

Title of Rule: Revision to the Medical Assistance Rule concerning Dental Therapists, Section 8.201.1  
Rule Number: MSB 23-05-01-A  
Division / Contact / Phone: Health Policy Office / Alex Lyons / 303-866-2865

## 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).

This rule clarifies that dental therapists are dental provider types who can be reimbursed by Medicaid, as part of implementing Colorado Senate Bill 22-219.

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:

This rulemaking is necessary to comply with Colorado Senate Bill 22-219, which is effective 5/1/23 and regulates the licensure of dental therapists.

2. Federal authority for the Rule, if any:

N/A

3. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2022);

Initial Review  
Proposed Effective Date

**5/12/23**

Final Adoption:  
Emergency Adoption:

**7/14/23**  
**5/12/23**

**DOCUMENT #14**

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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.

Dental therapists will benefit from this rule because their ability to be reimbursed by Medicaid for their services will be clarified. Whatever costs this change generates will be borne, as with Medicaid generally, by a combination of state and federal funds.

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 rule's main impact will be on dental therapists, who will be able to more easily be reimbursed for their services under Medicaid. Additionally, Medicaid members will benefit from greater access to a wider range of dental service providers.

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.

There will be a cost for the Department with monitoring appropriate payments to dental providers, and for the Department of Regulatory Affairs for administering the licensure of dental therapists.

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

The costs of the proposed rule involve the usual costs of administering and monitoring proper reimbursement payments to Medicaid providers, while the benefits include potentially broadening access to dental services in underserved areas, particularly in rural communities. Not adopting this rule saves the cost of additional provider payments but eliminates the potential benefit to Medicaid members in underserved areas of the state.

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

There is not likely to be a less costly method for clarifying that dental therapists are covered providers under the Medical Services Rule other than to include them within the list of covered providers.

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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 Department did not consider any alternative methods for achieving the purpose of this rule because the clarifying language in the proposed text was felt to be the most efficient means of achieving the rule's purpose.

## 1 8.201 ADULT DENTAL SERVICES

### 2 8.201.1 DEFINITIONS

- 3 A. Adult Client means an individual who is 21 years or older and eligible for medical assistance  
4 benefits.
- 5 B. Comprehensive Oral Evaluation – New or Established Patient means a thorough evaluation and  
6 documentation of a client's dental and medical history to include extra-oral and intra-oral hard and  
7 soft tissues, dental caries, missing or unerupted teeth, restorations, occlusal relationships,  
8 periodontal conditions (including periodontal charting), hard and soft tissue anomalies, and oral  
9 cancer screening, as defined by the Current Dental Terminology (CDT).
- 10 C. Comprehensive Periodontal Evaluation means the procedure that is indicated for patients  
11 showing signs or symptoms of periodontal disease and for patients with risk factors such as  
12 smoking or diabetes. It includes evaluation of periodontal conditions, probing and charting,  
13 evaluation and recording of the patient's dental and medical history and general health  
14 assessment. It may include the evaluation and recording of dental caries, missing or unerupted  
15 teeth, restorations, occlusal relationships and oral cancer evaluation, as defined by the CDT.
- 16 D. Dental Caries is a common chronic infectious transmissible disease resulting from tooth-adherent  
17 specific bacteria that metabolize sugars to produce acid which demineralizes tooth structure over  
18 time (tooth decay).
- 19 E. Dental professional means a licensed dentist, ~~or~~ dental hygienist, or dental therapist enrolled with  
20 Colorado Medicaid.
- 21 F. Detailed and Extensive Oral Evaluation – Problem Focused, By Report means a detailed and  
22 extensive problem focused evaluation entailing extensive diagnostic and cognitive modalities  
23 based on the findings of a comprehensive oral evaluation. Integration of more extensive  
24 diagnostic modalities to develop a treatment plan for a specific problem is required. The condition  
25 requiring this type of evaluation shall be described and documented. Examples of conditions  
26 requiring this type of evaluation may include dentofacial anomalies, complicated perio-prosthetic  
27 conditions, complex temporomandibular dysfunction, facial pain of unknown origin, conditions  
28 requiring multi-disciplinary consultation, etc., as defined by the CDT.
- 29 G. Diagnostic Imaging means a visual display of structural or functional patterns for the purpose of  
30 diagnostic evaluation, as defined by the CDT.
- 31 H. Endodontic services means services which are concerned with the morphology, physiology and  
32 pathology of the human dental pulp and periradicular tissues.
- 33 I. Emergency Services means the need for immediate intervention by a physician, osteopath or  
34 dental professional to stabilize an oral cavity condition.
- 35 J. Evaluation means a patient assessment that may include gathering of information through  
36 interview, observation, examination, and use of specific tests that allows a dentist to diagnose  
37 existing conditions, as defined by the CDT.
- 38 K. High Risk of Caries is indicated in Adult Clients who present with demonstrable caries, a history  
39 of restorative treatment, dental plaque, and enamel demineralization.

- 1 L. Immediate Intervention or Treatment is when a patient presents with symptoms and/or complaints  
2 of pain, infection or other conditions that would require immediate attention.
- 3 M. Limited Oral Evaluation – Problem Focused means an evaluation limited to a specific oral health  
4 problem or complaint, as defined by the CDT.
- 5 N. Oral Cavity means the jaw, mouth or any structure contiguous to the jaw.
- 6 O. Palliative Treatment for Dental Pain means emergency treatment to relieve the client of pain; it is  
7 not a mechanism for addressing chronic pain.
- 8 P. Periodic Oral Evaluation means an evaluation performed on a client of record to determine any  
9 changes in the patient’s dental and medical status since a previous comprehensive or periodic  
10 evaluation. This includes an oral cancer evaluation and periodontal screening where indicated,  
11 and may require interpretation of information acquired through additional diagnostic procedures,  
12 as defined by the CDT.
- 13 Q. Periodontal Treatment means the therapeutic plan intended to stop or slow periodontal (gum)  
14 disease progression.
- 15 R. Preventive services means services concerned with promoting good oral health and function by  
16 preventing or reducing the onset and/or development of oral diseases or deformities and the  
17 occurrence of oro-facial injuries, as defined by the CDT.
- 18 S. Prophylaxis (Cleaning) is the removal of dental plaque and calculus from teeth, in order to  
19 prevent dental caries, gingivitis and periodontitis.
- 20 T. Re-Evaluation - Limited, Problem Focused (Established Patient; Not Post-Operative Visit) means  
21 assessing the status of a previously existing condition. For example, a traumatic injury where no  
22 treatment was rendered but patient needs follow-up monitoring, an evaluation for undiagnosed  
23 continuing pain, or a soft tissue lesion requiring follow-up evaluation, as defined by the CDT.
- 24 U. Restorative means services rendered for the purpose of rehabilitation of dentition to functional or  
25 aesthetic requirements of the client, as defined by the CDT.
- 26 V. Year begins on the date of service.
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