

114TH CONGRESS
2D SESSION

H. R. 5396

To amend title XVIII of the Social Security Act to provide for coverage of dental, vision, and hearing care under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2016

Mr. McDERMOTT (for himself, Mr. CONYERS, Mr. CUMMINGS, Mrs. DINGELL, Mr. GRAYSON, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of dental, vision, and hearing care under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Dental, Vi-
5 sion, and Hearing Benefit Act of 2016”.

6 **SEC. 2. DENTAL AND ORAL HEALTH CARE.**

7 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-
8 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

1 (1) in subparagraph (EE), by striking “and”
2 after the semicolon at the end;

3 (2) in subparagraph (FF), by adding “and”
4 after the semicolon at the end; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(GG) dental and oral health services (as de-
8 fined in subsection (iii));”.

9 (b) DENTAL AND ORAL HEALTH SERVICES DE-
10 FINED.—Section 1861 of the Social Security Act (42
11 U.S.C. 1395x) is amended by adding at the end the fol-
12 lowing new subsection:

13 “Dental and Oral Health Services

14 “(iii) The term ‘dental and oral health services’
15 means—

16 “(1) routine dental cleanings and exams;

17 “(2) basic dental services, such as fillings and
18 crowns;

19 “(3) major dental services, such as root canals,
20 and extractions;

21 “(4) emergency dental care; and

22 “(5) other necessary services related to dental
23 or oral health (as defined by the Secretary).”.

24 (c) PAYMENT; COINSURANCE; AND LIMITATIONS.—

1 (1) IN GENERAL.—Section 1833(a)(1) of the
2 Social Security Act (42 U.S.C. 1395l(a)(1)) is
3 amended—

4 (A) by striking “and” before “(AA)”; and

5 (B) by inserting before the semicolon at
6 the end the following: “, and (BB) with respect
7 to dental and oral health services (as defined in
8 section 1861(iii)), the amount paid shall be the
9 payment amount specified under section
10 1834(t)”.

11 (2) PAYMENT AND LIMITS SPECIFIED.—Section
12 1834 of the Social Security Act (42 U.S.C. 1395m)
13 is amended by adding at the end the following new
14 subsection:

15 “(t) PAYMENT AND LIMITS FOR DENTAL AND ORAL
16 HEALTH SERVICES.—

17 “(1) IN GENERAL.—The payment amount
18 under this part for dental and oral health services
19 (as defined in section 1861(iii)) shall be, subject to
20 paragraph (3), the applicable percent (specified in
21 paragraph (2)) of the lesser of the actual charge for
22 the services or the amount determined under the
23 payment basis determined under section 1848.

1 “(2) APPLICABLE PERCENT.—For purposes of
2 paragraph (1), the applicable percent specified in
3 this paragraph is—

4 “(A) for the first year beginning at least 6
5 months after the date of the enactment of this
6 subsection, 0 percent;

7 “(B) for the year following the year speci-
8 fied in subparagraph (A) and each subsequent
9 year through the seventh year following the
10 year specified in subparagraph (A), the applica-
11 ble percent specified in this paragraph for the
12 previous year increased by 10 percentage
13 points; and

14 “(C) for the eighth year following the year
15 specified in subparagraph (A) and each subse-
16 quent year, 80 percent.

17 “(3) LIMITATIONS AND SECRETARIAL AUTHOR-
18 ITY.—

19 “(A) FREQUENCY.—With respect to dental
20 and oral health services that are—

21 “(i) routine dental cleanings, payment
22 may be made under this part for only two
23 such cleanings during a 12-month period;
24 and

1 “(ii) routine exams, payment may be
2 made under this part for only two such
3 exams during a 12-month period.

4 “(B) SECRETARIAL AUTHORITY.—

5 “(i) AUTHORITY TO APPLY ADDI-
6 TIONAL LIMITATIONS.—The Secretary may
7 apply such other reasonable limitations on
8 the extent to which dental and oral services
9 are covered under this part, including
10 through application of a prior authoriza-
11 tion requirement.

12 “(ii) AUTHORITY TO MODIFY COV-
13 ERAGE.—Notwithstanding any other provi-
14 sion of this title, if the Secretary deter-
15 mines appropriate, the Secretary may mod-
16 ify the coverage under this part of dental
17 and oral health services to the extent that
18 such modification is consistent with the
19 recommendations of the United States Pre-
20 ventive Services Task Force.”.

21 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—
22 Section 1848(j)(3) of the Social Security Act (42 U.S.C.
23 1395w-4(j)(3)) is amended by inserting “(2)(GG),” before
24 “(3)”.

25 (e) DENTURES.—

1 (1) IN GENERAL.—Section 1861(s)(8) of the
2 Social Security Act (42 U.S.C. 1395x(s)(8)) is
3 amended—

4 (A) by striking “(other than dental)” and
5 inserting “(including dentures)”; and

6 (B) by striking “internal body”.

7 (2) SPECIAL PAYMENT RULES.—Section
8 1834(a) of the Social Security Act (42 U.S.C.
9 1395m(a)) is amended by adding at the end the fol-
10 lowing new paragraph:

11 “(23) PAYMENT AND LIMITS FOR DENTURES.—

12 “(A) IN GENERAL.—The payment amount
13 under this part for dentures shall be, subject to
14 subparagraph (C), the applicable percent (speci-
15 fied in subparagraph (B)) of the amount other-
16 wise payable for such dentures under this sec-
17 tion.

18 “(B) APPLICABLE PERCENT.—For pur-
19 poses of subparagraph (A), the applicable per-
20 cent specified in this subparagraph is—

21 “(i) for the first year beginning at
22 least 6 months after the date of the enact-
23 ment of this paragraph, 0 percent;

24 “(ii) for the year following the year
25 specified in clause (i) and each subsequent

1 year through the seventh year following the
2 year specified in clause (i), the applicable
3 percent specified in this subparagraph for
4 the previous year increased by 10 percent-
5 age points; and

6 “(iii) for the eighth year following the
7 year specified in clause (i) and each subse-
8 quent year, 80 percent.

9 “(C) LIMITATIONS AND SECRETARIAL AU-
10 THORITY.—

11 “(i) IN GENERAL.—Payment may be
12 made under this part for an individual
13 for—

14 “(I) not more than one full upper
15 and one full lower denture once every
16 five years; and

17 “(II) not more than one partial
18 upper denture and one partial lower
19 denture once every five years.

20 “(ii) SECRETARIAL AUTHORITY.—

21 “(I) AUTHORITY TO APPLY ADDI-
22 TIONAL LIMITATIONS.—The Secretary
23 may apply such other reasonable limi-
24 tations on the extent to which den-
25 tures are covered under this part, in-

1 cluding through application of a prior
2 authorization requirement.

3 “(II) AUTHORITY TO MODIFY
4 COVERAGE.—Notwithstanding any
5 other provision of this title, if the Sec-
6 retary determines appropriate, the
7 Secretary may modify the coverage
8 under this part of dentures to the ex-
9 tent that such modification is con-
10 sistent with the recommendations of
11 the United States Preventive Services
12 Task Force.”.

13 (f) REPEAL OF GROUND FOR EXCLUSION.—Section
14 1862(a) of the Social Security Act (42 U.S.C. 1395y) is
15 amended by striking paragraph (12).

16 (g) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to services furnished on or after
18 January 1 of the first year beginning at least six months
19 after the date of the enactment of this Act.

20 **SEC. 3. VISION CARE.**

21 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-
22 curity Act (42 U.S.C. 1395x(s)(2)), as amended by section
23 2, is further amended—

24 (1) in subparagraph (FF), by striking “and”
25 after the semicolon at the end;

1 to vision services (as defined in section
2 1861(jjj)), the amount paid shall be the pay-
3 ment amount specified under section 1834(u)”.

4 (2) PAYMENT AND LIMITS SPECIFIED.—Section
5 1834 of the Social Security Act (42 U.S.C. 1395m),
6 as amended by section 2, is further amended by add-
7 ing at the end the following new subsection:

8 “(u) PAYMENT AND LIMITS FOR VISION SERVICES.—

9 “(1) IN GENERAL.—The payment amount
10 under this part for vision services (as defined in sec-
11 tion 1861(jjj)) shall be, subject to paragraph (3),
12 the applicable percent (specified in paragraph (2)) of
13 the lesser of the actual charge for the services or the
14 amount determined under the payment basis deter-
15 mined under section 1848.

16 “(2) APPLICABLE PERCENT.—For purposes of
17 paragraph (1), the applicable percent specified in
18 this paragraph is—

19 “(A) for the first year beginning at least 6
20 months after the date of the enactment of this
21 subsection, 0 percent;

22 “(B) for the year following the year speci-
23 fied in subparagraph (A) and each subsequent
24 year through the seventh year following the
25 year specified in subparagraph (A), the applica-

1 ble percent specified in this paragraph for the
2 previous year increased by 10 percentage
3 points; and

4 “(C) for the eighth year following the year
5 specified in subparagraph (A) and each subse-
6 quent year, 80 percent.

7 “(3) LIMITATIONS AND SECRETARIAL AUTHOR-
8 ITY.—

9 “(A) FREQUENCY.—With respect to rou-
10 tine eye exams, payment may be made under
11 this part for only one such exam during a 12-
12 month period.

13 “(B) SECRETARIAL AUTHORITY.—

14 “(i) AUTHORITY TO APPLY ADDI-
15 TIONAL LIMITATIONS.—The Secretary may
16 apply other reasonable limitations on the
17 extent to which vision services are covered
18 under this part, including through applica-
19 tion of a prior authorization requirement.

20 “(ii) AUTHORITY TO MODIFY COV-
21 ERAGE.—Notwithstanding any other provi-
22 sion of this title, if the Secretary deter-
23 mines appropriate, the Secretary may mod-
24 ify the coverage under this part of vision
25 services to the extent that such modifica-

1 tion is consistent with the recommenda-
2 tions of the United States Preventive Serv-
3 ices Task Force.”.

4 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—
5 Section 1848(j)(3) of the Social Security Act (42 U.S.C.
6 1395w-4(j)(3)) is amended by inserting “(2)(HH),” after
7 “(2)(GG),” (as added by section 2).

8 (e) SPECIAL PAYMENT RULES FOR EYEGLASSES,
9 CONTACT LENSES, AND LOW VISION DEVICES.—Section
10 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)),
11 as amended by section 2, is further amended by adding
12 at the end the following:

13 “(24) PAYMENT AND LIMITS FOR EYEGLASSES
14 AND CONTACT LENSES.—

15 “(A) IN GENERAL.—The payment amount
16 under this part for eyeglass lenses, eyeglass
17 frames, and contact lenses shall be, subject to
18 subparagraph (C), the applicable percent (speci-
19 fied in subparagraph (B)) of the amount other-
20 wise payable for such eyeglass lenses, eyeglass
21 frames, and contact lenses, respectively, under
22 this section.

23 “(B) APPLICABLE PERCENT.—For pur-
24 poses of subparagraph (A), the applicable per-
25 cent specified in this subparagraph is—

1 “(i) for the first year beginning at
2 least 6 months after the date of the enact-
3 ment of this paragraph, 0 percent;

4 “(ii) for the year following the year
5 specified in clause (i) and each subsequent
6 year through the seventh year following the
7 year specified in clause (i), the applicable
8 percent specified in this subparagraph for
9 the previous year increased by 10 percent-
10 age points; and

11 “(iii) for the eighth year following the
12 year specified in clause (i) and each subse-
13 quent year, 80 percent.

14 “(C) LIMITATIONS AND SECRETARIAL AU-
15 THORITY.—

16 “(i) IN GENERAL.—Payment may be
17 made under this part (other than for
18 eyewear described in section 1861(s)(8))
19 for an individual for—

20 “(I) not more than one pair of
21 eyeglass lenses during any 12-month
22 period;

23 “(II) not more than one set of
24 eyeglass frames during any 24-month
25 period; and

1 “(III) contact lenses, only to the
2 extent that the sum of such payments
3 for contact lenses does not exceed a
4 limitation of \$200 during any 24-
5 month period beginning during the
6 first year beginning at least six
7 months after the date of the enact-
8 ment of this paragraph (or, beginning
9 during a subsequent year, such limita-
10 tion for a 24-month period beginning
11 in the previous year increase by an
12 appropriate inflation adjustment spec-
13 ified by the Secretary).

14 “(ii) SECRETARIAL AUTHORITY.—

15 “(I) AUTHORITY TO APPLY ADDI-
16 TIONAL LIMITATIONS.—The Secretary
17 may apply such other reasonable limi-
18 tations on the extent to which eye-
19 glass lenses, eyeglass frames, and con-
20 tact lenses are covered under this
21 part, including through application of
22 a prior authorization requirement.

23 “(II) AUTHORITY TO MODIFY
24 COVERAGE.—Notwithstanding any
25 other provision of this title, if the Sec-

1 retary determines appropriate, the
2 Secretary may modify the coverage
3 under this part of eyeglass lenses, eye-
4 glass frames, and contact lenses to
5 the extent that such modification is
6 consistent with the recommendations
7 of the United States Preventive Serv-
8 ices Task Force.

9 “(25) PAYMENT AND LIMITS FOR LOW VISION
10 DEVICES.—

11 “(A) IN GENERAL.—The payment amount
12 under this part for low vision devices shall be,
13 subject to subparagraph (C), the applicable per-
14 cent (specified in subparagraph (B)) of the
15 amount otherwise payable for low vision devices
16 under this section.

17 “(B) APPLICABLE PERCENT.—For pur-
18 poses of subparagraph (A), the applicable per-
19 cent specified in this subparagraph is—

20 “(i) for the first year beginning at
21 least 6 months after the date of the enact-
22 ment of this paragraph, 0 percent;

23 “(ii) for the year following the year
24 specified in clause (i) and each subsequent
25 year through the seventh year following the

1 year specified in clause (i), the applicable
2 percent specified in this subparagraph for
3 the previous year increased by 10 percent-
4 age points; and

5 “(iii) for the eighth year following the
6 year specified in clause (i) and each subse-
7 quent year, 80 percent.

8 “(C) SECRETARIAL AUTHORITY.—

9 “(i) AUTHORITY TO APPLY LIMITA-
10 TIONS.—The Secretary may apply reason-
11 able limitations on the extent to which low
12 vision devices are covered under this part,
13 including through application of a prior
14 authorization requirement.

15 “(ii) AUTHORITY TO MODIFY COV-
16 ERAGE.—Notwithstanding any other provi-
17 sion of this title, if the Secretary deter-
18 mines appropriate, the Secretary may mod-
19 ify the coverage under this part of low vi-
20 sion devices to the extent that such modi-
21 fication is consistent with the recommenda-
22 tions of the United States Preventive Serv-
23 ices Task Force.

24 “(D) LOW VISION DEVICE DEFINED.—In
25 this paragraph, the term ‘low vision device’

1 means a device, prescribed by a physician, that
2 magnifies, enhances, or otherwise augments or
3 interprets visual images irrespective of the size,
4 form, or technological features of such device
5 and does not include ordinary eyeglasses or con-
6 tact lenses. In the previous sentence, the term
7 ‘ordinary eyeglasses or contact lenses’ means
8 lenses that are intended to fully correct visual
9 acuity or fully eliminate refractive error.”.

10 (f) DEFINITION OF DURABLE MEDICAL EQUIPMENT
11 TO INCLUDE EYEGLASSES, CONTACT LENSES, AND LOW
12 VISION DEVICES.—Section 1861(n) of the Social Security
13 Act (42 U.S.C. 1395x(n)) is amended—

14 (1) by striking “and” before “eye tracking” and
15 inserting a comma; and

16 (2) by inserting “, and eyeglass lenses, low vi-
17 sion devices (as defined in section 1834(a)(25)), eye-
18 glass frames, and contact lenses” before “; except”.

19 (g) REPEAL OF GROUND FOR EXCLUSION.—Section
20 1862(a)(7) of the Social Security Act (42 U.S.C.
21 1395y(a)(7)) is amended by striking “, eyeglasses (other
22 than eyewear described in section 1861(s)(8)) or eye ex-
23 aminations for the purpose of prescribing, fitting, or
24 changing eyeglasses, procedures performed (during the

1 course of any eye examination) to determine the refractive
2 state of the eyes”.

3 (h) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to services furnished on or after
5 January 1 of the first year beginning at least six months
6 after the date of the enactment of this Act.

7 **SEC. 4. HEARING CARE.**

8 (a) **COVERAGE.**—

9 (1) **IN GENERAL.**—Section 1861(s)(2) of the
10 Social Security Act (42 U.S.C. 1395x(s)(2)), as
11 amended by sections 2 and 3, is further amended—

12 (A) in subparagraph (GG), by striking
13 “and” at the end;

14 (B) in subparagraph (HH), by inserting
15 “and” at the end; and

16 (C) by adding at the end the following new
17 subparagraph:

18 “(II) audiology services (as defined in sub-
19 section (ll)(3)) and hearing services (as defined in
20 subsection (ll)(5));”.

21 (2) **HEARING SERVICES DEFINED.**—Section
22 1861(ll) of the Social Security Act (42 U.S.C.
23 1395x(ll)) is amended—

1 (A) in the subsection heading, by inserting
2 “; HEARING SERVICES” after “AUDIOLOGY
3 SERVICES”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(5) The term ‘hearing services’ means—

7 “(A) routine hearing exams and exams for
8 hearing aids; and

9 “(B) other necessary services related to hearing
10 health (as defined by the Secretary).”.

11 (b) PAYMENT; COINSURANCE; AND LIMITATIONS.—

12 (1) IN GENERAL.—Section 1833(a)(1) of the
13 Social Security Act (42 U.S.C. 1395l(a)(1)), as
14 amended by sections 2 and 3, is further amended—

15 (A) by striking “and” before “(CC)”; and

16 (B) by inserting before the semicolon at
17 the end the following: “, and (DD) with respect
18 to audiology services (as defined in section
19 1861(ll)(3)) and hearing services (as defined in
20 section 1861(ll)(5)), the amount paid shall be
21 the payment amount specified under section
22 1834(v)”.

23 (2) PAYMENT AND LIMITS SPECIFIED.—Section
24 1834 of the Social Security Act (42 U.S.C. 1395m),

1 as amended by sections 2 and 3, is further amended
2 by adding at the end the following new subsection:

3 “(v) PAYMENT AND LIMITS FOR HEARING SERV-
4 ICES.—

5 “(1) IN GENERAL.—The payment amount
6 under this part for audiology services (as defined in
7 section 1861(ll)(3)) and hearing services (as defined
8 in section 1861(ll)(5)), shall be, subject to para-
9 graph (3), the applicable percent (specified in para-
10 graph (2)) of the lesser of the actual charge for the
11 services or the amount determined under the pay-
12 ment basis determined under section 1848.

13 “(2) APPLICABLE PERCENT.—For purposes of
14 paragraph (1), the applicable percent specified in
15 this paragraph is—

16 “(A) for the first year beginning at least 6
17 months after the date of the enactment of this
18 subsection, 0 percent;

19 “(B) for the year following the year speci-
20 fied in subparagraph (A) and each subsequent
21 year through the seventh year following the
22 year specified in subparagraph (A), the applica-
23 ble percent specified in this paragraph for the
24 previous year increased by 10 percentage
25 points; and

1 “(C) for the eighth year following the year
2 specified in subparagraph (A) and each subse-
3 quent year, 80 percent.

4 “(3) SECRETARIAL AUTHORITY.—

5 “(A) AUTHORITY TO APPLY LIMITA-
6 TIONS.—The Secretary may apply reasonable
7 limitations on the extent to which audiology
8 services and hearing services are covered under
9 this part, including through application of a
10 prior authorization requirement.

11 “(B) AUTHORITY TO MODIFY COVERAGE.—
12 Notwithstanding any other provision of this
13 title, if the Secretary determines appropriate,
14 the Secretary may modify the coverage under
15 this part of audiology services and hearing serv-
16 ices to the extent that such modification is con-
17 sistent with the recommendations of the United
18 States Preventive Services Task Force.”.

19 (c) PAYMENT UNDER THE PHYSICIAN FEE SCHED-
20 ULE.—Section 1848(j)(3) of the Social Security Act (42
21 U.S.C. 1395w-4(j)(3)), as amended by section 2(d), is
22 further amended by inserting “(2)(II),” before “(3)”.

23 (d) HEARING AIDS.—

24 (1) REPEAL OF GROUND FOR EXCLUSION.—
25 Section 1862(a)(7) of the Social Security Act (42

1 U.S.C. 1395y(a)(7)), as amended by section 3(g), is
2 further amended by striking “, hearing aids or ex-
3 aminations therefor,”.

4 (2) DEFINITION OF DURABLE MEDICAL EQUIP-
5 MENT TO INCLUDE HEARING AIDS.—Section 1861(n)
6 of the Social Security Act (42 U.S.C. 1395x(n)), as
7 amended by section 3, is further amended by insert-
8 ing “hearing aids,” before “and eyeglass lenses”.

9 (3) SPECIAL PAYMENT RULES FOR HEARING
10 AIDS.—Section 1834(a) of the Social Security Act
11 (42 U.S.C. 1395m(a)), as amended by sections 2
12 and 3, is further amended by adding at the end the
13 following new paragraph:

14 “(26) PAYMENT AND LIMITS FOR HEARING
15 AIDS.—

16 “(A) IN GENERAL.—The payment amount
17 under this part for hearing aids shall be, sub-
18 ject to subparagraph (C), the applicable percent
19 (specified in subparagraph (B)) of the amount
20 otherwise payable for hearing aids under this
21 section.

22 “(B) APPLICABLE PERCENT.—For pur-
23 poses of subparagraph (A), the applicable per-
24 cent specified in this subparagraph is—

1 “(i) for the first year beginning at
2 least 6 months after the date of the enact-
3 ment of this paragraph, 0 percent;

4 “(ii) for the year following the year
5 specified in clause (i) and each subsequent
6 year through the seventh year following the
7 year specified in clause (i), the applicable
8 percent specified in this subparagraph for
9 the previous year increased by 10 percent-
10 age points; and

11 “(iii) for the eighth year following the
12 year specified in clause (i) and each subse-
13 quent year, 80 percent.

14 “(C) LIMITATIONS AND SECRETARIAL AU-
15 THORITY.—

16 “(i) IN GENERAL.—Payment may be
17 made under this part for an individual for
18 not more than one hearing aid per ear dur-
19 ing a 48-month period.

20 “(ii) SECRETARIAL AUTHORITY.—

21 “(I) AUTHORITY TO APPLY ADDI-
22 TIONAL LIMITATIONS.—The Secretary
23 may apply additional limitations on
24 the extent to which hearing aids are
25 covered under this part, including

1 through application of a prior author-
2 ization requirement and through ap-
3 plication of criteria for a minimum
4 level of hearing loss for coverage of an
5 initial or replacement hearing aid.

6 “(II) AUTHORITY TO MODIFY
7 COVERAGE.—Notwithstanding any
8 other provision of this title, if the Sec-
9 retary determines appropriate, the
10 Secretary may modify the coverage
11 under this part of hearing aids to the
12 extent that such modification is con-
13 sistent with the recommendations of
14 the United States Preventive Services
15 Task Force.”.

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to services furnished on or after
18 January 1 of the first year beginning at least six months
19 after the date of the enactment of this Act.

○