

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0611.01 Brita Darling x2241

SENATE BILL 13-242

SENATE SPONSORSHIP

Nicholson,

HOUSE SPONSORSHIP

Primavera,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING DENTAL SERVICES FOR ADULTS IN THE MEDICAID
102 PROGRAM.

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>.)

The bill requires the department of health care policy and financing (state department) to design and implement a dental benefit for adults in the medicaid program. The state department shall use a collaborative stakeholder process to consider the components of the dental benefit. Additionally, the bill includes certain provisions that must

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.

be contained in any contract with an administrative service organization should the state department choose to use an administrative service organization to administer the dental benefit. The bill creates the adult dental fund.

Further, the bill authorizes the treasurer to transfer principal and interest from the unclaimed property trust fund to the adult dental fund for use in implementing the dental benefit.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-202, **amend**
3 (1) (u) (II); and **add** (1) (v) as follows:

4 **25.5-5-202. Basic services for the categorically needy - optional**
5 **services - repeal.** (1) Subject to the provisions of subsection (2) of this
6 section, the following are services for which federal financial
7 participation is available and which Colorado has selected to provide as
8 optional services under the medical assistance program:

9 (u) (II) Notwithstanding the provisions of subparagraph (I) of this
10 paragraph (u), services relating to screening, brief intervention, and
11 referral to treatment shall not take effect unless all necessary approvals
12 under federal law and regulation have been obtained to receive federal
13 financial participation for the costs of such services; AND

14 (v) DENTAL SERVICES FOR ADULTS.

15 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-5-207 as
16 follows:

17 **25.5-5-207. Adult dental benefit - adult dental fund - creation**
18 **- legislative declaration.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS
19 THAT:

20 (I) AS OF 2011, COLORADO WAS ONE OF ONLY TEN STATES THAT
21 DID NOT OFFER BASIC ORAL HEALTH SERVICES TO ADULTS UNDER
22 MEDICAID;

1 (II) RESEARCH HAS SHOWN THAT UNTREATED ORAL HEALTH
2 CONDITIONS NEGATIVELY AFFECT A PERSON'S OVERALL HEALTH AND THAT
3 GUM DISEASE HAS BEEN LINKED TO DIABETES, HEART DISEASE, STROKES,
4 KIDNEY DISEASE, ALZHEIMER'S DISEASE, AND EVEN MENTAL ILLNESS;

5 (III) REGULAR DENTAL CARE AND PREVENTION ARE THE MOST
6 COST-EFFECTIVE METHODS AVAILABLE TO PREVENT MINOR ORAL
7 CONDITIONS FROM DEVELOPING INTO MORE COMPLEX ORAL AND PHYSICAL
8 HEALTH CONDITIONS THAT WOULD EVENTUALLY REQUIRE EMERGENCY
9 AND PALLIATIVE CARE;

10 (IV) FURTHER, ONE IN FOUR ADULTS HAS UNTREATED TOOTH
11 DECAY. EARLY DETECTION AND ACCESS TO PREVENTIVE AND
12 RESTORATIVE TREATMENTS FOR ORAL HEALTH CONDITIONS CAN BE UP TO
13 TEN TIMES LESS EXPENSIVE THAN TREATING THOSE SAME CONDITIONS IN
14 AN EMERGENCY SETTING.

15 (V) RESEARCH HAS ALSO SHOWN THAT GOOD ORAL HEALTH
16 IMPROVES MEDICAID BENEFICIARIES' ABILITY TO OBTAIN AND KEEP
17 EMPLOYMENT. EMPLOYED ADULTS LOSE MORE THAN ONE HUNDRED AND
18 SIXTY-FOUR MILLION HOURS OF WORK EACH YEAR DUE TO DENTAL
19 PROBLEMS.

20 (VI) CHILDREN ARE MORE LIKELY TO RECEIVE REGULAR DENTAL
21 SERVICES IF THEIR PARENTS HAVE ACCESS TO DENTAL SERVICES; AND

22 (VII) PREGNANT WOMEN ARE ONE OF THE MOST VULNERABLE
23 ADULT POPULATIONS THAT ARE WITHOUT ORAL HEALTH BENEFITS UNDER
24 MEDICAID. DURING PREGNANCY, THE PHYSICAL CHANGES A WOMAN'S
25 BODY UNDERGOES CAN NEGATIVELY AFFECT ORAL HEALTH. UNTREATED
26 DECAY AND PERIODONTAL DISEASE ARE ASSOCIATED WITH ADVERSE
27 PREGNANCY OUTCOMES SUCH AS INCREASED RISK FOR PREECLAMPSIA,

1 PRE-TERM LABOR, AND LOW BIRTH WEIGHT BABIES.

2 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IN
3 ORDER TO IMPROVE OVERALL HEALTH, PROMOTE SAVINGS IN MEDICAID
4 PROGRAMS, AND PREVENT FUTURE HEALTH CONDITIONS CAUSED BY ORAL
5 HEALTH PROBLEMS, IT IS IN THE BEST INTEREST OF THE STATE OF
6 COLORADO TO CREATE A LIMITED ORAL HEALTH BENEFIT FOR ADULTS IN
7 THE MEDICAID PROGRAM.

8 (2) (a) PURSUANT TO SECTION 25.5-5-202 (1) (v), BY APRIL 1,
9 2014, THE STATE DEPARTMENT SHALL DESIGN AND IMPLEMENT A LIMITED
10 DENTAL BENEFIT FOR ADULTS USING A COLLABORATIVE STAKEHOLDER
11 PROCESS TO CONSIDER THE COMPONENTS OF THE BENEFIT, INCLUDING BUT
12 NOT LIMITED TO THE COST, BEST PRACTICES, THE EFFECT ON HEALTH
13 OUTCOMES, CLIENT EXPERIENCE, SERVICE DELIVERY MODELS, AND
14 MAXIMUM EFFICIENCIES IN THE ADMINISTRATION OF THE BENEFIT.

15 (b) THE STATE DEPARTMENT SHALL DETERMINE THE MOST
16 COST-EFFECTIVE METHOD FOR PROVIDING THE ADULT DENTAL BENEFIT,
17 INCLUDING BUT NOT LIMITED TO A COMPARISON OF A CAPITATED OR
18 FEE-FOR-SERVICE METHOD OF PAYMENT AND THE PURCHASE OF DENTAL
19 INSURANCE.

20 (c) THE STATE DEPARTMENT SHALL SEEK ANY FEDERAL
21 AUTHORIZATION NECESSARY TO PROVIDE THE ADULT DENTAL BENEFIT.

22 (3) IF THE STATE DEPARTMENT CHOOSES TO USE AN
23 ADMINISTRATIVE SERVICE ORGANIZATION TO MANAGE THE ADULT DENTAL
24 BENEFIT:

25 (a) THE CONTRACT WITH THE ADMINISTRATIVE SERVICE
26 ORGANIZATION MUST PROVIDE THAT THE CONTRACTING ENTITY IS
27 PROHIBITED FROM REQUIRING DENTAL PROVIDERS TO PARTICIPATE IN ANY

1 OTHER PUBLIC OR PRIVATE PROGRAM OR TO ACCEPT ANY OTHER
2 INSURANCE PRODUCTS AS A CONDITION OF PARTICIPATING AS A DENTAL
3 PROVIDER; AND

4 (b) THE STATE DEPARTMENT SHALL RETAIN POLICY-MAKING
5 AUTHORITY, INCLUDING BUT NOT LIMITED TO POLICIES CONCERNING
6 COVERED BENEFITS AND RATE SETTING.

7 (4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
8 ADULT DENTAL FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
9 CONSISTING OF MONEYS TRANSFERRED TO THE FUND FROM THE
10 UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 38-13-116.5
11 (2.8), C.R.S., AND ANY MONEYS THAT MAY BE APPROPRIATED TO THE
12 FUND BY THE GENERAL ASSEMBLY. THE MONEYS IN THE FUND ARE
13 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
14 STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED
15 WITH IMPLEMENTING THE ADULT DENTAL BENEFIT PURSUANT TO SECTION
16 25.5-5-202 (1) (v).

17 (b) THE STATE TREASURER MAY INVEST ANY UNEXPENDED
18 MONEYS IN THE FUND AS PROVIDED BY LAW. THE STATE TREASURER SHALL
19 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
20 DEPOSIT OF MONEYS IN THE FUND TO THE FUND.

21 (c) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING
22 IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND
23 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
24 ANOTHER FUND.

25 **SECTION 3.** In Colorado Revised Statutes, 38-13-116.5, **add**
26 (2.8) as follows:

27 **38-13-116.5. Unclaimed property trust fund - creation -**

1 **payments - interest - appropriations - records - rules.** (2.8) (a) ON
2 AND AFTER APRIL 1, 2014, AFTER RESERVING THE AMOUNTS DESCRIBED IN
3 PARAGRAPH (b) OF THIS SUBSECTION (2.8), THE STATE TREASURER SHALL
4 TRANSMIT TO THE ADULT DENTAL FUND CREATED IN SECTION 25.5-5-207
5 (4), C.R.S., AN AMOUNT OF PRINCIPAL AND INTEREST IN THE TRUST FUND
6 SUFFICIENT TO IMPLEMENT THE ADULT DENTAL BENEFIT PURSUANT TO
7 SECTION 25.5-5-202 (1) (v), C.R.S.

8 (b) THE STATE TREASURER SHALL RESERVE IN THE TRUST FUND
9 AND SHALL NOT TRANSFER ANY MONEYS NECESSARY FOR:

10 (I) THE CLAIMS PAID PURSUANT TO THIS ARTICLE FOR EACH FISCAL
11 YEAR;

12 (II) THE RESERVE AMOUNT NECESSARY TO PAY ANTICIPATED
13 CLAIMS; AND

14 (III) PUBLICATIONS AND CORRESPONDENCE EXPENSES PURSUANT
15 TO SECTION 38-13-111 (7).

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2014 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.