
From: American Dental Association <ada@messaging.ada.org>
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Subject: Advocacy Efforts Continue During Pandemic

Government and Public Affairs Update



In Congress

H.R. 7216 Small Business Personal Protective Equipment (PPE) Tax Credit Act

The ADA is supporting a new bill calling for a \$25,000 tax credit for small businesses, including dental practices, to purchase personal protective equipment to reduce the risk of COVID-19 transmission.

In a [June 24 letter](#) to Reps. Brenda Lawrence, D-Mich., Troy Balderson, R-Ohio, Mike Quigley, D-Ill., and John Joyce, R-Penn., ADA President Chad P. Gehani and Executive Director Kathleen T. O'Loughlin thanked the lawmakers for introducing H.R. 7216, the Small Business Personal Protective Equipment Tax Credit Act.

Impact on Dentistry: This bill would provide a much-needed tax credit for dentists when many dental practices limited their services to emergencies or closed and have just now begun to reopen. Part of the reopening process includes owners implementing new infection control procedures, which also requires enhanced personal protective equipment and retrofitting offices to ensure adherence to social distancing guidelines.

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Indian Health Service (IHS) Funding Requests

In June, the ADA sent a [letter](#) to the Senate Interior Appropriations Subcommittee requesting Fiscal Year 2021 funding for the IHS Dental Health Program. The \$225M request included support for clinical services, Clinical and Preventive Support Centers and the Electronic Dental Record System. A similar request was submitted to the House Interior Appropriations Committee last month.

Impact on Dentistry: This funding is critical to the IHS Dental Health Program, which works to raise the oral health status of the American Indian/Alaska Native (AI/AN) population to the highest possible level through the provision of quality preventive and treatment services, at both community and clinic sites.

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Jumpstarting Our Businesses' Success Credit Act, H.R. 6776

The ADA and a large coalition of stakeholders led by the International Franchise Association are supporting a new bill that calls for improvements to the Employee Retention Tax Credit to aid businesses recovering from the pandemic. The Jumpstarting Our Businesses' Success Credit (JOBS Credit) Act of 2020, H.R. 6776, will make several improvements to the Employee Retention Tax Credit and better fulfill its goal of keeping workers connected to their jobs during the COVID-

19 pandemic.

The Employee Retention Credit is a refundable tax credit against certain employment taxes equal to 50 percent of the qualified wages an eligible employer pays to employees after March 12, 2020, and before Jan. 1, 2021. The credit was included as part of the Coronavirus Aid, Relief, and Economic Security Act to assist businesses financially impacted by COVID-19.

In a [June 15 letter](#) to Reps. Stephanie Murphy, D-Fla., and John Katko, R-N.Y., the organizations thanked the lawmakers for introducing H.R. 6776, the Jumpstarting Our Businesses' Success Credit Act of 2020.

Impact on Dentistry: If enacted, the bill would expand and enhance the tax credit by expanding the credit percentage from 50% to 80% of qualified wages. It would also increase the per-employee limitation from \$10,000 for all calendar quarters to \$15,000 per calendar quarter — and an aggregate of \$45,000 for all calendar quarters. It would also allow borrowers of the Paycheck Protection Program loans to be able to take advantage of the Employee Retention Tax Credit (those borrowers are currently barred from doing so.) These and other important enhancements to the Employee Retention Tax Credit will provide critical relief to employers as they continue to grapple with liquidity challenges during the pandemic and will help dentists to retain and rehire their employees.

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Federal Agencies

HHS Releases Provider Relief Funds

The U.S. Department of Health and Human Services' Provider Relief Fund portal opened the Medicaid Distribution for eligible Medicaid or Children's Health Insurance Program dental providers on June 10. More recently, on July 10, the Dental Distribution was opened to eligible dental providers who may not bill Medicare or Medicaid or CHIP. This will now allow dentists to receive provider relief fund payments made for healthcare-related expenses or lost revenue attributable to COVID-19. The funding was established by the Coronavirus Aid, Relief and Economic Security Act, the CARES Act, which directed \$175 billion in relief funds to hospitals and other health care providers during the pandemic.

The [Enhanced Provider Relief Fund Payment Portal](#), will allow eligible dentists to report their annual patient revenue, which will be used as a factor in determining their payment, and "will be at least 2 percent" of the provider's reported gross revenue for Medicaid providers. The deadline to apply for the Medicaid Distribution is July 20 and the Dental Distribution is July 24. Dentists should apply for a Provider Relief Fund payment in the first distribution in which they are eligible. The ADA has also [asked](#) HHS to provide guidance and allow for eligibility for providers who may now find themselves ineligible because of having previously received small payments from the fund (even if those payments were not accepted by the provider.)

HHS has set up a Provider Support Telephone Line (866) 569-3522 to assist with questions, or review the [link](#) of Frequently Asked Questions for more information.

Impact on Dentistry: This funding will help dentists who closed their offices except for emergencies during the pandemic.

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HHS Finalizes Section 1557 Regulations

The U.S. Department of Health and Human Services has amended the final rule on Section 1557 of the Affordable Care Act to no longer require health care providers to include notices related to nondiscrimination and language assistance services in all significant communications.

The rule, which was implemented in 2016, required health care providers to include taglines in the top 15 non-English languages spoken in their state indicating that free language assistance services were available, as well as a notice of nondiscrimination, with any significant publications and communications. HHS has repealed this requirement, removing "the unduly broad, sometimes confusing, and inefficient requirement that all significant communications contain taglines," according to the amended rule.

Impact on Dentistry: The ADA advocated for repeal of the Section 1557 requirements as part of its regulatory reform strategy. The dental profession has spent an estimated \$240 million on complying with the Section 1557 requirements.

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HHS Awards \$107.2 Million to Grow and Train the Workforce

HHS through the Health Resources and Services Administration (HRSA) **announced** awards totaling \$107.2 million to 310 recipients to increase the health workforce in rural and underserved communities. Recipients across 45 states and U.S. territories received funding to improve the quality, distribution and diversity of health professionals serving across the country.

Impact on Dentistry: This funding includes \$13 million for 27 awards in postdoctoral training in general, pediatric and public health dentistry.

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State News

A new law in **Louisiana** prohibits dental carriers from systematically downcoding services on dentists' claim submissions with the intent to deny reimbursement. The law also improves predictability for dentists and patients. Under the new law, if carriers downcode they must include the reason for the downcoding and cite the plan's applicable policy. Also, carriers are prohibited from inferring that the dental procedure was inappropriate or the dentist's charge was excessive unless clear evidence shows otherwise. Carriers must now disclose to the dentist the specific downcoding policies they expect to be applied on a routine basis, helping to ensure fewer unexpected changes in claim adjudications.

Another new **Louisiana** law establishes limits on insurers' ability to deny coverage for preexisting conditions, often referred to as the 'missing tooth clause' in carriers' contracts. Prior to enactment of HB 311, carriers could reject coverage of needed care because of preexisting condition exemptions. Now, dental plans cannot deny coverage for covered services, due to preexisting conditions, after a 12-month waiting period.

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Other News

Welcome Robert Mitton to the ADA

The ADA welcomes a new team member to the Government Affairs department in Washington, D.C. Robert (Bob) Mitton, D.D.S., the new manager, legislative and regulatory policy, will be working on policy relating to federal dental services, military and veterans' affairs, HRSA programs and multiple other issues. Bob earned the rank of Captain and held many prestigious positions in the US Navy, is a dental public health specialist, and served as the Navy Liaison to the American Dental Association during a tour at the Navy Bureau of Medicine and Surgery, and served as the Navy Liaison to the American Dental Association during a tour at the Navy Bureau of Medicine and Surgery. He retired from the Navy this year as the Director of a newly established Navy Medicine Leader Development Academy and we welcome his public health and dental expertise.

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Tooth Talk Podcast: The Social Distanced Episodes

Sarah Milligan and Peter Aiello from the ADPAC team will continue to sit down (virtually) with staff and members for "Tooth Talk" to discuss how to advocate for oral health through legislation and lobbying efforts and the ways dentists can help speak with one voice united in Washington, D.C.

The June episodes of "Tooth Talk" have been released. [Listen](#) to the conversation with Dr. Colleen Greene. Dr. Greene is a public health dentist from Wisconsin with a unique perspective on social justice, dentistry, and public health. Hear her personal story, which is compelling and not to be missed. [This week](#), Sarah and Peter sit down with Dr. Chad Gehani, the 156th President of the American Dental Association, to talk about the issues facing dentistry during the Covid-19 pandemic.

To stay updated on each episode launch, [subscribe](#) today.

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