

WE—VIEW—THE—FUTURE—OF—DENTAL—REGULATORY—REFORM—2005

Colorado Department of Regulatory Agencies  
Office of Policy, Research and Regulatory Reform

## Dental Advisory Committee



October 14, 2005

# STATE OF COLORADO

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**DEPARTMENT OF REGULATORY AGENCIES**

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Bill Owens  
Governor

October 14, 2005

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed its evaluation of the Colorado Dental Advisory Committee. I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2006 legislative committee of reference. The report is submitted pursuant to section 2-3-1203, Colorado Revised Statutes (C.R.S.), which states in part:

The department of regulatory agencies shall conduct an analysis and evaluation of the performance of each division, board, or agency or each function scheduled for termination under this section. The department of regulatory agencies shall submit a report containing such analysis and evaluation to the office of legislative legal services by October 15 of the year preceding the date established for termination.

The report discusses the question of whether there is a need for the Dental Advisory Committee provided under Article 21.5 of Title 25, C.R.S. The report also discusses the effectiveness of the Dental Advisory Committee and staff of the Colorado Department of Public Health and Environment in carrying out the intent of the statutes and makes recommendations for statutory changes.

Sincerely,

A handwritten signature in cursive script that reads "Tambor Williams".

Tambor Williams  
Executive Director

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## **Background**

### *The Sunset Process*

The functions of the Dental Advisory Committee (DAC), in accordance with Article 21.5 of Title 25, Colorado Revised Statutes (C.R.S.), shall terminate on July 1, 2006, unless continued by the General Assembly. During the year prior to this date, it is the duty of the Department of Regulatory Agencies (DORA) to conduct an analysis and evaluation of the DAC pursuant to section 2-3-1203, C.R.S.

The purpose of this review is to determine whether the DAC should be continued for the protection of the public and to evaluate the performance of the DAC and staff of the Department of Public Health and Environment (CDPHE). During this review, the CDPHE must demonstrate that there is still a need for the DAC and that the activities of the DAC are consistent with the public interest. DORA's findings and recommendations are submitted via this report to the legislative committee of reference of the Colorado General Assembly.

### *Methodology*

As part of this review, DORA, interviewed interested parties and staff of CDPHE, reviewed records, reports, and Colorado statutes and rules.

### *Profile of the Program*

The Colorado Dental Program Act (Act) was established by the General Assembly through the passage of Senate Bill 97-208. This legislation had three stated purposes: to create a dental assistance program for children without dental insurance who did not qualify for Medicaid; to coordinate donated dental services; and to establish a grant program to assist communities in fluoridation of drinking water through community water systems.

The Act established the 10-member DAC, which is appointed by the Executive Director of CDPHE. Section 25-21.5-106(1), C.R.S., defines the composition of the DAC as:

- one member representing the CDPHE who shall be a nonvoting member,
- one member representing the Department of Health Care Policy and Financing,
- two dentists providing dental care to the indigent,
- one dental hygienist,
- one representative of a charitable program that fully subsidizes dental care for children,
- one dentist in private practice who represents the professional dental association,
- one representative from a dental school, and
- two parents of eligible children.

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The DAC's duties are defined in section 25-21.5-106(2), C.R.S., as:

- (a) To advise CDPHE on the types of dental services that should be provided under the dental assistance program;
- (b) To advise CDPHE on the fee structure for the dental services provided under the dental assistance program;
- (c) To advise CDPHE on reasonable rules necessary to implement the dental assistance program, the coordination of donated dental services, and the grant program described in section 25-21.5-108, C.R.S., including, but not limited to, how priorities for program implementation and resource allocation will be determined.

The Act clearly states that only private funds were to be expended to provide the dental services through the creation of a fund to be administered by the State Treasurer and subject to appropriation by the General Assembly. It was the intent of the General Assembly for CDPHE to seek gifts, grants and donations to fund dental services for indigent children.

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## **Analysis and Recommendation**

Any sunset review of an advisory committee requires specific information be provided to the Department of Regulatory Agencies by the committee under review to justify its continued existence. Section 2-3-1203(2)(b)(I), Colorado Revised Statutes (C.R.S.), requires submission of the following:

- Names of the current members of the advisory committee;
- Revenues and all expenditures, including advisory committee expenses, *per diem* paid to members, and any travel expenses;
- Dates all advisory committee meetings were held and the number of members attending the meetings;
- Listing of all advisory proposals made by the advisory committee, together with an indication as to whether or not each proposal has been acted on, implemented, or enacted into statute; and
- Reasons why the advisory committee should be continued.

As part of the review process, this information was requested from the Colorado Department of Health and Environment (CDPHE). The response was that the Dental Advisory Committee (DAC) had never been formally appointed, that there have been no meetings, and that there have been no expenditures or proposals.

According to CDPHE, subsequent to the passage of Senate Bill 97-208, the federal government's State Children's Health Insurance Program was passed. The decision was made that it would be more effective to provide dental benefits through Colorado's Child Health Plan Plus Program.

However, it was not until 2001, that a full-fledged dental benefit program was agreed upon. It was implemented in February 2002. While a formal advisory committee was never appointed, there have been several *ad hoc* committees, including the Governor's Commission on Children's Dental Health and the Dental Network Adequacy Subgroup.

The DAC created in section 25-21.5-106, C.R.S., was never appointed. Therefore, this report cannot list the current members or report on attendance, expenditures or proposals made by the committee.

*Recommendation – Sunset the Dental Advisory Committee established in section 25-21.5-106, C.R.S.*

A discussion of the remaining provisions of Senate Bill 97-208 is beyond the scope of this review. The Colorado Department of Public Health and Environment reports that there is an ongoing program to coordinate volunteer dental services and provide local governments with grants for fluoridation of drinking water.

However, the program envisioned in the Senate Bill 97-208 for the provision of services using the recommendations of the DAC was never implemented. Subsequent changes to programs administered by the Colorado Department of Health Care Policy and Financing have negated the need for the DAC.