

## CHAPTER 189

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**HEALTH CARE POLICY AND FINANCING**

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## SENATE BILL 13-242

BY SENATOR(S) Nicholson, Aguilar, Giron, Guzman, Heath, Hodge, Hudak, Jones, Kefalas, Kerr, Newell, Schwartz, Steadman, Tochtrop, Todd, Ulibarri, Morse;  
also REPRESENTATIVE(S) Primavera, Duran, Exum, Fields, Fischer, Ginal, Hamner, Hullinghorst, Kagan, Labuda, Lebsack, Levy, May, McCann, Melton, Moreno, Peniston, Pettersen, Rosenthal, Ryden, Schafer, Singer, Tyler, Williams, Young.

**AN ACT**

**CONCERNING DENTAL SERVICES FOR ADULTS IN THE MEDICAID PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 25.5-5-202, **amend** (1) (u) (II); and **add** (1) (w) as follows:

**25.5-5-202. Basic services for the categorically needy - optional services - repeal.** (1) Subject to the provisions of subsection (2) of this section, the following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(u) (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (u), services relating to screening, brief intervention, and referral to treatment shall not take effect unless all necessary approvals under federal law and regulation have been obtained to receive federal financial participation for the costs of such services;  
AND

(w) DENTAL SERVICES FOR ADULTS.

**SECTION 2.** In Colorado Revised Statutes, **add** 25.5-5-207 as follows:

**25.5-5-207. Adult dental benefit - adult dental fund - creation - legislative declaration.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

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

(I) AS OF 2011, COLORADO WAS ONE OF ONLY TEN STATES THAT DID NOT OFFER BASIC ORAL HEALTH SERVICES TO ADULTS UNDER MEDICAID;

(II) RESEARCH HAS SHOWN THAT UNTREATED ORAL HEALTH CONDITIONS NEGATIVELY AFFECT A PERSON'S OVERALL HEALTH AND THAT GUM DISEASE HAS BEEN LINKED TO DIABETES, HEART DISEASE, STROKES, KIDNEY DISEASE, ALZHEIMER'S DISEASE, AND EVEN MENTAL ILLNESS;

(III) REGULAR DENTAL CARE AND PREVENTION ARE THE MOST COST-EFFECTIVE METHODS AVAILABLE TO PREVENT MINOR ORAL CONDITIONS FROM DEVELOPING INTO MORE COMPLEX ORAL AND PHYSICAL HEALTH CONDITIONS THAT WOULD EVENTUALLY REQUIRE EMERGENCY AND PALLIATIVE CARE;

(IV) FURTHER, ONE IN FOUR ADULTS HAS UNTREATED TOOTH DECAY. EARLY DETECTION AND ACCESS TO PREVENTIVE AND RESTORATIVE TREATMENTS FOR ORAL HEALTH CONDITIONS CAN BE UP TO TEN TIMES LESS EXPENSIVE THAN TREATING THOSE SAME CONDITIONS IN AN EMERGENCY SETTING.

(V) RESEARCH HAS ALSO SHOWN THAT GOOD ORAL HEALTH IMPROVES MEDICAID BENEFICIARIES' ABILITY TO OBTAIN AND KEEP EMPLOYMENT. EMPLOYED ADULTS LOSE MORE THAN ONE HUNDRED AND SIXTY-FOUR MILLION HOURS OF WORK EACH YEAR DUE TO DENTAL PROBLEMS.

(VI) CHILDREN ARE MORE LIKELY TO RECEIVE REGULAR DENTAL SERVICES IF THEIR PARENTS HAVE ACCESS TO DENTAL SERVICES; AND

(VII) PREGNANT WOMEN ARE ONE OF THE MOST VULNERABLE ADULT POPULATIONS THAT ARE WITHOUT ORAL HEALTH BENEFITS UNDER MEDICAID. DURING PREGNANCY, THE PHYSICAL CHANGES A WOMAN'S BODY UNDERGOES CAN NEGATIVELY AFFECT ORAL HEALTH. UNTREATED DECAY AND PERIODONTAL DISEASE ARE ASSOCIATED WITH ADVERSE PREGNANCY OUTCOMES SUCH AS INCREASED RISK FOR PREECLAMPSIA, PRE-TERM LABOR, AND LOW BIRTH WEIGHT BABIES.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IN ORDER TO IMPROVE OVERALL HEALTH, PROMOTE SAVINGS IN MEDICAID PROGRAMS, AND PREVENT FUTURE HEALTH CONDITIONS CAUSED BY ORAL HEALTH PROBLEMS, IT IS IN THE BEST INTEREST OF THE STATE OF COLORADO TO CREATE A LIMITED ORAL HEALTH BENEFIT FOR ADULTS IN THE MEDICAID PROGRAM.

(2) (a) PURSUANT TO SECTION 25.5-5-202 (1) (w), BY APRIL 1, 2014, THE STATE DEPARTMENT SHALL DESIGN AND IMPLEMENT A LIMITED DENTAL BENEFIT FOR ADULTS USING A COLLABORATIVE STAKEHOLDER PROCESS TO CONSIDER THE COMPONENTS OF THE BENEFIT, INCLUDING BUT NOT LIMITED TO THE COST, BEST PRACTICES, THE EFFECT ON HEALTH OUTCOMES, CLIENT EXPERIENCE, SERVICE DELIVERY MODELS, AND MAXIMUM EFFICIENCIES IN THE ADMINISTRATION OF THE BENEFIT.

(b) THE STATE DEPARTMENT SHALL DETERMINE THE MOST COST-EFFECTIVE METHOD FOR PROVIDING THE ADULT DENTAL BENEFIT, INCLUDING BUT NOT LIMITED TO A COMPARISON OF A CAPITATED OR FEE-FOR-SERVICE METHOD OF PAYMENT AND THE PURCHASE OF DENTAL INSURANCE.

(c) THE STATE DEPARTMENT SHALL SEEK ANY FEDERAL AUTHORIZATION NECESSARY TO PROVIDE THE ADULT DENTAL BENEFIT.

(3) IF THE STATE DEPARTMENT CHOOSES TO USE AN ADMINISTRATIVE SERVICE ORGANIZATION TO MANAGE THE ADULT DENTAL BENEFIT:

(a) THE CONTRACT WITH THE ADMINISTRATIVE SERVICE ORGANIZATION MUST PROVIDE THAT THE CONTRACTING ENTITY IS PROHIBITED FROM REQUIRING DENTAL PROVIDERS TO PARTICIPATE IN ANY OTHER PUBLIC OR PRIVATE PROGRAM OR TO ACCEPT ANY OTHER INSURANCE PRODUCTS AS A CONDITION OF PARTICIPATING AS A DENTAL PROVIDER; AND

(b) THE STATE DEPARTMENT SHALL RETAIN POLICY-MAKING AUTHORITY, INCLUDING BUT NOT LIMITED TO POLICIES CONCERNING COVERED BENEFITS AND RATE SETTING.

(4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ADULT DENTAL FUND, REFERRED TO IN THIS SECTION AS THE "FUND", CONSISTING OF MONEYS TRANSFERRED TO THE FUND FROM THE UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 38-13-116.5 (2.8), C.R.S., AND ANY MONEYS THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THE ADULT DENTAL BENEFIT PURSUANT TO SECTION 25.5-5-202 (1) (w).

(b) THE STATE TREASURER MAY INVEST ANY UNEXPENDED MONEYS IN THE FUND AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND.

(c) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

**SECTION 3.** In Colorado Revised Statutes, 38-13-116.5, **add** (2.8) as follows:

**38-13-116.5. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules.** (2.8) (a) ON AND AFTER APRIL 1, 2014, AFTER RESERVING THE AMOUNTS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2.8), THE STATE TREASURER SHALL TRANSMIT TO THE ADULT DENTAL FUND CREATED IN SECTION 25.5-5-207 (4), C.R.S., AN AMOUNT OF PRINCIPAL AND INTEREST IN THE TRUST FUND SUFFICIENT TO IMPLEMENT THE ADULT DENTAL BENEFIT PURSUANT TO SECTION 25.5-5-202 (1) (w), C.R.S.

(b) THE STATE TREASURER SHALL RESERVE IN THE TRUST FUND AND SHALL NOT TRANSFER ANY MONEYS NECESSARY FOR:

(I) THE CLAIMS PAID PURSUANT TO THIS ARTICLE FOR EACH FISCAL YEAR;

(II) THE RESERVE AMOUNT NECESSARY TO PAY ANTICIPATED CLAIMS; AND

(III) PUBLICATIONS AND CORRESPONDENCE EXPENSES PURSUANT TO SECTION 38-13-111 (7).

**SECTION 4. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated to the department of health care policy and financing, for the fiscal year beginning July 1, 2013, the sum of \$999,490 and 1.3 FTE, or so much thereof as may be necessary, comprised of \$272,112 from the adult dental fund created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and \$727,378 from federal funds, to be allocated to the executive director's office for the implementation of this act as follows:

(a) \$78,410, comprised of \$39,205 from the adult dental fund created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and \$39,205 from federal funds, and 1.3 FTE, for personal services;

(b) \$10,546, comprised of \$5,273 from the adult dental fund created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and \$5,273 from federal funds, for operating expenses;

(c) \$555,534, comprised of \$138,884 from the adult dental fund created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and \$416,650 from federal funds, for information technology contracts and projects for medicaid management information system maintenance and projects; and

(d) \$355,000, comprised of \$88,750 from the adult dental fund created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, and \$266,250 from federal funds, for professional services contracts.

**SECTION 5. Appropriation - adjustments to 2013 long bill.** (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2013, for medical service premiums are adjusted as follows:

(a) The general fund appropriation is decreased by \$738,262;

(b) The cash funds appropriation from the adult dental fund created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, is increased by \$11,150,016;

(c) The cash funds appropriation from the hospital provider fee cash fund created in section 25.5-4-402.3 (4) (a), Colorado Revised Statutes, is increased by \$3,013,248; and

(d) The federal funds appropriation is increased by \$13,425,002.

**SECTION 6. Appropriation - adjustments to 2013 long bill.** (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2013, for medical service premiums are adjusted as follows:

(a) The general fund appropriation is decreased by \$738,262;

(b) The cash funds appropriation from the adult dental fund created in section 25.5-5-207 (4) (a), Colorado Revised Statutes, is increased by \$11,185,718;

(c) The cash funds appropriation from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes, is decreased by \$213,659; and

(d) The federal funds appropriation is increased by \$22,625,118.

**SECTION 7. Act subject to petition - effective date.** (1) Except as otherwise provided in subsection (2) of this section, 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 7, 2013, if adjournment sine die is on May 8, 2013); 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) (a) Section 5 of this act takes effect only if Senate Bill 13-200 is not enacted and does not become law.

(b) Section 6 of this act takes effect only if Senate Bill 13-200 is enacted and becomes law.

Approved: May 11, 2013