

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4650
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Medicare Dental Cov-
3 erage Act of 2019”.

4 SEC. 2. DENTAL AND ORAL HEALTH CARE.

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

7 (1) in subparagraph (GG), by striking “and”
8 after the semicolon at the end;

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

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(II) dental and oral health services (as defined
14 in subsection (kkk));”.

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

1 “(kkk) DENTAL AND ORAL HEALTH SERVICES.—

2 “(1) IN GENERAL.—The term ‘dental and oral
3 health services’ means items and services (other
4 than such items and services for which payment may
5 be made under part A as inpatient hospital services)
6 that are furnished during 2022 or a subsequent
7 year, for which coverage was not provided under
8 part B as of the date of the enactment of this sub-
9 section, and that are—

10 “(A) the preventive and screening services
11 described in paragraph (2) furnished by a doc-
12 tor of dental surgery or of dental medicine (as
13 described in subsection (r)(2)) or an oral health
14 professional (as defined in paragraph (4)); or

15 “(B) the basic treatments specified for
16 such year by the Secretary pursuant to para-
17 graph (3)(A) and the major treatments speci-
18 fied for such year by the Secretary pursuant to
19 paragraph (3)(B) furnished by such a doctor or
20 such a professional.

21 “(2) PREVENTIVE AND SCREENING SERV-
22 ICES.—The preventive and screening services de-
23 scribed in this paragraph are the following:

24 “(A) Oral exams.

25 “(B) Dental cleanings.

1 “(C) Dental x-rays performed in the office
2 of a doctor or professional described in para-
3 graph (1)(A).

4 “(D) Fluoride treatments.

5 “(3) BASIC AND MAJOR TREATMENTS.—For
6 2022 and each subsequent year, the Secretary shall
7 specify—

8 “(A) basic treatments (which may include
9 basic tooth restorations, basic periodontic serv-
10 ices, tooth extractions, and oral disease man-
11 agement services); and

12 “(B) major treatments (which may include
13 major tooth restorations, major periodontic
14 services, bridges, crowns, dental implants, and
15 root canals);

16 that shall be included as dental and oral health serv-
17 ices for such year.

18 “(4) ORAL HEALTH PROFESSIONAL.—The term
19 ‘oral health professional’ means, with respect to den-
20 tal and oral health services, a health professional
21 who is licensed to furnish such services, acting with-
22 in the scope of such license, by the State in which
23 such services are furnished.”.

24 (c) PAYMENT; COINSURANCE; AND LIMITATIONS.—

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

4 (A) by striking “and” before “(CC)”; and

5 (B) by inserting before the semicolon at
6 the end the following: “, and (DD) with respect
7 to dental and oral health services (as defined in
8 section 1861(kkk)), the amount paid shall be
9 the payment amount specified under section
10 1834(x)”.

11 (2) PAYMENT AND LIMITS SPECIFIED.—Section
12 1834 of the Social Security Act (42 U.S.C. 1395m)
13 is amended by adding at the end the following new
14 subsection:

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

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

24 “(2) APPLICABLE PERCENT.—For purposes of
25 paragraph (1), the applicable percent specified in

1 this paragraph is, with respect to dental and oral
2 health services (as defined in section 1861(kkk)) fur-
3 nished in a year—

4 “(A) that are preventive and screening
5 services described in paragraph (2) or basic
6 treatments specified for such year pursuant to
7 paragraph (3)(A) of such section, 80 percent;
8 and

9 “(B) that are major treatments specified
10 for such year pursuant to paragraph (3)(B) of
11 such section—

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

14 “(ii) in the case such services are fur-
15 nished during 2023 or a subsequent year
16 before 2026, the applicable percent speci-
17 fied under this subparagraph for the pre-
18 vious year, increased by 10 percentage
19 points; and

20 “(iii) in the case such services are fur-
21 nished during 2026 or a subsequent year,
22 50 percent.

23 “(3) LIMITATIONS.—With respect to dental and
24 oral health services that are—

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

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

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

12 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—

13 (1) IN GENERAL.—Section 1848(j)(3) of the
14 Social Security Act (42 U.S.C. 1395w-4(j)(3)) is
15 amended by inserting “(2)(II),” before “(3)”.

16 (2) BUDGET NEUTRALITY.—Section
17 1848(e)(2)(B)(iv) of the Social Security Act (42
18 U.S.C. 1395-w(e)(2)(B)(iv)) is amended—

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

21 (B) in subclause (IV), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (C) by adding at the end the following new
24 subclause:

1 “(V) the amendment made by
2 section 2(d)(1) of the Medicare Dental
3 Act of 2019 shall not be taken into
4 account in applying clause (ii)(II) for
5 2022 and 2023.”.

6 (3) EXCLUSION FROM MIPS.—Section
7 1848(q)(1)(C)(ii) of the Social Security Act (42
8 U.S.C. 1395w–4(q)(1)(C)(ii)) is amended—

9 (A) in subclause (II), by striking “or” at
10 the end;

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

13 (C) by adding at the end the following new
14 subclause:

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

21 (4) INCLUSION OF ORAL HEALTH PROFES-
22 SIONALS AS CERTAIN PRACTITIONERS.—Section
23 1842(b)(18)(C) of the Social Security Act (42
24 U.S.C. 1395u(b)(18)(C)) is amended by adding at
25 the end the following new clause:

1 “(vii) With respect to 2022 and each
2 subsequent year, an oral health profes-
3 sional (as defined in section
4 1861(kkk)(4)).”.

5 (e) DENTURES.—

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

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

10 (B) by inserting “and excluding dental, ex-
11 cept for a full or partial set of dentures fur-
12 nished on or after January 1, 2022” after “co-
13 lostomy care”.

14 (2) SPECIAL PAYMENT RULES.—

15 (A) LIMITATIONS.—Section 1834(h) of the
16 Social Security Act (42 U.S.C. 1395m(h)) is
17 amended by adding at the end the following
18 new paragraph:

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

22 “(A) not more than once during any 5-year
23 period (except in the case that a doctor or pro-
24 fessional described in section 1861(kkk)(1)(A)

1 determines such dentures do not fit the indi-
2 vidual); and

3 “(B) only to the extent that such dentures
4 are furnished pursuant to a written order of
5 such a doctor or professional.”.

6 (B) APPLICATION OF COMPETITIVE ACQUI-
7 SITION.—

8 (i) IN GENERAL.—Section
9 1834(h)(1)(H) of the Social Security Act
10 (42 U.S.C. 1395m(h)(1)(H)) is amended—

11 (I) in the subparagraph heading,
12 by inserting “, DENTURES” after
13 “ORTHOTICS”;

14 (II) by inserting “and of den-
15 tures described in paragraph (2)(D)
16 of such section,” after “2009,”; and

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

19 (ii) CONFORMING AMENDMENT.—Sec-
20 tion 1847(a)(2) of the Social Security Act
21 (42 U.S.C. 1395w-3(a)(2)) is amended by
22 adding at the end the following new sub-
23 paragraph:

1 “(D) DENTURES.—Dentures for which
2 payment would otherwise be made under section
3 1834(h).”.

4 (iii) EXEMPTION OF CERTAIN ITEMS
5 FROM COMPETITIVE ACQUISITION.—Sec-
6 tion 1847(a)(7) of the Social Security Act
7 (42 U.S.C. 1395w-3(a)(7)) is amended by
8 adding at the end the following new sub-
9 paragraph:

10 “(C) CERTAIN DENTURES.—Those items
11 and services described in paragraph (2)(D) if
12 furnished by a physician or other practitioner
13 (as defined by the Secretary) to the physician’s
14 or practitioner’s own patients as part of the
15 physician’s or practitioner’s professional serv-
16 ice.”.

17 (f) EXCLUSION MODIFICATIONS.—Section 1862(a) of
18 the Social Security Act (42 U.S.C. 1395y(a)) is amend-
19 ed—

20 (1) in paragraph (1)—

21 (A) in subparagraph (O), by striking
22 “and” at the end;

23 (B) in subparagraph (P), by striking the
24 semicolon at the end and inserting “, and”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(Q) in the case of dental and oral health serv-
4 ices (as defined in section 1861(kkk)) that are pre-
5 ventive and screening services described in para-
6 graph (2) of such section, which are furnished more
7 frequently than provided under section 1834(x)(3);”;
8 and

9 (2) in paragraph (12), by inserting before the
10 semicolon at the end the following: “and except that
11 payment may be made under part B for dental and
12 oral health services that are covered under section
13 1861(s)(2)(II)”.

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

15 The Secretary of Health and Human Services shall
16 provide for the transfer from the Federal Supplementary
17 Medical Insurance Trust Fund under section 1841 of the
18 Social Security Act (42 U.S.C. 1395t) to the Centers for
19 Medicare & Medicaid Services Program Management Ac-
20 count for the period of 2020 through 2024 of such sums
21 as may be necessary for purposes of implementing the
22 amendments made by section 2.

