

February 11, 2020

The Honorable Richard Neal
Chair, House Committee on
Ways and Means
1102 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin Brady
Ranking Member, House Committee on
Ways and Means
1139 Longworth House Office Building
Washington, DC 20515

Dear Chairman Neal and Ranking Member Brady:

On behalf of the American Dental Association (ADA) and our 163,000 members nationwide, we appreciate the opportunity to comment on the substitute amendment of H.R. 5826, the Consumer Protections Against Surprise Medical Bills Act of 2020. The ADA further appreciates your commitment to this important issue, especially your focus on improving health care information transparency.

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 insertion of “any other facility specified by the Secretary” [of Health and Human Services] could expand the definition of a health care facility to include dental offices which provide coverage under stand-alone excepted benefit dental plans.

Furthermore, we believe the requirement that “providers” give patients a good faith estimate of services could include dental offices. Routine dental exams can provide an opportunity to address other issues as they arise and if an estimate is mandated for dentists, this could become a costly and administrative burden for dentists while putting dentists between the patient and insurance company. Often, dentists will not know what the final cost to a patient will be until after an insurance company has reviewed and paid the claim, which can take more than 30 days.

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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