

116TH CONGRESS  
1ST SESSION

# S. 22

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 SENATE OF THE UNITED STATES

JANUARY 3, 2019

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on Finance

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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 2019”.

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

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

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

3 (2) in subparagraph (HH), by striking the pe-  
4 riod at the end and inserting “; 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 “Dental and Oral Health Services  
14 “(kkk) The term ‘dental and oral health services’  
15 means services (as defined by the Secretary) that are nec-  
16 essary to prevent disease and promote oral health, restore  
17 oral structures to health and function, and treat emer-  
18 gency conditions, including—

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

21 “(2) basic dental services such as fillings and  
22 extractions;

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

25 “(4) emergency dental care; and

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

3 (c) COVERAGE OF ROUTINE DIAGNOSTIC AND PRE-  
4 VENTIVE CARE AS A PREVENTIVE SERVICE.—Section  
5 1861(ddd)(3) of the Social Security Act (42 U.S.C.  
6 1395x(ddd)(3)) is amended by adding at the end the fol-  
7 lowing new subparagraph:

8 “(D) Dental and oral health services described  
9 in paragraph (1) of subsection (kkk), relating to  
10 routine diagnostic and preventive care.”.

11 (d) 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)) is  
14 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 dental and oral health services (as defined in  
19 section 1861(kkk), other than those services de-  
20 scribed in paragraph (1) of such section), the  
21 amount paid shall be the payment amount spec-  
22 ified under section 1834(v)”.

23 (2) PAYMENT AND LIMITS SPECIFIED.—Section  
24 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 “(v) 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), other than those  
 8 services described in paragraph (1) of such section)  
 9 shall be, subject to paragraph (3), the applicable  
 10 percentage (specified in paragraph (2)) of the lesser  
 11 of the actual charge for the services or the amount  
 12 determined under the payment basis determined  
 13 under section 1848.

14 “(2) APPLICABLE PERCENTAGE.—For purposes  
 15 of paragraph (1), the applicable percentage specified  
 16 in this paragraph is—

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

20 “(B) for the year following the year speci-  
 21 fied in subparagraph (A) and each subsequent  
 22 year through the seventh year following the  
 23 year specified in subparagraph (A), the applica-  
 24 ble percent specified in this paragraph for the

1 previous year increased by 10 percentage  
2 points; and

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

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

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

10 “(i) routine dental cleanings, payment  
11 may be made under this part for only two  
12 such cleanings during a 12-month period;  
13 and

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

17 “(B) SECRETARIAL AUTHORITY.—

18 “(i) AUTHORITY TO APPLY ADDI-  
19 TIONAL LIMITATIONS.—The Secretary may  
20 apply such other reasonable limitations on  
21 the extent to which dental and oral services  
22 are covered under this part, including  
23 through application of a prior authoriza-  
24 tion requirement.

1                   “(ii) AUTHORITY TO MODIFY COV-  
 2                   ERAGE.—Notwithstanding any other provi-  
 3                   sion of this title, if the Secretary deter-  
 4                   mines appropriate, the Secretary may mod-  
 5                   ify the coverage under this part of dental  
 6                   and oral health services to the extent that  
 7                   such modification is consistent with the  
 8                   recommendations of the United States Pre-  
 9                   ventive Services Task Force.”.

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.—For pur-  
10      poses of subparagraph (A), the applicable per-  
11      cent specified in this subparagraph is—

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

15           “(ii) for the year following the year  
16      specified in clause (i) and each subsequent  
17      year through the seventh year following the  
18      year specified in clause (i), the applicable  
19      percent specified in this subparagraph for  
20      the previous year increased by 10 percent-  
21      age points; and

22           “(iii) for the eighth year following the  
23      year specified in clause (i) and each subse-  
24      quent year, 80 percent.

“(C) LIMITATIONS AND SECRETARIAL AUTHORITY.—

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

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

“(II) not more than one partial upper dental prostheses and one partial lower dental prostheses once every five years.

“(ii) SECRETARIAL AUTHORITY.—

“(I) AUTHORITY TO APPLY ADDITIONAL LIMITATIONS.—The Secretary may apply such other reasonable limitations on the extent to which dental prostheses are covered under this part, including through application of a prior authorization requirement.

“(II) AUTHORITY TO MODIFY COVERAGE.—Notwithstanding any other provision of this title, if the Secretary determines appropriate, the Secretary may modify the coverage



1 under this part of dental prostheses to  
2 the extent that such modification is  
3 consistent with the recommendations  
4 of the United States Preventive Serv-  
5 ices Task Force.”.

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

9 (h) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to services furnished on or after  
11 January 1, 2020.

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