

116TH CONGRESS
1ST SESSION

H. R. 4650

To amend title XVIII of the Social Security Act to provide coverage for certain dental items and services under part B of the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2019

Ms. KELLY of Illinois (for herself and Mr. HORSFORD) 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 coverage for certain dental items and services under part B of 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 Act
5 of 2019”.

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 (GG), by striking “and”
 2 after the semicolon at the end;

3 (2) in subparagraph (HH), by striking the pe-
 4 riod at the end and adding “; and”; and

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

7 “(II) dental and oral health services (as defined
 8 in subsection (kkk));”.

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 “(kkk) DENTAL AND ORAL HEALTH SERVICES.—

14 “(1) IN GENERAL.—The term ‘dental and oral
 15 health services’ means items and services (other
 16 than such items and services for which payment may
 17 be made under part A as inpatient hospital services)
 18 that are furnished during 2022 or a subsequent
 19 year, for which coverage was not provided under
 20 part B as of the date of the enactment of this sub-
 21 section, and that are—

22 “(A) the preventive and screening services
 23 described in paragraph (2) furnished by a doc-
 24 tor of dental surgery or of dental medicine (as

1 described in subsection (r)(2)) or an oral health
2 professional (as defined in paragraph (4)); or

3 “(B) the basic treatments specified for
4 such year by the Secretary pursuant to para-
5 graph (3)(A) and the major treatments speci-
6 fied for such year by the Secretary pursuant to
7 paragraph (3)(B) furnished by such a doctor or
8 such a professional.

9 “(2) PREVENTIVE AND SCREENING SERV-
10 ICES.—The preventive and screening services de-
11 scribed in this paragraph are the following:

12 “(A) Oral exams.

13 “(B) Dental cleanings.

14 “(C) Dental x-rays performed in the office
15 of a doctor or professional described in para-
16 graph (1)(A).

17 “(D) Fluoride treatments.

18 “(3) BASIC AND MAJOR TREATMENTS.—For
19 2022 and each subsequent year, the Secretary shall
20 specify—

21 “(A) basic treatments (which may include
22 basic tooth restorations, basic periodontic serv-
23 ices, tooth extractions, and oral disease man-
24 agement services); and

1 “(B) major treatments (which may include
 2 major tooth restorations, major periodontic
 3 services, bridges, crowns, dental implants, and
 4 root canals);
 5 that shall be included as dental and oral health serv-
 6 ices for such year.

7 “(4) ORAL HEALTH PROFESSIONAL.—The term
 8 ‘oral health professional’ means, with respect to den-
 9 tal and oral health services, a health professional
 10 who is licensed to furnish such services, acting with-
 11 in the scope of such license, by the State in which
 12 such services are furnished.”.

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

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

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

18 (B) by inserting before the semicolon at
 19 the end the following: “, and (DD) with respect
 20 to dental and oral health services (as defined in
 21 section 1861(kkk)), the amount paid shall be
 22 the payment amount specified under section
 23 1834(x)”.

24 (2) PAYMENT AND LIMITS SPECIFIED.—Section
 25 1834 of the Social Security Act (42 U.S.C. 1395m)

1 is amended by adding at the end the following new
2 subsection:

3 “(x) PAYMENT AND LIMITS FOR DENTAL AND ORAL
4 HEALTH SERVICES.—

5 “(1) IN GENERAL.—The payment amount
6 under this part for dental and oral health services
7 (as defined in section 1861(kkk)) shall be, subject to
8 paragraph (3), the applicable percent (specified in
9 paragraph (2)) of the lesser of the actual charge for
10 the services or the amount determined under the
11 payment basis determined under section 1848.

12 “(2) APPLICABLE PERCENT.—For purposes of
13 paragraph (1), the applicable percent specified in
14 this paragraph is, with respect to dental and oral
15 health services (as defined in section 1861(kkk)) fur-
16 nished in a year—

17 “(A) that are preventive and screening
18 services described in paragraph (2) or basic
19 treatments specified for such year pursuant to
20 paragraph (3)(A) of such section, 80 percent;
21 and

22 “(B) that are major treatments specified
23 for such year pursuant to paragraph (3)(B) of
24 such section—

1 “(i) in the case such services are fur-
2 nished during 2022, 10 percent;

3 “(ii) in the case such services are fur-
4 nished during 2023 or a subsequent year
5 before 2026, the applicable percent speci-
6 fied under this subparagraph for the pre-
7 vious year, increased by 10 percentage
8 points; and

9 “(iii) in the case such services are fur-
10 nished during 2026 or a subsequent year,
11 50 percent.

12 “(3) LIMITATIONS.—With respect to dental and
13 oral health services that are—

14 “(A) oral exams, payment may be made
15 under this part for not more than two such
16 exams during a 12-month period;

17 “(B) dental cleanings, payment may be
18 made under this part for not more than two
19 such cleanings during a 12-month period; and

20 “(C) not described in subparagraph (A) or
21 (B), payment may be made under this part only
22 at such frequencies and under such cir-
23 cumstances determined appropriate by the Sec-
24 retary.”.

25 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—

1 (1) IN GENERAL.—Section 1848(j)(3) of the
 2 Social Security Act (42 U.S.C. 1395w-4(j)(3)) is
 3 amended by inserting “(2)(II),” before “(3)”.

4 (2) BUDGET NEUTRALITY.—Section
 5 1848(e)(2)(B)(iv) of the Social Security Act (42
 6 U.S.C. 1395-w(e)(2)(B)(iv)) is amended—

7 (A) in subclause (III), by striking “and” at
 8 the end;

9 (B) in subclause (IV), by striking the pe-
 10 riod at the end and inserting “; and”; and

11 (C) by adding at the end the following new
 12 subclause:

13 “(V) the amendment made by
 14 section 2(d)(1) of the Medicare Dental
 15 Act of 2019 shall not be taken into
 16 account in applying clause (ii)(II) for
 17 2022 and 2023.”.

18 (3) EXCLUSION FROM MIPS.—Section
 19 1848(q)(1)(C)(ii) of the Social Security Act (42
 20 U.S.C. 1395w-4(q)(1)(C)(ii)) is amended—

21 (A) in subclause (II), by striking “or” at
 22 the end;

23 (B) in subclause (III), by striking the pe-
 24 riod at the end and inserting “; or”; and

1 (C) by adding at the end the following new
 2 subclause:

3 “(IV) with respect to 2022 and
 4 each subsequent year, is a doctor of
 5 dental surgery or of dental medicine
 6 (as described in section 1861(r)(2)) or
 7 is an oral health professional (as de-
 8 fined in section 1861(kkk)(4)).”.

9 (4) INCLUSION OF ORAL HEALTH PROFES-
 10 SIONALS AS CERTAIN PRACTITIONERS.—Section
 11 1842(b)(18)(C) of the Social Security Act (42
 12 U.S.C. 1395u(b)(18)(C)) is amended by adding at
 13 the end the following new clause:

14 “(vii) With respect to 2022 and each
 15 subsequent year, an oral health profes-
 16 sional (as defined in section
 17 1861(kkk)(4)).”.

18 (e) DENTURES.—

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

22 (A) by striking “(other than dental)”; and

23 (B) by inserting “and excluding dental, ex-
 24 cept for a full or partial set of dentures fur-

nished on or after January 1, 2022” after “colostomy care”.

(2) SPECIAL PAYMENT RULES.—

(A) LIMITATIONS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:

“(6) SPECIAL PAYMENT RULE FOR DENTURES.—Payment may be made under this part with respect to an individual for dentures—

“(A) not more than once during any 5-year period (except in the case that a doctor or professional described in section 1861(kkk)(1)(A) determines such dentures do not fit the individual); and

“(B) only to the extent that such dentures are furnished pursuant to a written order of such a doctor or professional.”.

(B) APPLICATION OF COMPETITIVE ACQUISITION.—

(i) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—

1 (I) in the subparagraph heading,
2 by inserting “, DENTURES” after
3 “ORTHOTICS”;

4 (II) by inserting “and of den-
5 tures described in paragraph (2)(D)
6 of such section,” after “2009,”; and

7 (III) in clause (i), by inserting
8 “or such dentures” after “orthotics”.

9 (ii) CONFORMING AMENDMENT.—Sec-
10 tion 1847(a)(2) of the Social Security Act
11 (42 U.S.C. 1395w–3(a)(2)) is amended by
12 adding at the end the following new sub-
13 paragraph:

14 “(D) DENTURES.—Dentures for which
15 payment would otherwise be made under section
16 1834(h).”.

17 (iii) EXEMPTION OF CERTAIN ITEMS
18 FROM COMPETITIVE ACQUISITION.—Sec-
19 tion 1847(a)(7) of the Social Security Act
20 (42 U.S.C. 1395w–3(a)(7)) is amended by
21 adding at the end the following new sub-
22 paragraph:

23 “(C) CERTAIN DENTURES.—Those items
24 and services described in paragraph (2)(D) if
25 furnished by a physician or other practitioner

1 (as defined by the Secretary) to the physician’s
2 or practitioner’s own patients as part of the
3 physician’s or practitioner’s professional serv-
4 ice.”.

5 (f) EXCLUSION MODIFICATIONS.—Section 1862(a) of
6 the Social Security Act (42 U.S.C. 1395y(a)) is amend-
7 ed—

8 (1) in paragraph (1)—

9 (A) in subparagraph (O), by striking
10 “and” at the end;

11 (B) in subparagraph (P), by striking the
12 semicolon at the end and inserting “, and”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(Q) in the case of dental and oral health serv-
16 ices (as defined in section 1861(kkk)) that are pre-
17 ventive and screening services described in para-
18 graph (2) of such section, which are furnished more
19 frequently than provided under section 1834(x)(3);”;
20 and

21 (2) in paragraph (12), by inserting before the
22 semicolon at the end the following: “and except that
23 payment may be made under part B for dental and
24 oral health services that are covered under section
25 1861(s)(2)(II)”.

1 **SEC. 3. IMPLEMENTATION FUNDING.**

2 The Secretary of Health and Human Services shall
3 provide for the transfer from the Federal Supplementary
4 Medical Insurance Trust Fund under section 1841 of the
5 Social Security Act (42 U.S.C. 1395t) to the Centers for
6 Medicare & Medicaid Services Program Management Ac-
7 count for the period of 2020 through 2024 of such sums
8 as may be necessary for purposes of implementing the
9 amendments made by section 2.

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