

February 11, 2020

The Honorable Bobby Scott
Chair, House Committee on
Education and Labor
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member, House Committee on
Education and Labor
2101 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Scott and Ranking Member Foxx:

On behalf of the American Dental Association (ADA) and our 163,000 members nationwide, we appreciate the opportunity to comment on H.R. 5800, the Ban Surprise Billing Act, as released on February 7. The ADA further appreciates your commitment to this important issue, especially your focus on improving transparency in health coverage.

The ADA asks the Committee to clarify the definition of a “health care facility.” Recent legislation to address surprise billing situations has focused on emergency services and elective surgeries where consumers believe that they were in an “in network setting” and received unexpected bills after the procedure. We believe this approach is an appropriate way to not interfere with non-emergency services, such as routine dental office visits. Unlike health care insurance, dental insurance is generally a defined benefit with limitations such as very small annual maximums. We are concerned, that as written, the bill is expanding the definition of a health care facility to “any other facility that provides items or services for which coverage is provided under the plan or coverage, respectively,” may include dental offices which provide coverage under stand-alone excepted benefit dental plans.

One particular dental specialty, oral and maxillofacial surgeons (OMSs), are an integral part of hospital systems and ambulatory surgical centers and perform complex procedures at hospitals, provide emergency department coverage, and are members of trauma teams. The ADA and the American Association of Oral and Maxillofacial Surgeons (AAOMS) support the draft legislation’s efforts to prohibit patients from being billed beyond the in-network rate when provided emergency care by out-of network providers at in-network hospitals and ambulatory surgical facilities when adequate consent is not given.

We would welcome the opportunity to speak with you in more detail and answer any questions you have regarding these comments. Please contact Ms. Megan Mortimer at (202) 898-2402 or mortimerm@ada.org to facilitate further discussions.

Sincerely,

Chad P. Gehani, D.D.S.
President

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

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