

May 4, 2017

Hon. Thomas E. Price, M.D.
U. S. Department of Health and Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

Dear Secretary Price,

On behalf of our state-based dental associations, we would like to draw your attention to issues adversely affecting access to oral health care and the provision of dental care throughout the country. Our associations believe that the federal regulations detailed below unnecessarily contribute to the cost of providing care, making it more difficult for our members to deliver oral health care services at an affordable price.

We respectfully request your department's consideration of the following requests:

Medicare Mandated Enrollment

During the previous administration, the Centers for Medicare & Medicaid Services (CMS) mandated enrollment for all providers performing certain activities where a Medicare beneficiary is the patient. These actions were initiated in an effort to tamp down waste, fraud, and abuse within the Medicare program. According to the American Dental Association, fewer than four percent of all dentists provide Medicare services and are enrolled in Medicare as full providers. Others have enrolled – or opted out – in response to the mandate.

We ask that you eliminate the enrollment mandates for those providers, including dentists, who do not perform Medicare covered services and are not reimbursed for these services. Per the current regulations, a dentist must enroll in the program, if he or she performs any of the following:

- *Ordering and Referring*
Providers who order covered clinical laboratory services or imaging services for Medicare-eligible patients must be enrolled in Medicare's Provider Enrollment, Chain and Ownership System (PECOS) or opt-out of Medicare. Dentists who only order tests and services do not receive Medicare reimbursement and are unlikely to order the same for patients without good cause.
- *Medicare Part D*
Dentists writing prescriptions to Medicare Part D beneficiaries are required to be enrolled in Medicare as a full provider or as a referring and prescribing physician, or opt-out of the program in order for a pharmacist to be reimbursed for the drugs prescribed and dispensed. This places an unnecessary enrollment burden on dentists who receive no reimbursement. (Enforcement Date: January 2019)

- *Medicare Advantage*

All providers or suppliers that furnish health care items or services to a Medicare beneficiary with a Medicare Advantage (MA) plan must be enrolled in Medicare for the beneficiary to utilize the benefit. This rule, which precludes a patient's right to seek treatment from a non-network provider, will disrupt established patient-provider relationships. (Enforcement Date: January 2019)

Section 1557 of the Affordable Care Act (ACA)

The U.S. Department of Health and Human Services, Office for Civil Rights (OCR) released the final rule on Section 1557 providing for nondiscrimination in health care. We strongly support nondiscrimination in health care and equal access to health care for all patients without regard to race, color, national origin, sex, age, religion or disability. However, it has proven exceedingly difficult to advise our members on compliance with the final rule. In our view, the final rule increased confusion and costs for our members, many of whom own and operate small businesses. In short, we believe the OCR rule is unnecessary, does not benefit patients and should be rescinded. The statute is already in effect and regulations are not required to implement it. Instead, we recommend that OCR simply enforce §1557 as written without the promulgation of regulations.

Thank you for your consideration of our requests. Addressing these issues will help free dentists from unnecessary administrative burdens and allow them to focus on getting care to patients who need it.

Sincerely,

Alabama Dental Association
Alaska Dental Society
Arizona Dental Association
Arkansas State Dental Association
California Dental Association
Colorado Dental Association
Connecticut State Dental Association
Delaware State Dental Society
District of Columbia Dental Society
Florida Dental Association
Georgia Dental Association
Hawaii Dental Association
Idaho State Dental Association

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Illinois State Dental Society
Indiana Dental Association
Iowa Dental Association
Kansas Dental Association
Kentucky Dental Association
Louisiana Dental Association
Maine Dental Association
Maryland State Dental Association
Massachusetts Dental Society
Michigan Dental Association
Minnesota Dental Association
Mississippi Dental Association
Missouri Dental Association
Montana Dental Association
Nebraska Dental Association
Nevada Dental Association
New Hampshire Dental Society
New Jersey Dental Association
New Mexico Dental Association
New York State Dental Association
North Carolina Dental Society
North Dakota Dental Association
Ohio Dental Association
Oklahoma Dental Association
Oregon Dental Association
Pennsylvania Dental Association
Rhode Island Dental Association
South Carolina Dental Association
South Dakota Dental Association
Tennessee Dental Association
Texas Dental Association
Utah Dental Association
Vermont State Dental Society
Virginia Dental Association
Washington State Dental Association
West Virginia Dental Association
Wisconsin Dental Association
Wyoming Dental Association