

117TH CONGRESS  
1ST SESSION

# H. R. 502

To amend title XVIII of the Social Security Act to provide for coverage of dental services under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Ms. BARRAGÁN (for herself, Ms. KELLY of Illinois, and Mr. KHANNA) 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

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage of dental services 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 Ben-  
5 efit Act of 2021”.

1 **SEC. 2. COVERAGE OF DENTAL SERVICES UNDER THE**  
2 **MEDICARE PROGRAM.**

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

5 (1) in subparagraph (GG), by striking “and” at  
6 the end;

7 (2) in subparagraph (HH), by striking the pe-  
8 riod at the end and inserting “; and”; and

9 (3) by adding at the end the following new sub-  
10 paragraph:

11 “(II) dental and oral health services (as defined  
12 in subsection (III));”.

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

17 “Dental and Oral Health Services

18 “(III) The term ‘dental and oral health services’  
19 means services (as defined by the Secretary) that are nec-  
20 essary to prevent disease and promote oral health, restore  
21 oral structures to health and function, and treat emer-  
22 gency conditions, including—

23 “(1) routine diagnostic and preventive care  
24 such as dental cleanings, exams, and x-rays;

25 “(2) basic dental services such as fillings and  
26 extractions;

1           “(3) major dental services such as root canals,  
2           crowns, and dentures;

3           “(4) emergency dental care; and

4           “(5) other necessary services related to dental  
5           and oral health (as defined by the Secretary).”.

6           (c) COVERAGE OF ROUTINE DIAGNOSTIC AND PRE-  
7           VENTIVE CARE AS A PREVENTIVE SERVICE.—Section  
8           1861(ddd)(3) of the Social Security Act (42 U.S.C.  
9           1395x(ddd)(3)) is amended by adding at the end the fol-  
10          lowing new subparagraph:

11           “(D) Dental and oral health services described  
12          in paragraph (1) of subsection (lll), relating to rou-  
13          tine diagnostic and preventive care.”.

14          (d) PAYMENT; COINSURANCE; AND LIMITATIONS.—

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

18           (A) by striking “and” before “(DD)”;

19           (B) by inserting before the semicolon at  
20          the end the following: “and (EE) with respect  
21          to dental and oral health services (as defined in  
22          section 1861(lll), other than those services de-  
23          scribed in paragraph (1) of such section), the  
24          amount paid shall be the payment amount spec-  
25          ified under section 1834(z).”.

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

5           “(z) PAYMENT AND LIMITS FOR DENTAL AND ORAL  
6 HEALTH SERVICES.—

7           “(1) IN GENERAL.—The payment amount  
8           under this part for dental and oral health services  
9           (as defined in section 1861(l)), other than those  
10          services described in paragraph (1) of such section)  
11          shall be, subject to paragraph (3), the applicable  
12          percentage (specified in paragraph (2)) of the lesser  
13          of the actual charge for the services or the amount  
14          determined under the payment basis determined  
15          under section 1848.

16          “(2) APPLICABLE PERCENTAGE.—

17                  “(A) IN GENERAL.—For purposes of para-  
18                  graph (1), subject to subparagraph (B), the ap-  
19                  plicable percentage specified in this paragraph  
20                  is—

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

24                          “(ii) for the year following the year  
25                          specified in subparagraph (A) and each

1 subsequent year through the seventh year  
2 following the year specified in subpara-  
3 graph (A), the applicable percent specified  
4 in this paragraph for the previous year in-  
5 creased by 10 percentage points; and

6 “(iii) for the eighth year following the  
7 year specified in subparagraph (A) and  
8 each subsequent year, 80 percent.

9 “(B) SPECIAL RULE FOR CERTAIN LOW-IN-  
10 COME INDIVIDUALS.—For purposes of para-  
11 graph (1), with respect to dental and oral  
12 health services described in such paragraph that  
13 are furnished to an individual who is a subsidy  
14 eligible individual (as defined in section 1860D–  
15 14(a)(3)), or who would be a subsidy eligible in-  
16 dividual if the individual were enrolled in a pre-  
17 scription drug plan or an MA–PD plan under  
18 part D, for the first year beginning at least 6  
19 months after the date of the enactment of this  
20 subsection and each subsequent year, the appli-  
21 cable percent specified in this paragraph is 80  
22 percent.

23 “(3) LIMITATIONS AND SECRETARIAL AUTHOR-  
24 ITY.—

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

3           “(i) routine dental cleanings, payment  
4 may be made under this part for only two  
5 such cleanings during a 12-month period;  
6 and

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

10          “(B) SECRETARIAL AUTHORITY.—

11           “(i) AUTHORITY TO APPLY ADDI-  
12 TIONAL LIMITATIONS.—The Secretary may  
13 apply such other reasonable limitations on  
14 the extent to which dental and oral services  
15 are covered under this part, including  
16 through application of a prior authoriza-  
17 tion requirement.

18           “(ii) AUTHORITY TO MODIFY COV-  
19 ERAGE.—Notwithstanding any other provi-  
20 sion of this title, if the Secretary deter-  
21 mines appropriate, the Secretary may mod-  
22 ify the coverage under this part of dental  
23 and oral health services to the extent that  
24 such modification is consistent with the

1 recommendations of the United States Pre-  
2 ventive Services Task Force.

3 “(iii) AUTHORITY TO WAIVE FRE-  
4 QUENCY LIMITATIONS.—The Secretary  
5 may waive any frequency limitation or  
6 other limitation as described in this para-  
7 graph for an individual (or category of in-  
8 dividuals) as determined appropriate by  
9 the Secretary.”.

10 (e) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—  
11 Section 1848(j)(3) of the Social Security Act (42 U.S.C.  
12 1395w-4(j)(3)) is amended by striking “risk assessment)  
13 ,” and inserting “risk assessment), (2)(II),”.

14 (f) DENTAL PROSTHESES.—

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

18 (A) by striking “(other than dental)” and  
19 inserting “(including dental)”; and

20 (B) by striking “internal body”.

21 (2) SPECIAL PAYMENT RULES.—Section  
22 1834(a) of the Social Security Act (42 U.S.C.  
23 1395m(a)) is amended by adding at the end the fol-  
24 lowing new paragraph:

1           “(23) PAYMENT AND LIMITS FOR DENTAL  
2 PROSTHESES.—

3           “(A) IN GENERAL.—The payment amount  
4 under this part for dental prostheses shall be,  
5 subject to subparagraph (C), the applicable per-  
6 cent (specified in subparagraph (B)) of the  
7 amount otherwise payable for such dental pros-  
8 theses under this section.

9           “(B) APPLICABLE PERCENT.—

10           “(i) IN GENERAL.—For purposes of  
11 subparagraph (A), subject to clause (ii),  
12 the applicable percent specified in this sub-  
13 paragraph is—

14           “(I) for the first year beginning  
15 at least 6 months after the date of the  
16 enactment of this paragraph, 0 per-  
17 cent;

18           “(II) for the year following the  
19 year specified in clause (i) and each  
20 subsequent year through the seventh  
21 year following the year specified in  
22 clause (i), the applicable percent spec-  
23 ified in this subparagraph for the pre-  
24 vious year increased by 10 percentage  
25 points; and



1                   “(III) for the eighth year fol-  
2                   lowing the year specified in clause (i)  
3                   and each subsequent year, 80 percent.

4                   “(ii) SPECIAL RULE FOR CERTAIN  
5                   LOW-INCOME INDIVIDUALS.—For purposes  
6                   of subparagraph (A), with respect to den-  
7                   tal prostheses furnished to an individual  
8                   who is a subsidy eligible individual (as de-  
9                   fined in section 1860D–14(a)(3)), or who  
10                  would be a subsidy eligible individual if the  
11                  individual were enrolled in a prescription  
12                  drug plan or an MA–PD plan under part  
13                  D, for the first year beginning at least 6  
14                  months after the date of the enactment of  
15                  this paragraph and each subsequent year,  
16                  the applicable percent specified in this sub-  
17                  paragraph is 80 percent.

18                  “(C) LIMITATIONS AND SECRETARIAL AU-  
19                  THORITY.—

20                  “(i) IN GENERAL.—Payment may be  
21                  made under this part for an individual  
22                  for—

23                                  “(I) not more than one full upper  
24                                  and one full lower dental prostheses  
25                                  once every five years; and

1           “(II) not more than one partial  
2 upper dental prostheses and one par-  
3 tial lower dental prostheses once every  
4 five years.

5           “(ii) SECRETARIAL AUTHORITY.—

6           “(I) AUTHORITY TO APPLY ADDI-  
7 TIONAL LIMITATIONS.—The Secretary  
8 may apply such other reasonable limi-  
9 tations on the extent to which dental  
10 prostheses are covered under this  
11 part, including through application of  
12 a prior authorization requirement.

13           “(II) AUTHORITY TO MODIFY  
14 COVERAGE.—Notwithstanding any  
15 other provision of this title, if the Sec-  
16 retary determines appropriate, the  
17 Secretary may modify the coverage  
18 under this part of dental prostheses to  
19 the extent that such modification is  
20 consistent with the recommendations  
21 of the United States Preventive Serv-  
22 ices Task Force.

23           “(III) AUTHORITY TO WAIVE  
24 FREQUENCY LIMITATIONS.—The Sec-  
25 retary may waive any frequency limi-

1 tation or other limitation as described  
2 in this subparagraph for an individual  
3 (or category of individuals) as deter-  
4 mined appropriate by the Secretary”.

5 (g) REPEAL OF GROUND FOR EXCLUSION.—Section  
6 1862(a) of the Social Security Act (42 U.S.C. 1395y) is  
7 amended by striking paragraph (12).

8 (h) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to services furnished on or after  
10 January 1, 2022.

11 **SEC. 3. INCREASED FMAP FOR ADDITIONAL EXPENDI-**  
12 **TURES FOR MEDICARE COST-SHARING FOR**  
13 **DENTAL AND ORAL HEALTH SERVICES.**

14 Section 1905 of the Social Security Act (42 U.S.C.  
15 1396d) is amended—

16 (1) in subsection (b), by striking “and (ff)” and  
17 inserting “(ff), and (ii)”; and

18 (2) by adding at the end the following new sub-  
19 section:

20 “(ii) INCREASED FMAP FOR ADDITIONAL EXPENDI-  
21 TURES FOR MEDICARE COST-SHARING FOR DENTAL AND  
22 ORAL HEALTH SERVICES.—Notwithstanding subsection  
23 (b), with respect to the portion of the amounts expended  
24 by a State for medical assistance for medicare cost-sharing  
25 (as defined in subsection (p)(3)) for qualified medicare

1 beneficiaries described in subsection (p)(1) that is attrib-  
2 utable to the coverage under part B of title XVIII of den-  
3 tal and oral health services (as defined in section  
4 1861(III)), as determined by the Secretary, the Federal  
5 medical assistance percentage for a State that is one of  
6 the 50 States or the District of Columbia shall be equal  
7 to 100 percent.”.

8 **SEC. 4. PREVENTIVE SERVICES TASKFORCE.**

9 (a) IN GENERAL.—Section 915(a)(1) of the Public  
10 Health Service Act (42 U.S.C. 299b–4(a)(1)) is amended,  
11 in the first sentence, by inserting “, including at least 1  
12 oral health professional” after “expertise”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect January 1, 2022.

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