

# 2020 Federal Legislative and Regulatory Accomplishments



## **SBA Loans and Tax Benefits**

- Secured passage of a Small Business Administration (SBA) Paycheck Protection Program (PPP) loan program that was funded at \$349 billion.
- Secured the creation of an Economic Injury Disaster Loan (EIDL) advance which provides grants of up to \$10,000 for those that apply for the EIDL program.
- Obtained flexibility for pre-existing SBA loans to be used for mortgages, salaries, rent, debt, and other overhead expenses, regardless of any prior restrictions on the use of those funds.
- Successfully lobbied for ensuring SBA loan forgiveness will be tax free if loans were used on operating and payroll expenses.
- Clarified SBA guidance allowing dentists to apply for both EIDL and PPP loans, thus providing them with two potential sources of emergency funds.
- Advocated for additional funding for EIDL and PPP loans, and helped secure an additional \$674 billion for these programs.
- Eliminated the requirement that PPP loan forgiveness would be reduced by the amount of a business's EIDL grant. Supported reimbursing EIDL grant amounts for those who have already filed for and received PPP forgiveness.
- Advocated for and helped achieve:
  - Streamlining forgiveness process for PPP loans.
  - Making Personal Protective Equipment (PPE) and office retrofitting for mitigating COVID-19 transmission allowable operating expenses for PPP loans.
  - Enabling 501(c)(6) organizations to apply for PPP loans.
  - Assuring expenses paid for with PPP loans are eligible for tax deductibility.
  - Securing a second round of PPP loans for small businesses, including dental practices.
  - Allowing the Employee Retention Tax Credit to be utilized even if business received a PPP loan and increased the wage cap and percentage of eligible wages for that credit.

## **Personal Protective Equipment**

- Developed information and guidance to help state executives locate PPE donations and Emergency Department (ED) Referral programs.
- Obtained a commitment from the Federal Emergency Management Agency (FEMA) to allow dentists to receive 4.5 million KN95 masks and 1.8 million gowns.

## **Clinical Guidance / Return to Work**

- Obtained Centers for Disease Control and Prevention (CDC) guidance for protecting dental patients and staff from COVID-19 during emergency and urgent care situations.
- Obtained CDC guidance for safely reopening dental practices for non-emergency care during the deceleration phase of COVID-19.

### **Provider Relief Funding**

- Secured from the Department of Health and Human Services (HHS) the release of Provider Relief Funds (PRF) to all dentists beyond those affiliated with public programs.
- Ensured that HHS distributed funding to new dentists, dentists who had a recent change in ownership, dentists who filled out their applications incorrectly, and dentists who see Medicare patients.
- Successfully advocated for HHS to open a new phase of PRF with more funds to help dentists.

### **Paid Sick and Family and Medical Leave**

- Secured a small business exemption from the Department of Labor (DOL) to the paid leave and Family and Medical Leave Act (FMLA) provisions of the CARES Act.
- Assisted in obtaining a tax credit for dentists who are providing COVID-19 related leave to their employees.

### **OTC Drugs**

- Secured passage of legislation reforming the FDA's 40-year-old system for regulating over-the-counter (OTC) drugs, which could provide alternatives to opioids for managing post-operative pain.
- Successfully lobbied for consumers to be able to purchase OTC drugs with Health Savings Accounts (HSAs) and Flexible Spending Accounts (FSAs).

### **Vaccine Access**

- Secured a National Academies of Sciences, Engineering, and Medicine (NASEM) recommendation for dentists and their teams to be in the top tier (Phase 1a) of essential workers who should be offered immediate access to a COVID-19 vaccine.
- Secured a CDC recommendation for dentists, dental teams and dental students to be in the top tier (Phase 1a) of essential workers who should be offered immediate access to a COVID-19 vaccine.

### **Appropriations**

- Secured an additional \$15 million for Fiscal Year 2021, in collaboration with our dental partners, for federal dental programs increasing our overall funding portfolio to \$900+ million in support of programs across various agencies to address oral health access & prevention, direct dental care, workforce recruitment & development, Indian health and dental research.
- Supported the mandatory funding extension for Community Health Centers, Teaching Health Centers and the National Health Service Corps through Fiscal Year 2023.

### **Federal Dental Services**

- Through Presidential Executive Order (Increasing Economic and Geographic Mobility), reduced the burden of occupational regulations in order to promote the free practice of commerce, lower consumer costs, and increase economic and geographic mobility. In particular, the Order supports relocated military spouses in pursuit of new licenses, to include dental licenses, when they move to a new jurisdiction.
- Adopted new policy aligning with the Department of Veterans Affairs (VA)'s pilot program for veterans not eligible for dental care through the VA.
- Supported the VA's current practice of allowing VA health care professionals to deliver health care services in a state other than the professional's state of licensure, registration, certification, or other state requirement. The ADA fully endorsed this "Fourth Mission" and supported dentists moving across state borders to meet VA mission requirements and provide essential oral health services to veterans.
- Secured passage of legislation creating a United States Public Health Service (USPHS) Ready Reserve Corps to backfill vacancies when active duty USPHS officers are called to respond to public health or national emergencies.

## **Tobacco/Vaping**

- Lobbied the FDA to proceed with its rule characterizing menthol as an added flavor in tobacco products as harmful to public health.
- Successfully lobbied for the Preventing Online Sales of E-Cigarettes to Children Act, which passed Congress and became law. This act will prevent e-cigarettes from being sold online to minors, by making online sales subject to the same safeguards that in person sales are subject to.

## **Additional Efforts**

- **Successfully achieved passage of McCarran-Ferguson reform into law after more than 10 years of working with Congress.**
- Obtained a commitment from the Environmental Protection Agency (EPA) to be flexible in enforcing its amalgam separator compliance deadline.
- Worked to relieve dentists from paying federal student loans for 6 months, without accumulating interest.
- Successfully advocated for an amendment of Section 1557 of the Affordable Care Act to no longer require health care providers to include taglines on notices in 15 different languages. It is estimated that Section 1557 cost dentistry over \$240 million.
- Received the support of over 300 bipartisan cosponsors (a supermajority) and 40 bipartisan Senate cosponsors for the Ensuring Lasting Smiles Act (ELSA). ELSA would require all private group and individual health plans to cover medically necessary services resulting from a congenital anomaly or birth defect. These services would include inpatient and outpatient care and reconstructive services and procedures, as well as adjunctive dental, orthodontic, or prosthodontic support. The House Energy and Commerce Committee favorably reported the bill out of Committee on September 9.
- The ADA has been working to prevent dental insurers from dictating fees a participating dentist may charge for non-covered services. In the last few sessions of Congress, legislation has been introduced in the House, but never before has a dental non-covered services bill been introduced in the Senate. The ADA worked closely with Senators Joe Manchin (D-WV) and Kevin Cramer (R-ND) to establish compromise language for a federal non-covered services bill (the DOC Access Act), which was introduced on November 12, 2020.
- The National Conference of Insurance Legislators (NCOIL) adopted the Dental Care Bill of Rights Model Act which includes provisions on: 1) provider network leasing; 2) prior authorization; and, 3) virtual credit cards that will help state dental societies pursue these issues in their states.

Follow all of the ADA's advocacy efforts at [ADA.org/advocacy](https://ada.org/advocacy).