

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

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

LLS NO. 13-0611.01 Brita Darling x2241

**SENATE BILL 13-242**

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**SENATE SPONSORSHIP**

**Nicholson,**

**HOUSE SPONSORSHIP**

**Primavera,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING DENTAL SERVICES FOR ADULTS IN THE MEDICAID**  
102             **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND**  
103             **REDUCING AN APPROPRIATION.**

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**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

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.*

SENATE  
Amended 2nd Reading  
April 18, 2013

dental benefit. Additionally, the bill includes certain provisions that must 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.

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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

1 MEDICAID;

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

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

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

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

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

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

1 PREGNANCY OUTCOMES SUCH AS INCREASED RISK FOR PREECLAMPSIA,  
2 PRE-TERM LABOR, AND LOW BIRTH WEIGHT BABIES.

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

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

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

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

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

26 (a) THE CONTRACT WITH THE ADMINISTRATIVE SERVICE  
27 ORGANIZATION MUST PROVIDE THAT THE CONTRACTING ENTITY IS

1 PROHIBITED FROM REQUIRING DENTAL PROVIDERS TO PARTICIPATE IN ANY  
2 OTHER PUBLIC OR PRIVATE PROGRAM OR TO ACCEPT ANY OTHER  
3 INSURANCE PRODUCTS AS A CONDITION OF PARTICIPATING AS A DENTAL  
4 PROVIDER; AND

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

8 (4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
9 ADULT DENTAL FUND, REFERRED TO IN THIS SECTION AS THE "FUND",  
10 CONSISTING OF MONEYS TRANSFERRED TO THE FUND FROM THE  
11 UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 38-13-116.5  
12 (2.8), C.R.S., AND ANY MONEYS THAT MAY BE APPROPRIATED TO THE  
13 FUND BY THE GENERAL ASSEMBLY. THE MONEYS IN THE FUND ARE  
14 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE  
15 STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED  
16 WITH IMPLEMENTING THE ADULT DENTAL BENEFIT PURSUANT TO SECTION  
17 25.5-5-202 (1) (v).

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

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

26 **SECTION 3.** In Colorado Revised Statutes, 38-13-116.5, **add**  
27 (2.8) as follows:

1           **38-13-116.5. Unclaimed property trust fund - creation -**  
2 **payments - interest - appropriations - records - rules.** (2.8) (a) ON  
3 AND AFTER APRIL 1, 2014, AFTER RESERVING THE AMOUNTS DESCRIBED IN  
4 PARAGRAPH (b) OF THIS SUBSECTION (2.8), THE STATE TREASURER SHALL  
5 TRANSMIT TO THE ADULT DENTAL FUND CREATED IN SECTION 25.5-5-207  
6 (4), C.R.S., AN AMOUNT OF PRINCIPAL AND INTEREST IN THE TRUST FUND  
7 SUFFICIENT TO IMPLEMENT THE ADULT DENTAL BENEFIT PURSUANT TO  
8 SECTION 25.5-5-202 (1) (v), C.R.S.

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

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

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

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

17           **SECTION 4. Appropriation.** (1) In addition to any other  
18 appropriation, there is hereby appropriated to the department of health  
19 care policy and financing, for the fiscal year beginning July 1, 2013, the  
20 sum of \$999,490 and 1.3 FTE, or so much thereof as may be necessary,  
21 comprised of \$272,112 from the adult dental fund created in section  
22 25.5-5-207 (4) (a), Colorado Revised Statutes, and \$727,378 from federal  
23 funds, to be allocated to the executive director's office for the  
24 implementation of this act as follows:

25           (a) \$78,410, comprised of \$39,205 from the adult dental fund  
26 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and  
27 \$39,205 from federal funds, and 1.3 FTE, for personal services;

1           (b) \$10,546, comprised of \$5,273 from the adult dental fund  
2 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and  
3 \$5,273 from federal funds, for operating expenses;

4           (c) \$555,534, comprised of \$138,884 from the adult dental fund  
5 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and  
6 \$416,650 from federal funds, for information technology contracts and  
7 projects for medicaid management information system maintenance and  
8 projects; and

9           (d) \$355,000, comprised of \$88,750 from the adult dental fund  
10 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and  
11 \$266,250 from federal funds, for professional services contracts.

12           **SECTION 5. Appropriation - adjustments to 2013 long bill.**

13 (1) For the implementation of this act, appropriations made in the annual  
14 general appropriation act to the department of health care policy and  
15 financing for the fiscal year beginning July 1, 2013, for medical service  
16 premiums are adjusted as follows:

17           (a) The general fund appropriation is decreased by \$738,262;

18           (b) The cash funds appropriation from the adult dental fund  
19 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, is  
20 increased by \$11,150,016;

21           (c) The cash funds appropriation from the hospital provider fee  
22 cash fund created in section 25.5-4-402.3 (4) (a), Colorado Revised  
23 Statutes, is increased by \$3,013,248; and

24           (d) The federal funds appropriation is increased by \$13,425,002.

25           **SECTION 6. Appropriation - adjustments to 2013 long bill.**

26 (1) For the implementation of this act, appropriations made in the annual  
27 general appropriation act to the department of health care policy and

1 financing for the fiscal year beginning July 1, 2013, for medical service  
2 premiums are adjusted as follows:

3 (a) The general fund appropriation is decreased by \$738,262;

4 (b) The cash funds appropriation from the adult dental fund  
5 created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, is  
6 increased by \$11,185,718;

7 (c) The cash funds appropriation from the hospital provider fee  
8 cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes,  
9 is decreased by \$213,659; and

10 (d) The federal funds appropriation is increased by \$22,625,118.

11 **SECTION 7. Act subject to petition - effective date.** (1) Except  
12 as otherwise provided in subsection (2) of this section, this act takes  
13 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
14 period after final adjournment of the general assembly (August 7, 2013,  
15 if adjournment sine die is on May 8, 2013); except that, if a referendum  
16 petition is filed pursuant to section 1 (3) of article V of the state  
17 constitution against this act or an item, section, or part of this act within  
18 such period, then the act, item, section, or part will not take effect unless  
19 approved by the people at the general election to be held in November  
20 2014 and, in such case, will take effect on the date of the official  
21 declaration of the vote thereon by the governor.

22 (2) (a) Section 5 of this act takes effect only if Senate Bill 13-200  
23 is not enacted and does not become law.

24 (b) Section is 6 of this act takes effect only if Senate Bill 13-200  
25 is enacted and becomes law.