

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.

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

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;

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;

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.

1 “(C) LIMITATIONS AND SECRETARIAL AU-
2 THORITY.—

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

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

9 “(II) not more than one partial
10 upper dental prostheses and one par-
11 tial lower dental prostheses once every
12 five years.

13 “(ii) SECRETARIAL AUTHORITY.—

14 “(I) AUTHORITY TO APPLY ADDI-
15 TIONAL LIMITATIONS.—The Secretary
16 may apply such other reasonable limi-
17 tations on the extent to which dental
18 prostheses are covered under this
19 part, including through application of
20 a prior authorization requirement.

21 “(II) AUTHORITY TO MODIFY
22 COVERAGE.—Notwithstanding any
23 other provision of this title, if the Sec-
24 retary determines appropriate, the
25 Secretary may modify the coverage

under this part of dental prostheses to the extent that such modification is consistent with the recommendations of the United States Preventive Services 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).