



September 17, 2021

Chiquita Brooks-LaSure, M.P.P.
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure:

On behalf of our 162,000 members, the American Dental Association (ADA) and the American Association of Oral and Maxillofacial Surgeons (AAOMS) would like to bring to your attention an ongoing issue related to the collection of samples from the mouth or jaw for the purpose of diagnostic testing. Although such procedures are considered covered services by the Centers for Medicare & Medicaid Services (CMS) in other sites, claims for samples removed from the mouth or jaws have encountered frequent denials, especially in cases submitted with ICD-10 diagnosis codes related to the teeth or tissues that support the teeth.

While the basis for claims denials has not always been clear, it appears that a major factor may lie with the Medicare Benefit Policy Manual. In particular, Chapter 16, "General Exclusions from Coverage", Section 140 – "Dental Services Exclusion" begins with the statement: "*Items and services in connection with the care, treatment, filling, removal, or replacement of teeth, or structures directly supporting the teeth are not covered.*" We believe that there is a distinction between dental care and a diagnosis as a step that precedes the care of patients with oral lesions. Biopsy or sample collection is not a form of dental treatment. Such procedures are performed to obtain a diagnosis. Only after a definitive diagnosis is established can the most appropriate, cost-effective care or treatment be applied.

We would welcome the opportunity to meet with you to discuss how we can work together to solve this issue. If you have any questions, please contact Mr. David Linn at 202-789-5170 or linnd@ada.org.

Sincerely,

Daniel J. Klemmedson, D.D.S., M.D.
ADA President

B.D. Tiner, D.D.S., M.D., FACS
AAOMS President

DJK:BDT:dnl

cc: Dr. Natalia Chalmers, Chief Dental Officer, CMS