

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 08-1134

BY REPRESENTATIVE(S) Kerr J., Frangas, Garza-Hicks, Todd, Buescher, Carroll M., Labuda, McFadyen, Solano, and Stafford;
also SENATOR(S) Morse, Boyd, Gibbs, Romer, Shaffer, Spence, and Williams.

CONCERNING THE OWNERSHIP OF A PRACTICE THAT PROVIDES DENTAL CARE
TO PATIENTS.

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

SECTION 1. Part 1 of article 35 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-35-116.5. Ownership of dental or dental hygiene practice - information to be posted - heir to serve as temporary proprietor - limitations. (1) (a) ONLY A DENTIST LICENSED TO PRACTICE DENTISTRY IN THIS STATE PURSUANT TO THIS ARTICLE MAY BE THE PROPRIETOR OF A DENTAL PRACTICE IN THIS STATE.

(b) ONLY A DENTIST LICENSED TO PRACTICE DENTISTRY IN THIS STATE PURSUANT TO THIS ARTICLE OR A DENTAL HYGIENIST LICENSED TO PRACTICE DENTAL HYGIENE IN THIS STATE PURSUANT TO THIS ARTICLE MAY BE THE PROPRIETOR OF A DENTAL HYGIENE PRACTICE IN THIS STATE.

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

(c) (I) NOTWITHSTANDING PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1), A NONPROFIT ORGANIZATION MAY BE THE PROPRIETOR OF A DENTAL OR DENTAL HYGIENE PRACTICE IF:

(A) THE ORGANIZATION IS A COMMUNITY HEALTH CENTER, AS DEFINED IN THE FEDERAL "PUBLIC HEALTH SERVICE ACT", 42 U.S.C. SEC. 254b; OR

(B) AT LEAST FIFTY PERCENT OF THE PATIENTS SERVED BY THE ORGANIZATION ARE LOW INCOME. AS USED IN THIS SUB-SUBPARAGRAPH (B), "LOW INCOME" MEANS THE PATIENT'S INCOME DOES NOT EXCEED THE INCOME LEVEL SPECIFIED FOR DETERMINING ELIGIBILITY FOR THE CHILDREN'S BASIC HEALTH PLAN ESTABLISHED IN ARTICLE 8 OF TITLE 25.5, C.R.S.

(II) NOTWITHSTANDING PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1), A POLITICAL SUBDIVISION OF THE STATE MAY BE THE PROPRIETOR OF A DENTAL OR DENTAL HYGIENE PRACTICE. AS USED IN THIS SUBPARAGRAPH (II), "POLITICAL SUBDIVISION OF THE STATE" MEANS A COUNTY, CITY AND COUNTY, CITY, TOWN, SERVICE AUTHORITY, SPECIAL DISTRICT, OR ANY OTHER KIND OF MUNICIPAL, QUASI-MUNICIPAL, OR PUBLIC CORPORATION, AS DEFINED IN SECTION 7-49.5-103, C.R.S.

(III) THE PROPRIETORSHIP OF A DENTAL OR DENTAL HYGIENE PRACTICE BY A NONPROFIT ORGANIZATION THAT MEETS THE CRITERIA IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) OR BY A POLITICAL SUBDIVISION OF THE STATE SHALL NOT AFFECT THE EXERCISE OF THE INDEPENDENT PROFESSIONAL JUDGMENT OF THE LICENSED DENTIST OR DENTAL HYGIENIST PROVIDING CARE TO PATIENTS ON BEHALF OF THE ORGANIZATION OR POLITICAL SUBDIVISION.

(2) (a) THE NAME, LICENSE NUMBER, OWNERSHIP PERCENTAGE, AND OTHER INFORMATION, AS REQUIRED BY THE BOARD, OF EACH PROPRIETOR OF A DENTAL OR DENTAL HYGIENE PRACTICE, INCLUDING AN UNLICENSED HEIR WHO IS THE TEMPORARY PROPRIETOR OF THE PRACTICE, AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, SHALL BE AVAILABLE AT THE RECEPTION DESK OF THE DENTAL OR DENTAL HYGIENE PRACTICE DURING THE PRACTICE'S HOURS OF OPERATION. THE INFORMATION REQUIRED BY THIS PARAGRAPH (a) SHALL BE AVAILABLE IN A FORMAT APPROVED BY THE BOARD.

(b) UPON REQUEST, THE DENTAL OR DENTAL HYGIENE PRACTICE SHALL PROMPTLY MAKE AVAILABLE TO THE REQUESTING PERSON A COPY OF THE INFORMATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2).

(c) THE DENTAL OR DENTAL HYGIENE PRACTICE SHALL ENSURE THAT THE INFORMATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2) IS ACCURATE AND CURRENT. ANY CHANGE IN THE INFORMATION SHALL BE UPDATED WITHIN THIRTY DAYS AFTER THE CHANGE.

(3) (a) NOTWITHSTANDING SECTIONS 12-35-125 AND 12-35-129 (1) (h), (14), AND (15), IF A DENTIST OR DENTAL HYGIENIST WHO WAS THE PROPRIETOR OF A DENTAL OR DENTAL HYGIENE PRACTICE AND WAS ENGAGED IN THE ACTIVE PRACTICE OF DENTISTRY OR DENTAL HYGIENE DIES:

(I) AN HEIR TO THE DENTIST MAY SERVE AS A PROPRIETOR OF THE DECEASED DENTIST'S DENTAL OR DENTAL HYGIENE PRACTICE FOR UP TO ONE YEAR AFTER THE DATE OF THE DENTIST'S DEATH, REGARDLESS OF WHETHER THE HEIR IS LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE; OR

(II) AN HEIR TO THE DENTAL HYGIENIST MAY SERVE AS A PROPRIETOR OF THE DECEASED DENTAL HYGIENIST'S DENTAL HYGIENE PRACTICE FOR UP TO ONE YEAR AFTER THE DATE OF THE DENTAL HYGIENIST'S DEATH, REGARDLESS OF WHETHER THE HEIR IS LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE.

(b) UPON GOOD CAUSE SHOWN BY THE HEIR OR THE HEIR'S REPRESENTATIVE, THE BOARD MAY EXTEND THE PERIOD DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) BY UP TO AN ADDITIONAL TWELVE MONTHS, IF NECESSARY, TO ALLOW THE HEIR SUFFICIENT TIME TO SELL OR OTHERWISE DISPOSE OF THE PRACTICE.

(c) IF AN HEIR TO A DECEASED DENTIST OR DENTAL HYGIENIST SERVES AS A PROPRIETOR OF THE DECEASED DENTIST'S OR DENTAL HYGIENIST'S PRACTICE AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3), ALL PATIENT CARE PROVIDED DURING THE TIME THE HEIR IS A PROPRIETOR OF THE PRACTICE SHALL BE PROVIDED BY AN APPROPRIATELY LICENSED DENTIST OR DENTAL HYGIENIST.

(d) THE TEMPORARY PROPRIETORSHIP OF A DENTAL OR DENTAL HYGIENE PRACTICE BY AN UNLICENSED HEIR SHALL NOT AFFECT THE

EXERCISE OF THE INDEPENDENT PROFESSIONAL JUDGMENT OF THE LICENSED DENTIST OR DENTAL HYGIENIST PROVIDING CARE TO PATIENTS ON BEHALF OF THE PRACTICE.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or

part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO