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FISCAL NOTE

Drafting Number: LLS 18-0398
Prime Sponsors: Rep. Singer, Sen. Tate

Date: February 1, 2018
Bill Status: House Public Health Care and Human Services
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Bill Topic: DENTAL HYGIENIST APPLY SILVER DIAMINE FLUORIDE

- Summary of Fiscal Impact: State Revenue, State Expenditure (minimal), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill allows a dental hygienist to apply silver diamine fluoride under the supervision of a dentist under certain conditions. The bill will result in a minimal, one-time increase in state workload.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

This bill allows dental hygienists to apply silver diamine fluoride under the direct or indirect supervision of a dentist if the dental hygienist:

- holds a license in good standing to practice dental hygiene;
completes a course on the use and limitations of silver diamine fluoride;
is covered by professional liability insurance; and
has a collaborative agreement with a dentist that outlines the protocol, any restrictions, and follow-up procedures for the use of silver diamine fluoride.

A dental hygienist may only apply silver diamine fluoride after a dentist provides a diagnosis, treatment plan, and instruction for its application. The bill also outlines procedures for supervising dentists who are providing supervision from a separate location apart from the dental hygienist or via telehealth. Lastly, the bill specifies that the diagnosis and supervision via telehealth for the application of silver diamine fluoride by dental hygienists may be provided under the state Medicaid program and the Children's Basic Health Plan (CHP+), if federal financial participation is available for these services.

Background and Assumptions

Silver diamine fluoride was approved by the federal Food and Drug Administration (FDA) as a desensitizing agent in 2014, but can also be used to stop tooth decay at its early stages. While it stops the decay, silver diamine fluoride will stain the decayed area of teeth black. Because of this, silver diamine fluoride is primarily used on patients who are difficult to treat using conventional dentistry, such as very young children, persons with intellectual and developmental disabilities, and elder adults. Application of silver diamine fluoride is not currently a covered benefit under the state Medicaid program's adult dental benefit or CHP+; however, it is covered under the Home- and Community-Based Services Waiver for Persons with Developmental Disabilities under Medicaid. The fiscal note assumes that this bill does not require that application of silver diamine fluoride become a covered dental benefit under Medicaid and CHP+.

State Expenditures

The bill increases workload for the Division of Professions and Occupations in the Department of Regulatory Agencies (DORA) to update rules and conduct outreach with dentists and dental hygienists on the allowable uses of silver diamine fluoride under the bill. It is assumed this work can be accomplished within existing appropriations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Health Care Policy and Financing
Judicial
Regulatory Agencies

Information Technology
Law