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

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

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Dental Benefit Act of 2019”.

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

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—
(1) in subparagraph (GG), by striking “and” at the end;

(2) in subparagraph (HH), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

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

(b) DENTAL AND ORAL HEALTH SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

“Dental and Oral Health Services

“(kkk) The term ‘dental and oral health services’ means services (as defined by the Secretary) that are necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions, including—

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

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

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

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

(c) Coverage of Routine Diagnostic and Preventive Care as a Preventive Service.—Section 1861(ddd)(3) of the Social Security Act (42 U.S.C. 1395x(ddd)(3)) is amended by adding at the end the following new subparagraph:

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

(d) Payment; Coinsurance; and Limitations.—

(1) In general.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

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

(B) by inserting before the semicolon at the end the following: “, and (DD) with respect to dental and oral health services (as defined in section 1861(kkk), other than those services described in paragraph (1) of such section), the amount paid shall be the payment amount specified under section 1834(v)”.

(2) Payment and limits specified.—Section 1834 of the Social Security Act (42 U.S.C. 1395m)
is amended by adding at the end the following new
subsection:

“(v) Payment and Limits for Dental and Oral Health Services.—

“(1) In general.—The payment amount
under this part for dental and oral health services
(as defined in section 1861(kkk), other than those
services described in paragraph (1) of such section)
shall be, subject to paragraph (3), the applicable
percentage (specified in paragraph (2)) of the lesser
of the actual charge for the services or the amount
determined under the payment basis determined
under section 1848.

“(2) Applicable percentage.—For purposes
of paragraph (1), the applicable percentage specified
in this paragraph is—

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

“(B) for the year following the year speci-
ified in subparagraph (A) and each subsequent
year through the seventh year following the
year specified in subparagraph (A), the applica-
ble percent specified in this paragraph for the
previous year increased by 10 percentage points; and

“(C) for the eighth year following the year specified in subparagraph (A) and each subsequent year, 80 percent.

“(3) LIMITATIONS AND SECRETARIAL AUTHORITY.—

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

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

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

“(B) SECRETARIAL AUTHORITY.—

“(i) AUTHORITY TO APPLY ADDITIONAL LIMITATIONS.—The Secretary may apply such other reasonable limitations on the extent to which dental and oral services 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 under this part of dental and oral health services to the extent that such modification is consistent with the recommendations of the United States Preventive Services Task Force.”.

(e) Payment Under Physician Fee Schedule.—

Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by striking “risk assessment),” and inserting “risk assessment), (2)(II),”.

(f) Dental Prostheses.—

(1) In general.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended—

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

(B) by striking “internal body”.

(2) Special payment rules.—Section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)) is amended by adding at the end the following new paragraph:
“(23) PAYMENT AND LIMITS FOR DENTAL PROSTHESES.—

“(A) IN GENERAL.—The payment amount under this part for dental prostheses shall be, subject to subparagraph (C), the applicable percent (specified in subparagraph (B)) of the amount otherwise payable for such dental prostheses under this section.

“(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent specified in this subparagraph is—

“(i) for the first year beginning at least 6 months after the date of the enactment of this paragraph, 0 percent;

“(ii) for the year following the year specified in clause (i) and each subsequent year through the seventh year following the year specified in clause (i), the applicable percent specified in this subparagraph for the previous year increased by 10 percentage points; and

“(iii) for the eighth year following the year specified in clause (i) and each subsequent 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
under this part of dental prostheses to
the extent that such modification is
consistent with the recommendations
of the United States Preventive Serv-
ices Task Force.”.

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

(h) **EFFECTIVE DATE.**—The amendments made by
this section shall apply to services furnished on or after