

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0346.01 Thomas Morris x4218

**SENATE BILL 16-009**

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**SENATE SPONSORSHIP**

**Grantham,**

**HOUSE SPONSORSHIP**

**Primavera,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE SHARING OF PROFESSIONAL DENTAL FEES.**

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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>.)*

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.

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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) Sharing any professional fees with anyone except those with  
8 whom the dentist or dental hygienist is lawfully associated in the practice  
9 of dentistry or dental hygiene; except that:

10 (I) A licensed dentist or dental hygienist may pay an independent  
11 advertising or marketing agent compensation for advertising or marketing  
12 services rendered by the agent for the benefit of the licensed dentist or  
13 dental hygienist, including compensation that is based on the results or  
14 performance of the services on a per-patient basis; AND

15 (II) NOTHING IN THIS SECTION PROHIBITS A DENTIST OR DENTAL  
16 HYGIENIST PRACTICE OWNED OR OPERATED BY A PROPRIETOR AUTHORIZED  
17 UNDER SECTION 12-35-116.5 FROM CONTRACTING WITH ANY PERSON OR  
18 ENTITY FOR BUSINESS MANAGEMENT SERVICES OR PAYING A ROYALTY IN  
19 ACCORDANCE WITH A FRANCHISE AGREEMENT IF THE TERMS OF THE  
20 CONTRACT OR FRANCHISE AGREEMENT DO NOT AFFECT THE EXERCISE OF  
21 THE INDEPENDENT PROFESSIONAL JUDGMENT OF THE DENTIST OR DENTAL  
22 HYGIENIST.

23 **SECTION 2. Act subject to petition - effective date -**  
24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
25 the expiration of the ninety-day period after final adjournment of the  
26 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
27 2016); except that, if a referendum petition is filed pursuant to section 1

1 (3) of article V of the state constitution against this act or an item, section,  
2 or part of this act within such period, then the act, item, section, or part  
3 will not take effect unless approved by the people at the general election  
4 to be held in November 2016 and, in such case, will take effect on the  
5 date of the official declaration of the vote thereon by the governor.

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