

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0346.01 Thomas Morris x4218

SENATE BILL 16-009

SENATE SPONSORSHIP

Grantham,

HOUSE SPONSORSHIP

Primavera,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE SHARING OF PROFESSIONAL DENTAL FEES.

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>.)

Current law prohibits dentists from sharing fees in a way that could be interpreted to make fee-sharing within a dental service organization grounds for disciplinary action. The bill repeals this prohibition and substitutes language derived from the fee-sharing prohibitions that apply to physicians.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-35-129, **amend**
3 (1) (v) as follows:

4 **12-35-129. Grounds for disciplinary action.** (1) The board may
5 take disciplinary action against an applicant or licensee in accordance
6 with section 12-35-129.1 for any of the following causes:

7 (v) (I) ~~Sharing any professional fees with anyone except those~~
8 ~~with whom the dentist or dental hygienist is lawfully associated in the~~
9 ~~practice of dentistry or dental hygiene;~~ Except ~~that~~ AS SPECIFIED IN
10 SUBPARAGRAPH (II) OF THIS PARAGRAPH (v):

11 (A) DIVIDING OR AGREEING TO DIVIDE, WITH ANOTHER PERSON, A
12 FEE OR COMPENSATION RECEIVED OR CHARGED FOR SERVICES THE
13 LICENSEE RENDERED, OR DIRECTLY OR INDIRECTLY PAYING,
14 COMPENSATING, OR AGREEING TO PAY OR COMPENSATE A PERSON, IN
15 EITHER CASE IN EXCHANGE FOR THE PERSON: SENDING OR BRINGING A
16 PATIENT OR OTHER PERSON TO THE LICENSEE OR RECOMMENDING THE
17 LICENSEE TO A PERSON; OR

18 (B) WHEN ACTING IN HIS OR HER PROFESSIONAL CAPACITY AND ON
19 HIS OR HER OWN BEHALF, MAKING OR PRESENTING A BILL OR REQUESTING
20 A PAYMENT FOR SERVICES RENDERED BY A PERSON OTHER THAN THE
21 LICENSEE.

22 (II) A licensed dentist or dental hygienist may pay an independent
23 advertising or marketing agent compensation for advertising or marketing
24 services rendered by the agent for the benefit of the licensed dentist or
25 dental hygienist, including compensation that is based on the results or
26 performance of the services on a per-patient basis.

27 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 10, 2016, if adjournment sine die is on May 11,
4 2016); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2016 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) This act applies to conduct occurring on or after the applicable
11 effective date of this act.