

November 13, 2017

The Honorable Eric D. Hargan, Acting Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Ms. Seema Verma, Administrator
Center for Medicare and Medicaid Services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

On behalf of the 161,000 members of the American Dental Association (ADA), the world's oldest and largest dental professional organization, and in light of a recently published report by the Department of Health and Human Services' Office of the Inspector General¹, the Association again requests that the agency reexamine the Medicare Part D enrollment requirement² for dentists and other health care professionals who do not submit claims for reimbursement to Medicare.

In previous letters to HHS and the Centers for Medicare and Medicaid Services, the ADA has stated that CMS currently has access to the information needed to maintain program integrity through the dentists' National Practitioner Identification (NPI). The above cited report published by the HHS Office of the Inspector General appears to validate ADA's position. According to the report, CMS has system edits in place that "...review PDE [prescription drug event] records to determine whether prescriber identifiers are valid NPIs..." Also, the Inspector General found that of the 1.5 billion records that plan sponsors submitted for covered drugs in 2016, only 147 records contained invalid prescriber identifiers which accounted for only 0.005 percent of the 1.4 million unique prescriber identifiers. These 147 records accounted for only \$19,122 in Part D payments. Moreover, the Inspector General's report indicates CMS has subsequently changed the edit criteria that would virtually eliminate even these payments.

Requiring enrollment for the purpose of verifying eligibility as prescribers not only increases the burden on dentists who only prescribe medications but also on CMS and Medicare Contractors. And the implementation of this rule has proved difficult as evidenced by the delays in enforcement. While the final rule was initially published on May 23, 2014, the implementation date has been changed multiple times. The current implementation date of January 1, 2019, is in recognition of the relatively slow response of non-Medicare participating dentists and other professionals to enroll in or opt-out of Medicare.

The ADA specifically requests that the Secretary exclude dentists who are not otherwise required to enroll in Medicare from this proposed requirement. We are certainly willing to discuss these concerns with the appropriate officials in CMS. Please contact Dr. Frank Kyle in our Washington, DC Government Affairs office at 202-789-5175 or kylef@ada.org.

Sincerely,

/s/

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

/s/

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

¹ CMS Ensured Nearly All Part D Drug Records Contained Valid Prescriber Identifiers in 2106, October 2017 OEI-03-17-00040

² As proposed in Part 423 – Medicare Program; Medicare Prescription Drug Program § 423.120 Access to covered Part D drugs (c) (5) ii and (c) (6).