

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 22-0623.01 Yelana Love x2295

SENATE BILL 22-058

SENATE SPONSORSHIP

Simpson, Buckner, Coram, Fields, Ginal, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Story, Winter

HOUSE SPONSORSHIP

McCormick,

Senate Committees
Health & Human Services

House Committees
Health & Insurance

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.

HOUSE
2nd Reading Unamended
April 20, 2022

SENATE
3rd Reading Unamended
February 15, 2022

SENATE
Amended 2nd Reading
February 14, 2022

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, 2023, AS A CONDITION OF
6 LICENSURE IN THIS STATE, AND FOR THE PURPOSE OF SUPPORTING A
7 DENTAL HYGIENIST PEER ASSISTANCE PROGRAM, EVERY APPLICANT FOR
8 INITIAL LICENSURE AS A DENTAL HYGIENIST OR A DENTAL HYGIENIST
9 REINSTATING OR RENEWING THE DENTAL HYGIENIST'S LICENSE MUST PAY
10 TO THE ADMINISTERING ENTITY THAT HAS BEEN SELECTED BY THE
11 DEPARTMENT PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION AN
12 AMOUNT NOT TO EXCEED FIFTEEN DOLLARS PER YEAR. THE DEPARTMENT
13 MAY ADJUST THIS AMOUNT ON JANUARY 1, 2024, AND ANNUALLY
14 THEREAFTER TO REFLECT CHANGES IN THE UNITED STATES DEPARTMENT
15 OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
16 DENVER-AURORA-LAKEWOOD FOR ALL URBAN CONSUMERS OR GOODS, OR
17 ITS SUCCESSOR INDEX; EXCEPT THAT THE AMOUNT MUST NOT EXCEED
18 TWENTY-FIVE DOLLARS PER YEAR.

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

1 (b) THE DEPARTMENT SHALL SELECT ONE OR MORE PEER HEALTH
2 ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR
3 DESIGNATION BY THE DEPARTMENT, A PEER HEALTH ASSISTANCE
4 PROGRAM MUST:

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

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

12 (III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
13 PSYCHOLOGICAL PROBLEMS AND REFER THE DENTAL HYGIENIST FOR
14 APPROPRIATE TREATMENT;

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

17 (V) PROVIDE COUNSELING AND SUPPORT FOR A DENTAL HYGIENIST
18 AND FOR THE FAMILY OF ANY DENTAL HYGIENIST REFERRED FOR
19 TREATMENT;

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

21 (VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED
22 COLORADO DENTAL HYGIENISTS.

23 (c) THE DEPARTMENT SHALL SELECT AN ADMINISTERING ENTITY
24 TO ADMINISTER THE PEER HEALTH ASSISTANCE PROGRAM. THE
25 ADMINISTERING ENTITY MUST BE A QUALIFIED, NONPROFIT FOUNDATION
26 THAT IS QUALIFIED UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL
27 REVENUE CODE OF 1986", AS AMENDED, THAT IS DEDICATED TO

1 PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT, EDUCATIONAL, AND
2 SCIENTIFIC PURPOSES THAT ARE RELATED TO DENTAL HYGIENE, ORAL
3 HEALTH EDUCATION, ORAL HEALTH RESEARCH AND SCIENCE, AND OTHER
4 ORAL CHARITABLE PURPOSES.

5 (d) THE ADMINISTERING ENTITY SHALL:

6 (I) COLLECT THE REQUIRED FEES, DIRECTLY OR THROUGH THE
7 BOARD;

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

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

13 (IV) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL
14 AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED;
15 AND

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

22 (e) THE DEPARTMENT ON BEHALF OF THE BOARD MAY COLLECT
23 THE REQUIRED FEES PAYABLE TO THE ADMINISTERING ENTITY FOR THE
24 BENEFIT OF THE ADMINISTERING ENTITY AND SHALL TRANSFER THE FEES
25 TO THE ADMINISTERING ENTITY. ALL REQUIRED FEES COLLECTED OR DUE
26 TO THE DEPARTMENT ON BEHALF OF THE BOARD FOR EACH STATE FISCAL
27 YEAR ARE CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION

1 BY THE GENERAL ASSEMBLY, AND THE FEE REVENUES DO NOT CONSTITUTE
2 STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE
3 X OF THE STATE CONSTITUTION.

4 (2) (a) A DENTAL HYGIENIST MAY SELF-REFER TO PARTICIPATE
5 IN THE PEER ASSISTANCE PROGRAM OR MAY BE REFERRED BY THE BOARD.

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

16 (c) ANY DENTAL HYGIENIST WHO IS ACCEPTED INTO A PEER
17 HEALTH ASSISTANCE PROGRAM IN LIEU OF DISCIPLINARY ACTION BY THE
18 BOARD SHALL AFFIRM THAT, TO THE BEST OF THE DENTAL HYGIENIST'S
19 KNOWLEDGE, INFORMATION, AND BELIEF, THE DENTAL HYGIENIST KNOWS
20 OF NO INSTANCE IN WHICH THE DENTAL HYGIENIST HAS VIOLATED THIS
21 ARTICLE 220 OR THE RULES OF THE BOARD, EXCEPT IN THOSE INSTANCES
22 AFFECTED BY THE DENTAL HYGIENIST'S PHYSICAL, EMOTIONAL, OR
23 PSYCHOLOGICAL PROBLEMS.

24 (3) IF A DENTAL HYGIENIST IS ARRESTED FOR A DRUG- OR
25 ALCOHOL-RELATED OFFENSE, THE DENTAL HYGIENIST SHALL SELF-REFER
26 TO THE PEER HEALTH ASSISTANCE PROGRAM WITHIN THIRTY DAYS AFTER
27 THE ARREST FOR AN EVALUATION AND REFERRAL FOR TREATMENT AS

1 NECESSARY. IF THE DENTAL HYGIENIST SELF-REFERS, THE EVALUATION BY
2 THE PROGRAM IS CONFIDENTIAL AND CANNOT BE USED AS EVIDENCE IN
3 ANY PROCEEDING OTHER THAN BEFORE THE BOARD. IF A DENTAL
4 HYGIENIST FAILS TO COMPLY WITH THIS SUBSECTION (3), THE FAILURE
5 ALONE IS NOT GROUNDS FOR DISCIPLINE UNDER SECTIONS 12-220-201 AND
6 12-220-202 UNLESS THE DENTAL HYGIENIST HAS ALSO COMMITTED AN ACT
7 OR OMISSION SPECIFIED IN SECTION 12-220-201, OTHER THAN AN ACT OR
8 OMISSION SPECIFIED IN SECTION 12-220-201 (1)(e) OR (1)(f).

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

23 (5) THE BOARD MAY PROMULGATE RULES NECESSARY TO
24 IMPLEMENT THIS SECTION.

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

27 **12-220-310. Dentist peer health assistance program - fees -**

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

15 **SECTION 3. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2022 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.