

Union Calendar No. 303

116TH CONGRESS
2^D SESSION

H. R. 4650

[Report No. 116–325, Parts I and II]

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

DECEMBER 6, 2019

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

JANUARY 24, 2020

Additional sponsors: Ms. CASTOR of Florida, Ms. BARRAGÁN, Mr. BUTTERFIELD, Mr. CUELLAR, Ms. NORTON, Mr. MALINOWSKI, Mr. PAYNE, Mr. WELCH, and Mr. CARTWRIGHT

JANUARY 24, 2020

Reported from the Committee on Energy and Commerce, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 11, 2019]

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 Cov-*
 5 *erage Act of 2019”.*

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

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

9 *(1) in subparagraph (GG), by striking “and”*
 10 *after the semicolon at the end;*

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

13 *(3) by adding at the end the following new sub-*
 14 *paragraph:*

15 *“(II) dental and oral health services (as defined*
 16 *in subsection (kkk));”.*

17 *(b) DENTAL AND ORAL HEALTH SERVICES DE-*
 18 *FINED.—Section 1861 of the Social Security Act (42 U.S.C.*
 19 *1395x) is amended by adding at the end the following new*
 20 *subsection:*

21 *“(kkk) DENTAL AND ORAL HEALTH SERVICES.—*

22 *“(1) IN GENERAL.—The term ‘dental and oral*
 23 *health services’ means items and services (other than*
 24 *such items and services for which payment may be*
 25 *made under part A as inpatient hospital services)*

1 *that are furnished during 2022 or a subsequent year,*
2 *for which coverage was not provided under part B as*
3 *of the date of the enactment of this subsection, and*
4 *that are—*

5 “(A) *the preventive and screening services*
6 *described in paragraph (2) furnished by a doctor*
7 *of dental surgery or of dental medicine (as de-*
8 *scribed in subsection (r)(2)) or an oral health*
9 *professional (as defined in paragraph (4)); or*

10 “(B) *the basic treatments specified for such*
11 *year by the Secretary pursuant to paragraph*
12 *(3)(A) and the major treatments specified for*
13 *such year by the Secretary pursuant to para-*
14 *graph (3)(B) furnished by such a doctor or such*
15 *a professional.*

16 “(2) *PREVENTIVE AND SCREENING SERVICES.—*
17 *The preventive and screening services described in*
18 *this paragraph are the following:*

19 “(A) *Oral exams.*

20 “(B) *Dental cleanings.*

21 “(C) *Dental x-rays performed in the office*
22 *of a doctor or professional described in para-*
23 *graph (1)(A).*

24 “(D) *Fluoride treatments.*

1 “(3) *BASIC AND MAJOR TREATMENTS.*—*For 2022*
 2 *and each subsequent year, the Secretary shall speci-*
 3 *fy—*

4 “(A) *basic treatments (which may include*
 5 *basic tooth restorations, basic periodontic serv-*
 6 *ices, tooth extractions, and oral disease manage-*
 7 *ment services); and*

8 “(B) *major treatments (which may include*
 9 *major tooth restorations, major periodontic serv-*
 10 *ices, bridges, crowns, dental implants, and root*
 11 *canals);*

12 *that shall be included as dental and oral health serv-*
 13 *ices for such year.*

14 “(4) *ORAL HEALTH PROFESSIONAL.*—*The term*
 15 *‘oral health professional’ means, with respect to den-*
 16 *tal and oral health services, a health professional who*
 17 *is licensed to furnish such services, acting within the*
 18 *scope of such license, by the State in which such serv-*
 19 *ices are furnished.”.*

20 “(c) *PAYMENT; COINSURANCE; AND LIMITATIONS.*—

21 “(1) *IN GENERAL.*—*Section 1833(a)(1) of the So-*
 22 *cial Security Act (42 U.S.C. 1395l(a)(1)) is amend-*
 23 *ed—*

24 “(A) *by striking “and” before “(CC)”;* *and*

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

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

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

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

“(2) *APPLICABLE PERCENT.*—For purposes of paragraph (1), the applicable percent specified in this paragraph is, with respect to dental and oral health services (as defined in section 1861(kkk)) furnished in a year—

1 “(A) that are preventive and screening serv-
2 ices described in paragraph (2) or basic treat-
3 ments specified for such year pursuant to para-
4 graph (3)(A) of such section, 80 percent; and

5 “(B) that are major treatments specified for
6 such year pursuant to paragraph (3)(B) of such
7 section—

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

10 “(ii) in the case such services are fur-
11 nished during 2023 or a subsequent year be-
12 fore 2026, the applicable percent specified
13 under this subparagraph for the previous
14 year, increased by 10 percentage points;
15 and

16 “(iii) in the case such services are fur-
17 nished during 2026 or a subsequent year,
18 50 percent.

19 “(3) *LIMITATIONS.*—With respect to dental and
20 oral health services that are—

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

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

4 “(C) not described in subparagraph (A) or
5 (B), payment may be made under this part only
6 at such frequencies and under such cir-
7 cumstances determined appropriate by the Sec-
8 retary.”.

9 (d) *PAYMENT UNDER PHYSICIAN FEE SCHEDULE.*—

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

13 (2) *BUDGET NEUTRALITY.*—Section
14 1848(c)(2)(B)(iv) of the Social Security Act (42
15 U.S.C. 1395–w(c)(2)(B)(iv)) is amended—

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

18 (B) in subclause (IV), by striking the period
19 at the end and inserting “; and”; and

20 (C) by adding at the end the following new
21 subclause:

22 “(V) the amendment made by sec-
23 tion 2(d)(1) of the Medicare Dental Act
24 of 2019 shall not be taken into account

1 *in applying clause (ii)(II) for 2022*
 2 *and 2023.”.*

3 (3) *EXCLUSION FROM MIPS.—Section*
 4 1848(q)(1)(C)(ii) *of the Social Security Act (42*
 5 *U.S.C. 1395w–4(q)(1)(C)(ii)) is amended—*

6 (A) *in subclause (II), by striking “or” at*
 7 *the end;*

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

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

12 *“(IV) with respect to 2022 and*
 13 *each subsequent year, is a doctor of*
 14 *dental surgery or of dental medicine*
 15 *(as described in section 1861(r)(2)) or*
 16 *is an oral health professional (as de-*
 17 *finied in section 1861(kkk)(4)).”.*

18 (4) *INCLUSION OF ORAL HEALTH PROFES-*
 19 *SIONALS AS CERTAIN PRACTITIONERS.—Section*
 20 1842(b)(18)(C) *of the Social Security Act (42 U.S.C.*
 21 1395u(b)(18)(C)) *is amended by adding at the end the*
 22 *following new clause:*

23 “(vii) *With respect to 2022 and each subsequent*
 24 *year, an oral health professional (as defined in sec-*
 25 *tion 1861(kkk)(4)).”.*

1 (e) *DENTURES*.—

2 (1) *IN GENERAL*.—Section 1861(s)(8) of the So-
3 cial Security Act (42 U.S.C. 1395x(s)(8)) is amend-
4 ed—

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

6 (B) by inserting “and excluding dental, ex-
7 cept for a full or partial set of dentures furnished
8 on or after January 1, 2022” after “colostomy
9 care”.

10 (2) *SPECIAL PAYMENT RULES*.—

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

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

18 “(A) not more than once during any 5-year
19 period (except in the case that a doctor or profes-
20 sional described in section 1861(kkk)(1)(A) deter-
21 mines such dentures do not fit the individual);
22 and

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

1 (B) *APPLICATION OF COMPETITIVE ACQUISITION.*—
2

3 (i) *IN GENERAL.*—Section
4 1834(h)(1)(H) of the Social Security Act
5 (42 U.S.C. 1395m(h)(1)(H)) is amended—

6 (I) in the subparagraph heading,
7 by inserting “, DENTURES” after
8 “ORTHOTICS”;

9 (II) by inserting “and of dentures
10 described in paragraph (2)(D) of such
11 section,” after “2009,”; and

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

14 (ii) *CONFORMING AMENDMENT.*—Sec-
15 tion 1847(a)(2) of the Social Security Act
16 (42 U.S.C. 1395w–3(a)(2)) is amended by
17 adding at the end the following new sub-
18 paragraph:

19 “(D) DENTURES.—Dentures for which pay-
20 ment would otherwise be made under section
21 1834(h).”.

22 (iii) *EXEMPTION OF CERTAIN ITEMS*
23 *FROM COMPETITIVE ACQUISITION.*—Section
24 1847(a)(7) of the Social Security Act (42
25 U.S.C. 1395w–3(a)(7)) is amended by add-

1 *ing at the end the following new subpara-*
 2 *graph:*

3 “(C) *CERTAIN DENTURES.*—*Those items*
 4 *and services described in paragraph (2)(D) if*
 5 *furnished by a physician or other practitioner*
 6 *(as defined by the Secretary) to the physician’s*
 7 *or practitioner’s own patients as part of the phy-*
 8 *sician’s or practitioner’s professional service.”.*

9 (f) *EXCLUSION MODIFICATIONS.*—*Section 1862(a) of*
 10 *the Social Security Act (42 U.S.C. 1395y(a)) is amended—*

11 (1) *in paragraph (1)—*

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

14 (B) *in subparagraph (P), by striking the*
 15 *semicolon at the end and inserting “, and”; and*

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

18 “(Q) *in the case of dental and oral health serv-*
 19 *ices (as defined in section 1861(kkk)) that are preven-*
 20 *tive and screening services described in paragraph (2)*
 21 *of such section, which are furnished more frequently*
 22 *than provided under section 1834(x)(3);”; and*

23 (2) *in paragraph (12), by inserting before the*
 24 *semicolon at the end the following: “and except that*
 25 *payment may be made under part B for dental and*

1 *oral health services that are covered under section*
2 *1861(s)(2)(II)”.*

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

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

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