Dear Administrator Verma:

On behalf of the 161,000 members of the American Dental Association (ADA), the 10,500 members of the American Academy of Pediatric Dentistry (AAPD), and the millions of children who depend on oral health services provided under the Affordable Care Act (ACA), the ADA, AAPD, and the Children’s Dental Health Project (CDHP) are writing to you in regards to the Centers for Medicare and Medicaid Services' (CMS) guidance on the Section 1332 waivers.

The ADA, AAPD, and CDHP appreciate CMS’ work to provide states with flexibility and increase choice and competition in the insurance market. However, we are concerned that the Section 1332 waiver guidance may weaken the ACA’s Essential Health Benefits (EHBs), especially the comprehensive oral health benefit for children. Under the ACA guardrails in Section 1332, a state’s plan waiver must provide comprehensive health coverage to at least as many residents as would have coverage without the waiver. The new guidance, however, does not guarantee that the same number of residents would maintain access. Additionally, the new guidance does not protect the affordability of care provided under the EHB and no longer guarantees coverage to vulnerable populations like low-income and special needs children. And since the guidance does not prohibit a state from submitting both a Section 1115 waiver and a Section 1332 waiver, children’s dental health coverage under Medicaid and the Children’s Health Insurance Program (CHIP) could also be threatened because the guardrails in those programs could be weakened under the 1115 waiver.

In addition, we are concerned about CMS’ recent announcement on waiver concepts that would allow the use of federal and state subsidies for the purchase of coverage that does not meet the EHB requirements. For example, allowing the use of these subsidies for short term limited duration plans could limit children’s access to dental care because these plans typically do not include dental benefits. As such, 1332 waivers submitted under the new guidance could result in a significant reduction in access to dental coverage while also resulting in higher out-of-pocket expenses for those who need care.

Thanks to the benefits offered under the ACA, Medicaid, and CHIP, the dental uninsured rate among children is at an all-time low. Ninety percent of children have some form of
dental coverage\textsuperscript{1} and the gap in dental care use between low-income and high-income children has narrowed.\textsuperscript{2} This is critical because good oral health is an essential part of children’s overall health and dental disease is linked to other conditions.

Untreated dental disease also has a significant economic impact. Children without dental benefits are more likely to seek care in hospital emergency rooms. Untreated dental disease and pain can lead to missed school or cause children to have trouble concentrating in class.\textsuperscript{3} Poor oral health during childhood is likely to persist into adulthood, resulting in higher treatment costs and making it harder to find employment or serve in the military. Severe and untreated dental infections can also cause hospitalizations and can even be life-threatening.\textsuperscript{4}

The ADA, AAPD, and CDHP urge CMS to better protect children’s dental health by not weakening the ACA’s guardrails on comprehensiveness, availability, and affordability of coverage that includes pediatric dental benefits. The inclusion of pediatric dental coverage as an EHB was a victory for children. Dental disease is largely preventable, and consistent access to early interventions and treatment can help children achieve optimum health while minimizing cost throughout the lifespan. We look forward to continuing to work with CMS on this important goal. Should you have any questions, please do not hesitate to contact Ms. Roxanne Yaghoubi at the ADA at (202) 789-5179 or yaghoubir@ada.org, Mr. C. Scott Litch at the AAPD at (312) 337-2169 or slitch@aapd.org, or Mr. Colin Reusch at CDHP at (202) 417-3595 or creusch@cdhp.org.

Sincerely,

ADA President

/s/ Joseph B. Castellano, D.D.S.  
AAPD President

/s/ Meg Booth  
Executive Director, CDHP

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\textsuperscript{1}American Dental Association Health Policy Institute. Dental Benefits Coverage in the U.S. Accessed November 9, 2018.
\textsuperscript{2}American Dental Association Health Policy Institute. Dental Care Utilization in the U.S. Accessed November 9, 2018.