

CHAPTER 124

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 16-1327

BY REPRESENTATIVE(S) Ginal, McCann, Brown, Fields, Lontine;
also SENATOR(S) Grantham, Aguilar, Crowder, Heath, Jahn, Johnston, Jones, Kefalas, Merrifield, Newell, Scott, Todd, Woods.

AN ACT

**CONCERNING THE COLORADO DENTAL BOARD'S AUTHORITY TO PROMULGATE RULES
IMPLEMENTING FINANCIAL RESPONSIBILITY REQUIREMENTS FOR DENTAL CARE PROVIDERS.**

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

SECTION 1. In Colorado Revised Statutes, 12-35-122, **amend** (2) (c) as follows:

12-35-122. Inactive dental or dental hygienist license. (2) Any person applying for a license under this section shall:

(c) Comply with ~~the~~ ANY financial responsibility or professional liability insurance requirements ~~specified in~~ ESTABLISHED BY THE BOARD UNDER section 12-35-141, as applicable.

SECTION 2. In Colorado Revised Statutes, **amend** 12-35-141 as follows:

12-35-141. Professional liability insurance required - rules. (1) A licensed dentist ~~shall~~ AND A LICENSED DENTAL HYGIENIST MUST meet the financial responsibility requirements established by the board pursuant to section 13-64-301 (1) (a), C.R.S.

(2) ~~A licensed dental hygienist shall have professional liability insurance in an amount not less than fifty thousand dollars per claim and with an aggregate liability limit for all claims during a calendar year of not less than three hundred thousand dollars.~~ Upon request of the board, a LICENSED DENTIST OR LICENSED dental hygienist shall provide proof of professional liability insurance to the board.

(3) THE BOARD MAY, BY RULE, EXEMPT FROM OR ESTABLISH LESSER FINANCIAL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

RESPONSIBILITY STANDARDS FOR LICENSED DENTISTS AND LICENSED DENTAL HYGIENISTS WHO MEET THE CRITERIA IN SECTION 13-64-301 (1) (a) (II), C.R.S.

SECTION 3. In Colorado Revised Statutes, 13-64-301, **amend** (1) introductory portion and (1) (a) as follows:

13-64-301. Financial responsibility. (1) As a condition of active licensure or authority to practice in this state, every physician, ~~or~~ dentist, OR DENTAL HYGIENIST and every health care institution as defined in section 13-64-202, except as provided in section 13-64-303.5, that provides health care services shall establish financial responsibility, as follows:

(a) (I) If a dentist, by maintaining commercial professional liability insurance coverage with an insurance company authorized to do business in this state or an eligible nonadmitted insurer allowed to insure in Colorado pursuant to article 5 of title 10, C.R.S., in a minimum indemnity amount of five hundred thousand dollars per incident and one million five hundred thousand dollars annual aggregate per year; except that this requirement is not applicable to a dentist who is a public employee under the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S. A LICENSED DENTAL HYGIENIST MUST HAVE PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN FIFTY THOUSAND DOLLARS PER CLAIM AND WITH AN AGGREGATE LIABILITY LIMIT FOR ALL CLAIMS DURING A CALENDAR YEAR OF NOT LESS THAN THREE HUNDRED THOUSAND DOLLARS; EXCEPT THAT THIS REQUIREMENT DOES NOT APPLY TO A LICENSED DENTAL HYGIENIST WHO IS A PUBLIC EMPLOYEE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.

(II) The Colorado dental board, by rule, may exempt from or establish lesser financial responsibility standards than those prescribed in this section for classes of dentists AND LICENSED DENTAL HYGIENISTS who:

(A) Perform dental services as employees of the United States government;

(B) Render limited, ~~or~~ occasional, OR NO dental services;

(C) Perform less than full-time active dental services because of administrative or other nonclinical duties or partial or complete retirement; or

(D) Provide uncompensated dental care to patients but do not otherwise provide any compensated dental care to patients.

(III) The Colorado dental board may exempt from or establish lesser financial responsibility standards for a dentist OR LICENSED DENTAL HYGIENIST for reasons other than those described in subparagraph (II) of this paragraph (a) that render the limits provided in subparagraph (I) of this paragraph (a) unreasonable or unattainable.

(IV) Nothing in this paragraph (a) shall preclude or otherwise prohibit a licensed dentist OR LICENSED DENTAL HYGIENIST from rendering appropriate patient care on an occasional basis when the circumstances surrounding the need for care so warrant.

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

Approved: April 21, 2016