

Title of Rule: Revision to the Medical Assistance Special Financing Division Rule Concerning the Creation of the Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960

Rule Number: MSB 14-10-17-A

Division / Contact / Phone: Special Financing / Nancy Dolson / 303.866.3698

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Pursuant to Senate Bill 14-180, the Colorado Dental Health Care Program for Low-Income Seniors is to promote the health and welfare of Colorado's low-income seniors by providing access to dental care to individuals age 60 and over who are not eligible for dental services under any other dental health care program, such as Medicaid or the Old Age Pension Health and Medical Care Program or private insurance.

This program will provide grants throughout the state to local Area Agencies on Aging, public health agencies, Community Health Centers, private dental practices, and other community-based organizations who meet application criteria developed under the guidance of the Senior Dental Advisory Committee.

The rule defines eligible seniors, qualified grantees and providers, and allowable dental services and fee rates including allowed co-payments. The rule describes a formula for distributing funds throughout the state and describes grant criteria for awarding funds to qualified grantees.

2. An emergency rule-making is imperatively necessary

to comply with state or federal law or federal regulation and/or

for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

Not applicable

4. State Authority for the Rule:

§25.5-1-301 through §25.5-1-303, C.R.S. (2014);
§25.5-3-404, C.R.S. (2014)

Initial Review

Final Adoption

02/13/2015

Proposed Effective Date

Emergency Adoption

03/30/2015

116
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REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Colorado low-income seniors 60 years of age and older who are not eligible for Medicaid or the Old Age Pension Health and Medical Care Program and who do not have private dental coverage will benefit from this rule. Agencies and dental care providers who provide dental services to this population will benefit by having a funding source for these services.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The Colorado Dental Health Care Program for Low-Income Seniors will provide \$3 million in annual grant funding (subject to appropriation by the General Assembly) to agencies and dentists who provide dental care services to the target population. Assuming \$1,000 in dental care services per senior served, this program may provide dental care services to approximately 3,000 low-income seniors per year. Access to dental care services has a positive impact on the overall health and quality of life for seniors.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The enabling legislation provides the Department 1.0 FTE to administer the Colorado Dental Health Care Program for Low-Income Seniors and provides funding for the Department's administrative costs of administering the program. The Department expects to administer the program within these available resources and anticipates no other effect on state revenues. The Department anticipates no cost to any other state agency to implement or enforce this proposed rule.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The proposed rule will benefit low-income seniors in the state. Funding is provided for the Department's administrative costs and grantees are allowed up to 7% of their grant award for their administrative costs. Inaction would have a negative impact on the dental and physical health of low-income seniors who do not have dental coverage as well as a negative effect on their quality of life. There are no known benefits to inaction.

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5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods to implement the Colorado Dental Health Care Program for Low-Income Seniors. The Department may only use funds for its actual administrative costs for administering the program, and grantees' administrative costs are limited to no more than 7% of their grant awards. Grantees have discretion concerning whether to charge seniors less than the allowable co-payment (or whether to charge a co-payment at all) and are allowed to leverage other funds or in-kind contributions to supplement their grant funding.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The proposed rule defines key terms and requirements pursuant to the enabling legislation, Senate Bill 14-180. The legislation requires that the Medical Services Board establish requirements via rule for the Colorado Dental Health Care Program for Low-Income Seniors. Therefore, there were no alternatives for the Department to consider.

1 **8.960 COLORADO DENTAL HEALTH CARE PROGRAM FOR LOW-INCOME SENIORS**

2 **8.960.1 Definitions**

3 Arrange For or Arranging For means demonstrating established relations with Qualified Providers for any
4 of the Covered Dental Care Services not directly provided by the applicant.

5 Covered Dental Care Services mean the Current Dental Terminology (CDT) procedure codes and
6 descriptions for the Colorado Dental Health Care Program for Low-Income Seniors as published on the
7 Department's website at <https://www.colorado.gov/hcpf/research-data-and-grants>.

8 C.R.S. means the Colorado Revised Statutes.

9 Dental Health Professional Shortage Area or Dental HPSA means a geographic area, population group,
10 or facility so designated by the Health Resources and Services Administration of the U.S. Department of
11 Health and Human Services.

12 Department means the Colorado Department of Health Care Policy and Financing established pursuant
13 to title 25.5, C.R.S. (2014).

14 Economically Disadvantaged means a person whose Income is at or below 250% of the most recently
15 published federal poverty level for a household of that size.

16 Eligible Senior means an adult who is 60 years of age or older, who is Economically Disadvantaged, who
17 is able to demonstrate lawful presence in the state in accordance with 1 CCR 201-17, who is not eligible
18 for dental services under Medicaid or the Old Age Pension Health and Medical Care Program, and who
19 does not have private dental insurance.

20 Federally Qualified Health Center means a federally funded nonprofit health center or clinic that serves
21 medically underserved areas and populations as defined in 42 U.S.C. section 1395x (aa)(4).

22 Income means any cash, payments, wages, in-kind receipt, inheritance, gift, prize, rents, dividends, or
23 interest that are received by an individual or family. Income may be self-declared. Resources are not
24 included in Income.

25 Max Allowable Fee means the total reimbursement listed by procedure for Covered Dental Care Services
26 under the Colorado Dental Health Care Program for Low-Income Seniors. The Max Allowable Fee is the
27 sum of the Program Payment and the Max Patient Co-Pay.

28 Max Patient Co-Pay means the maximum amount that a Qualified Provider may collect from an Eligible
29 Senior listed by procedure for Covered Dental Services under the Colorado Dental Health Care Program
30 for Low-Income Seniors.

31 Medicaid means the Colorado medical assistance program as defined in article 4 of title 25.5, C.R.S.
32 (2014).

33 Old Age Pension Health and Medical Care Program means the program described at 10 CCR 2505-10,
34 section 8.940 et. seq. and as defined in sections 25.5-2-101 and 26-2-111(2), C.R.S. (2014)

35 Program Payment means the maximum amount by procedure listed for Covered Dental Care Services for
36 which a Qualified Grantee may invoice the Department under the Colorado Dental Health Care Program
37 for Low-Income Seniors.

1 Qualified Grantee means an entity that can demonstrate that it can provide or Arrange For the provision
2 of Covered Dental Care Services and may include but is not limited to:

- 3 1. An Area Agency on Aging, as defined in section 26-11-201, C.R.S. (2014);
- 4 2. A community-based organization or foundation;
- 5 3. A Federally Qualified Health Center, safety-net clinic, or health district;
- 6 4. A local public health agency; or
- 7 5. A private dental practice.

8 Qualified Provider means a licensed dentist or dental hygienist in good standing in Colorado or a person
9 who employs a licensed dentist or dental hygienist in good standing in Colorado and who is willing to
10 accept reimbursement for Covered Dental Services. A Qualified Provider may also be a Qualified
11 Grantee if the person meets the qualifications of a Qualified Grantee.

12 Senior Dental Advisory Committee means the advisory committee established pursuant to section 25.5-3-
13 406, C.R.S. (2014).

14 **8.960.2 Legal Basis**

15 The Colorado Dental Health Care Program for Low-Income Seniors is authorized by state law at part 4 of
16 article 3 of title 25.5, C.R.S. (2014).

17 **8.960.3 Request of Grant Proposals and Grant Award Procedures**

18 **8.960.3.A Request for Grant Proposals**

19 Grant awards shall be made through an application process. The request for grant proposals form shall
20 be issued by the Department and posted for public access on the Department's website at
21 <https://www.colorado.gov/hcpf/research-data-and-grants> at least 30 days prior to the due date.

22 **8.960.3.B Evaluation of Grant Proposals**

23 Proposals submitted for the Colorado Dental Health Care Program for Low-Income Seniors will be
24 evaluated by a review panel in accordance with the following criteria developed under the advice of the
25 Senior Dental Advisory Committee.

- 26 1. The review panel will be comprised of individuals who are deemed qualified by reason of training
27 and/or experience and who have no personal or financial interest in the selection of any particular
28 applicant.
- 29 2. The sole objective of the review panel is to recommend to the Department's executive director
30 those proposals which most accurately and effectively meet the goals of the program within the
31 available funding.
- 32 3. Preference will be given to grant proposals that clearly demonstrate the applicant's ability to:
 - 33 a. Outreach to and identify Eligible Seniors;
 - 34 b. Collaborate with community-based organizations; and

1 c. Serve a greater number of Eligible Seniors or serve Eligible Seniors who reside in a
2 geographic area designated as a Dental HPSA.

3 4. The review panel shall consider the distribution of funds across the state in recommending grant
4 proposals for awards. The distribution of funds should be based on the estimated percentage of
5 Eligible Seniors in the state by Area Agency on Aging region as provided by the Department.

6 **8.960.3.C Grant Awards**

7 The Department's executive director, or his or her designee, shall make the final grant awards to selected
8 Qualified Grantees for the Colorado Dental Health Care Program for Low-Income Seniors.

9 **8.960.3.D Qualified Grantee Responsibilities**

10 A Qualified Grantee that is awarded a grant under the Colorado Dental Health Care Program for Low-
11 Income Seniors is required to:

- 12 1. Identify and outreach to Eligible Seniors and Qualified Providers;
- 13 2. Demonstrate collaboration with community-based organizations;
- 14 3. Ensure that Eligible Seniors receive Covered Dental Care Services efficiently without duplication
15 of services;
- 16 4. Maintain records of Eligible Seniors serviced, Covered Dental Care Services provided, and
17 moneys spent for a minimum of six (6) years;
- 18 5. Distribute grant funds to Qualified Providers in its service area or directly provide Covered Dental
19 Care Services to Eligible Seniors;
- 20 6. Expend no more than seven (7) percent of the amount of its grant award for administrative
21 purposes; and
- 22 7. Submit an annual report as specified under 8.960.4.A3.F.

23 **8.960.3.E Invoicing**

24 A Qualified Grantee that is awarded a grant under the Colorado Dental Health Care Program for Low-
25 Income Seniors shall submit invoices on a form and schedule specified by the Department. Covered
26 Dental Care Services shall be provided before a Qualified Grantee may submit an invoice to the
27 Department.

- 28 1. Invoices shall include the number of Eligible Seniors served, the types of Covered Dental Care
29 Services provided, and any other information required by the Department.
- 30 2. The Department will pay no more than the established Program Payment per procedure
31 rendered.
- 32 3. It is up to the discretion of Qualified Providers whether to charge a co-payment. Under no
33 circumstance shall Eligible Seniors be charged more than the Max Patient Co-Pay per procedure
34 rendered.
- 35 4. Qualified Grantees may invoice for no more than seven (7) percent of the Program Payment for
36 administrative costs.

1 **8.960.3.F Annual Report**

2 On or before September 1, 2016, and each September 1 thereafter, each Qualified Grantee receiving
3 funds from the Colorado Dental Health Care Program for Low-Income Seniors shall submit a report to the
4 Department following the state fiscal year contract period.

5 The annual report shall be completed in a format specified by the Department and shall include:

- 6 1. The number of Eligible Seniors served;
- 7 2. The types of Covered Dental Care Services provided;
- 8 3. An itemization of administrative expenditures; and
- 9 4. Any other information deemed relevant by the Department.

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