
14 OMISSION SPECIFIED IN SECTION 12-220-201 (1)(e) OR (1)(f).

15 (4) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON BEHALF
16 OF THE BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE
17 BOARD MEMBERS IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS,
18 AND NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE
19 BOARD OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE RESULT
20 OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE PROGRAM OR
21 OF AN ACT OR OMISSION OF A DENTAL HYGIENIST PARTICIPATING IN OR
22 REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER,
23 THE STATE REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL
24 IMMUNITY ACT", ARTICLE 10 OF TITLE 24, IF AN INJURY ALLEGED TO HAVE
25 BEEN THE RESULT OF AN ACT OR OMISSION OF A DENTAL HYGIENIST
26 PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE
27 PROGRAM OCCURRED WHILE THE DENTAL HYGIENIST WAS PERFORMING

1 DUTIES AS AN EMPLOYEE OF THE STATE.

2 (5) THE BOARD MAY PROMULGATE RULES NECESSARY TO
3 IMPLEMENT THIS SECTION.

4 **SECTION 2.** In Colorado Revised Statutes, 12-220-310, **amend**
5 (1)(a) as follows:

6 **12-220-310. Dentist peer health assistance program - fees -**
7 **rules.** (1) (a) Effective July 1, 2004, as a condition of renewal in this
8 state, every ~~renewal applicant shall~~ DENTIST APPLYING TO RENEW THE
9 DENTIST'S LICENSE MUST pay to the administering entity that has been
10 selected by the board pursuant to subsection (1)(b) of this section an
11 amount not to exceed fifty-nine dollars per year, which maximum amount
12 may be adjusted on January 1, 2005, and annually thereafter by the board
13 to reflect changes in the United States department of labor, bureau of
14 labor statistics, consumer price index for Denver-Aurora-Lakewood for
15 all urban consumers or goods, or its successor index. The fee shall be
16 used to support designated providers that have been selected by the board
17 to provide assistance to dentists needing help in dealing with physical,
18 emotional, or psychological problems that may be detrimental to their
19 ability to practice dentistry. The fee shall not exceed one hundred dollars
20 per year per licensee.

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