

November 1, 2017

The Honorable Kevin Brady
Chairman
House Committee on Ways and Means
1102 Longworth House Office Building
Washington, DC 20515

The Honorable Richard Neal
Ranking Member
House Committee on Ways and Means
1106 Longworth House Office Building
Washington, DC 20515

Dear Chairman Brady and Ranking Member Neal,

The American Dental Association (ADA) is very pleased to support the “Protecting Seniors Access to Proper Care Act of 2017”, H.R. 4169, introduced by Representative Kenny Marchant (TX-24). The bill will remove the mandate for dentists - and other providers who are low prescribers and do not participate in Medicare - to enroll in Medicare in order for their patients’ prescriptions to be honored by Medicare Part D.

Under Section 6405(c) of the Affordable Care Act (ACA), the Centers for Medicare and Medicaid Services was provided the discretion to require all healthcare professionals who prescribe to Part D beneficiaries to enroll in or opt out of Medicare Part B, including those providers who do not receive reimbursements from Medicare. By enrolling, dentists agree to the rules, regulations, and guidelines of Medicare and must open their practices up to the government for audits, while not taking reimbursements from the program. On the other hand, dentists who elect to opt out of Medicare forfeit their ability to participate in Medicare Advantage plans. In short, under the current CMS rule, there are no good options for dentists and their patients.

In addition, there are no legitimate fraud enforcement requirements that necessitate the inclusion of dentists who do not participate in Medicare under the CMS rule. State Licensing Boards grant the authority to practice and they maintain records on the identities of licensed dentists in good standing within each state. The Boards are, and will continue to be, the main investigative and disciplining body for prescribing authority.

Without the relief provided under your bill many seniors will not have access to the dental care they pay for in their Medicare Advantage plan from the dentists of their choice or the prescription coverage they are promised when they enroll in Part D.

Sincerely,

/s/

Joseph P. Crowley, D.D.S.
President

/s/

Kathleen T. O’Loughlin, D.M.D., M.P.H.
Executive Director

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