

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0169.01 Brita Darling

HOUSE BILL 10-1031

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HOUSE SPONSORSHIP

McCann, Apuan, Massey

SENATE SPONSORSHIP

Foster and Schwartz, Boyd

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House Committees

Health and Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF DENTAL SERVICES PROVIDED  
102 UNDER MEDICAID.

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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>.)*

**Health Care Task Force.** This bill requires the department of health care policy and financing (department) to enter into a contract with a single entity for the administration of dental services under medicaid (medicaid dental services). Medicaid dental services are primarily provided to children and are distinct from the dental services provided

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.*

under the children's basic health plan that is currently administered by a single entity.

The bill requires the department to monitor the contract for compliance and performance. The contracting entity will be required to provide any data and information necessary for the department to monitor and evaluate the contracting entity's performance.

The department is not required to enter into a contract for the administration of medicaid dental services if no suitable proposals are received by the department or if the department determines that contracting for the administration of medicaid dental services is not cost-effective or efficient for the state or does not result in the improvement of services provided to clients.

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

2 **SECTION 1.** Part 2 of article 4 of title 25.5, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **25.5-4-211. Administration of dental services.** (1) AS USED IN  
6 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "DENTAL  
7 PROVIDER" MEANS A LICENSED PROFESSIONAL WHO PROVIDES COVERED  
8 DENTAL SERVICES PURSUANT TO THIS ARTICLE AND ARTICLES 5 AND 6 OF  
9 THIS TITLE.

10 (2) (a) THE STATE DEPARTMENT SHALL CONTRACT WITH A SINGLE,  
11 QUALIFIED ENTITY FOR THE ADMINISTRATION OF DENTAL SERVICES  
12 PURSUANT TO SECTION 25.5-5-102 (1) (d) AND (1) (g), THAT WILL RESULT  
13 IN GREATER EFFICIENCY TO THE STATE AND WILL FACILITATE BETTER  
14 ACCESS FOR BOTH CLIENTS AND DENTAL PROVIDERS. THE CONTRACT  
15 SHALL BE AWARDED THROUGH A COMPETITIVE BIDDING PROCESS IN  
16 ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF  
17 TITLE 24, C.R.S.

18 (b) THE CONTRACT SHALL SPECIFICALLY PROVIDE THAT THE  
19 CONTRACTING ENTITY IS PROHIBITED FROM REQUIRING DENTAL PROVIDERS

1 TO PARTICIPATE IN ANY OTHER PUBLIC OR PRIVATE PROGRAM OR TO  
2 ACCEPT ANY OTHER INSURANCE PRODUCTS AS A CONDITION OF  
3 PARTICIPATING AS A DENTAL PROVIDER.

4 (c) (I) THE STATE DEPARTMENT SHALL RETAIN POLICY-MAKING  
5 AUTHORITY, INCLUDING BUT NOT LIMITED TO POLICIES CONCERNING  
6 COVERED BENEFITS AND RATE SETTING, AND SHALL MONITOR COMPLIANCE  
7 WITH THE CONTRACT AND THE PERFORMANCE OF THE CONTRACTING  
8 ENTITY.

9 (II) THE CONTRACTING ENTITY SHALL COMPLY WITH FEDERAL  
10 REPORTING REQUIREMENTS AND SHALL PROVIDE THE STATE DEPARTMENT  
11 WITH DATA AND INFORMATION NECESSARY FOR THE STATE DEPARTMENT  
12 TO MONITOR COMPLIANCE WITH THE CONTRACT AND EVALUATE THE  
13 PERFORMANCE OF THE CONTRACTING ENTITY.

14 (3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
15 SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT SHALL NOT BE  
16 REQUIRED TO ENTER INTO A CONTRACT WITH AN ENTITY FOR THE  
17 ADMINISTRATION OF DENTAL SERVICES PURSUANT TO SECTION 25.5-5-102  
18 (1) (d) AND (1) (g), IF THE STATE DEPARTMENT DOES NOT RECEIVE A  
19 PROPOSAL MEETING THE STATE DEPARTMENT'S CONTRACTING  
20 REQUIREMENTS OR TERMS, OR IF THE STATE DEPARTMENT DETERMINES  
21 THAT ENTERING INTO A CONTRACT FOR THESE SERVICES IS NOT  
22 COST-EFFECTIVE OR EFFICIENT FOR THE STATE OR DOES NOT IMPROVE THE  
23 OVERALL QUALITY OF SERVICES PROVIDED TO CLIENTS.

24 **SECTION 2. Act subject to petition - effective date.** This act  
25 shall take effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part shall not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2010 and shall take effect on the date of the official  
6 declaration of the vote thereon by the governor.