

CHAPTER 316

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 03-1346

BY REPRESENTATIVE(S) Clapp, Boyd, and Stafford;
also SENATOR(S) Owen, and Hanna.

AN ACT**CONCERNING THE ADMINISTRATIVE OPERATION OF THE DENTAL ASSISTANCE PROGRAM.**

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

SECTION 1. 25-21-103, Colorado Revised Statutes, is amended to read:

25-21-103. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Department" means the department of public health and environment.~~
"ADVISORY COMMITTEE" MEANS THE DENTAL ADVISORY COMMITTEE CREATED IN SECTION 25-21-107.5.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(3) "ELIGIBLE SENIOR" MEANS AN ADULT WHO:

(a) IS SIXTY YEARS OF AGE OR OLDER; AND

(b) IS ELIGIBLE FOR OLD AGE PENSION ASSISTANCE AS DEFINED IN SECTION 26-2-111 (2), C.R.S.

(4) "QUALIFIED GRANTEE" MEANS AN ENTITY THAT EITHER PROVIDES COMPREHENSIVE DENTAL AND ORAL HEALTH SERVICES OR THAT CAN ADMINISTER FUNDS FOR SUCH SERVICES THROUGH SUB-GRANTS, AWARDS, OR REIMBURSEMENT PROCESSES THAT COMPLY WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d TO 1320d-8.

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

(5) "SERVICE GRANT" MEANS A GRANT AWARDED BY THE DEPARTMENT TO A QUALIFIED GRANTEE PURSUANT TO THIS ARTICLE.

SECTION 2. 25-21-104, Colorado Revised Statutes, is amended to read:

25-21-104. Dental assistance program for seniors. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, the department shall ~~administer a program of dental assistance to provide~~ AWARD SERVICE GRANTS TO QUALIFIED GRANTEES FOR THE PURPOSE OF PROVIDING DENTAL AND ORAL HEALTH SERVICES, INCLUDING RELIEF FOR PAIN AND INFECTION, ORAL CANCER SCREENING, dentures, denture maintenance AND REPAIR, and related dental services ~~through provider payments for persons receiving old age pension public assistance as defined in section 26-2-111 (2), C.R.S., and persons in nursing homes as old age pension recipients. The department shall promulgate necessary rules and regulations for the implementation of such program.~~ TO ELIGIBLE SENIORS IN COLORADO. IN AWARDING SERVICE GRANTS, THE DEPARTMENT SHALL CONSIDER THE RECOMMENDATIONS AND ADVICE OF THE ADVISORY COMMITTEE. IF THE DEPARTMENT DECIDES NOT TO ACCEPT THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE, THE DEPARTMENT SHALL STATE, IN WRITING, THE REASONS FOR NOT ACCEPTING THE RECOMMENDATIONS.

(2) ~~The department shall administer the program through the issuance of provider payments to dentists licensed under the provisions of article 35 of title 12, C.R.S., and shall establish a central registry of dentists participating in the program. The department shall also make a payment of not less than twelve dollars for each claim processed to an agency or agencies designated by the dental committee in each area.~~ THE DEPARTMENT SHALL:

(a) DEVELOP RULES, PROCEDURES, AND APPLICATION FORMS TO GOVERN HOW SERVICE GRANTS SHALL BE AWARDED. SUCH RULES SHALL INCLUDE:

(I) OUTREACH REQUIREMENTS;

(II) COORDINATION WITH AREA AGENCIES ON AGING.

(b) ACCEPT GRANT APPLICATIONS FROM GRANTEES TO PROVIDE DENTAL AND ORAL HEALTH SERVICES AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION;

(c) CONTRACT WITH QUALIFIED GRANTEES THAT ARE AWARDED A SERVICE GRANT TO PROVIDE DENTAL AND ORAL HEALTH SERVICES TO ELIGIBLE SENIORS OR TO ADMINISTER FUNDS FOR THE PROVISION OF SUCH SERVICES THROUGH SUB-GRANTS, AWARDS, OR REIMBURSEMENT PROCESSES THAT COMPLY WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d TO 1320d-8;

(d) DEVELOP A MONITORING PROCEDURE TO ASSURE THAT SERVICE GRANTS ARE USED TO PROVIDE DENTAL AND ORAL HEALTH SERVICES TO ELIGIBLE SENIORS AND THAT GRANTEES ARE VERIFYING THE ELIGIBILITY OF THE SENIORS SERVED IN THE PROGRAM FOR THE OLD AGE PENSION PROGRAM;

(e) IN AWARDING GRANTS, GIVE PRIORITY TO GRANTEES WHO CAN DEMONSTRATE THE ABILITY TO LEVERAGE ADDITIONAL RESOURCES.

~~(3) Any licensed dentist who participates in the program established in this article by providing services or appliances to any person presenting the appropriate certification obtained under section 25-21-105 (4) is eligible for provider payments as stated in section 25-21-105 (5). THE DEPARTMENT MAY SEEK ALTERNATIVES FOR PROGRAM ADMINISTRATION AND FUNDING, INCLUDING APPLYING FOR FEDERAL WAIVERS.~~

SECTION 3. 25-21-105 (1), (2), (3), and (4), and the introductory portion to 25-21-105 (5), Colorado Revised Statutes, are amended to read:

25-21-105. Copayments - fees. ~~(1) A state and recipient copayment schedule, with a maximum state contribution of eighty percent, shall be established. The recipient's share of the copayment shall be established by a dental committee located in each of the planning and management regions of this state.~~ NOTHING IN THIS ARTICLE SHALL PRECLUDE A GRANTEE FROM CHARGING AN ELIGIBLE SENIOR A CO-PAYMENT, BUT ANY CO-PAYMENT ASSESSED SHALL NOT EXCEED TWENTY PERCENT OF THE COST OF THE SERVICES PROVIDED.

~~(2) Each committee shall consist of seven members appointed by the governor. The area agency on aging for each region shall submit a list of nominations and recommendations to the governor, and the governor shall give due consideration to such nominations and recommendations when making appointments to each committee. The composition of each committee shall be three dentists and four at-large members, two of whom shall be sixty years of age or older and none of whom shall be practicing dentists. All terms of service shall be at the pleasure of the governor.~~

~~(3) The committee's duties shall be established by the department by rule and shall include among other duties: Designating an agency to administer the program for an area after consultation with the department and appropriate units of local government; accepting and approving applications; providing referrals to dentists; following up on provider payments; and establishing a list of public and private dental resources in the county.~~

~~(4) Persons eligible for dental appliances and services under this article may apply for such to the appropriate committee. The committee shall contact the department of health care policy and financing to determine eligibility of the applicant for the program and, upon receiving certification therefor, shall approve such application.~~

~~(5) IF A QUALIFIED GRANTEE AWARDED A SERVICE GRANT PROVIDES SERVICES TO ELIGIBLE SENIORS USING A FEE-FOR-SERVICE PAYMENT SYSTEM, the maximum fee for dental AND ORAL HEALTH services shall be as follows, SUBJECT TO ADJUSTMENT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION:~~

SECTION 4. 25-21-106, Colorado Revised Statutes, is amended to read:

25-21-106. Operation period of program - review - reports. (1) Claims by dentists for provider payments under this article will be accepted for dental services rendered after October 1, 1977, AND BEFORE JULY 1, 2003. Claims may not be accepted by the department for services rendered before October 1, 1977.

(1.5) EACH QUALIFIED GRANTEE RECEIVING A SERVICE GRANT SHALL REPORT SEMI-ANNUALLY TO THE DEPARTMENT CONCERNING THE NUMBER OF ELIGIBLE SENIORS SERVED, THE TYPES OF DENTAL AND ORAL HEALTH SERVICES PROVIDED, CO-PAYMENTS CHARGED, AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE DEPARTMENT.

(2) The department shall submit ~~quarterly~~ ANNUAL reports to the joint budget committee ~~setting forth the number of clients served in this program and the costs per client~~ ON THE OPERATION AND EFFECTIVENESS OF THE DENTAL ASSISTANCE PROGRAM, INCLUDING ANY RECOMMENDATIONS FOR LEGISLATIVE CHANGES TO THE PROGRAM.

SECTION 5. 25-21-107, Colorado Revised Statutes, is amended to read:

25-21-107. Records - complaints. (1) ~~The department shall be responsible for keeping records on dental appliances and services provided under this article and the amount of money expended therefor and shall make monthly reports thereof available to each dental committee. Such records shall be maintained by the department on an accrual basis for each planning and management region.~~

(2) The department shall designate a major association of dentists in this state, willing to do so, for the receiving and processing of complaints of persons applying for or receiving dental appliances or services under the provisions of this article.

(3) ~~Each dental committee shall submit quarterly reports and an annual report to the department on the dental program functions administered by it under the provisions of this article.~~

SECTION 6. Article 21 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

25-21-107.5. Dental advisory committee - creation - repeal. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT A DENTAL ADVISORY COMMITTEE, WHICH SHALL BE APPOINTED BY THE GOVERNOR. THE DENTAL ADVISORY COMMITTEE SHALL BE COMPRISED OF TEN MEMBERS, INCLUDING ONE MEMBER REPRESENTING THE DEPARTMENT WHO SHALL BE A NONVOTING MEMBER, ONE MEMBER REPRESENTING THE DEPARTMENT OF HUMAN SERVICES, TWO DENTISTS PROVIDING DENTAL CARE TO THE SENIOR POPULATION, ONE DENTAL HYGIENIST, ONE REPRESENTATIVE OF AN AGENCY THAT COORDINATES SERVICES FOR LOW-INCOME SENIORS, ONE DENTIST IN PRIVATE PRACTICE WHO REPRESENTS THE PROFESSIONAL DENTAL ASSOCIATION, ONE REPRESENTATIVE FROM A DENTAL SCHOOL, AND TWO ELIGIBLE SENIORS. THE MEMBERS OF THE ADVISORY COMMITTEE SHALL BE APPOINTED BY JULY 1, 2003. OF THE MEMBERS INITIALLY APPOINTED TO THE ADVISORY COMMITTEE, FIVE SHALL BE APPOINTED FOR TWO-YEAR TERMS AND FIVE SHALL BE APPOINTED FOR THREE-YEAR TERMS. IN THE EVENT OF A VACANCY ON THE ADVISORY COMMITTEE, THE GOVERNOR SHALL APPOINT A SUCCESSOR TO FILL THE UNEXPIRED PORTION OF THE TERM OF SUCH MEMBER.

(2) THE ADVISORY COMMITTEE SHALL:

(a) ADVISE THE DEPARTMENT ON THE OPERATION OF THE DENTAL ASSISTANCE PROGRAM;

(b) REVIEW AND MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE AWARDING OF ANY SERVICE GRANTS TO QUALIFIED GRANTEEES.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013. PRIOR TO SAID REPEAL, THE DENTAL ADVISORY COMMITTEE SHALL BE REVIEWED, AS PROVIDED IN SECTION 2-3-1203 (3), C.R.S.

25-21-107.7. Program funding. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS TO THE DEPARTMENT FOR SERVICE GRANTS AND FOR THE PAYMENT OF ADMINISTRATIVE COSTS OF THE DENTAL ASSISTANCE PROGRAM. A GRANTEE'S ADMINISTRATIVE COSTS SHALL NOT EXCEED TEN PERCENT OF THE GRANT AMOUNT AWARDED.

SECTION 7. 25-21-108 (1), Colorado Revised Statutes, is amended to read:

25-21-108. Dental care for infirm people unable to travel to dental offices - limitation on appropriation. (1) The department shall administer a program of dental assistance, through its ~~dental~~ ORAL health ~~section~~ PROGRAM, involving the CONTRACTING FOR THE provision of dental services to persons so infirm as to be unable to travel to dental offices. Such program may involve the use of vans containing portable dental equipment or other types of equipment. The department, through its ~~dental~~ ORAL health ~~section~~ PROGRAM, is authorized to coordinate the use of such equipment within the various communities in the state and to accept the services of local dentists who may wish to use the equipment which is available for the care of infirm persons.

SECTION 8. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(z) JULY 1, 2013: THE DENTAL ADVISORY COMMITTEE IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, CREATED IN SECTION 25-21-107.5, C.R.S.

SECTION 9. Effective date. This act shall take effect July 1, 2003.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 2003