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(Original Signature of Member)

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.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. Kelly of Illinois introduced the following bill; which was referred to the Committee on \_\_\_\_\_

October 11, 2019

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## 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 2 such exams  
16 during a 12-month period;

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

20 “(C) not described in subparagraph (A) or  
21 (B), payment may be made under this only at  
22 such frequencies and under such circumstances  
23 determined appropriate by the Secretary.”.

24 (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-



1           nished on or after January 1, 2022” after “co-  
2           lostomy care”.

3           (2) SPECIAL PAYMENT RULES.—

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

8                   “(6) SPECIAL PAYMENT RULE FOR DEN-  
9           TURES.—Payment may be made under this part  
10          with respect to an individual for dentures—

11                   “(A) not more than once during any 5-year  
12          period (except in the case that a doctor or pro-  
13          fessional described in section 1861(kkk)(1)(A)  
14          determines such dentures do not fit the indi-  
15          vidual); and

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

19                   (B) APPLICATION OF COMPETITIVE ACQUI-  
20          SITION.—

21                   (i)           IN           GENERAL.—Section  
22                   1834(h)(1)(H) of the Social Security Act  
23                   (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.