



## AAPD 2022 LEGISLATIVE FACT SHEET

# ACCESS TO ORAL HEALTH CARE: ENSURING LASTING SMILES ACT

### REQUEST

- Support passage of the Ensuring Lasting Smiles Act (S. 754/H.R. 1916) in 2022, legislation that would require all private group and individual health plans to cover the full medically necessary treatment of patients with congenital anomalies, including related dental procedures.

### BACKGROUND AND JUSTIFICATION

The Ensuring Lasting Smiles Act (S. 754 / H.R. 1916) is bi-partisan legislation that was reintroduced in March 2021 by Senators Tammy Baldwin (D-Wis.) and Joni Ernst (R-Iowa) in the Senate and Congresswoman Anna Eshoo (D-Calif. 18th) and Congressman (and dentist) Drew Ferguson (R-Ga. 3rd) in the House. **As of Jan. 25, 2022, these bills had 40 Senate co-sponsors and 304 House co-sponsors.**

In the United States, health plans systematically and routinely deny claims and appeals for medically-necessary procedures related to congenital abnormalities or birth defects. These conditions affect how individuals develop, function, or look, often for the rest of their lives. This insurance practice leaves families the burden of how to pay for their child's treatment or procedures that are required to repair function — that help kids enjoy happier, healthier childhoods.

**Of those 120,000 children born annually in the U.S. with birth defects, approximately 40,000 require reconstructive surgery.**

Senator Baldwin worked on this legislation after hearing the story of 15-year-old Aidan Abbott of Slinger, Wisconsin who was born with ectodermal dysplasia. He needed intense dental and oral care and will continue to need reconstructive surgeries throughout his life, among other services related to ectodermal dysplasia. Despite having comprehensive health insurance, the Abbotts were denied coverage for Aidan's dental work, and forced to pay thousands of dollars out-of-pocket for his treatments.

It is relatively rare for a child with a congenital deformity or developmental anomaly to undergo one procedure and correct all associated health implications. On average, these children can expect anywhere from three to five surgical procedures and many more treatments before achieving structural normalcy and function in the affected body parts. Although this was not the case for the Abbotts, some carriers may provide coverage for initial procedures, but will often resist coverage of later stage procedures, claiming they are cosmetic and not medically necessary. Denial or delay of these reconstructive procedures can have dire consequences for patients, such as long-term physical and psychological injuries.

- ELSA would close an insurance coverage loophole for people born with congenital anomalies who need complex oral restorative care. ELSA would ensure that families like the Abbotts have coverage for all medically necessary services and procedures related to congenital anomalies, by:
  - Ensuring that all group and individual health plans cover medically necessary services, including needed dental procedures, as a result of congenital abnormalities;
  - Stipulating that such coverage include services and procedures that functionally repair or restore any missing or abnormal body part that is medically necessary to achieve normal body functioning or appearance, and clarifies that this includes adjunctive dental, orthodontic or prosthodontic support; and excludes cosmetic procedures or surgery on normal structures.

**AAPD urges Congress to pass without delay this critically important bipartisan legislation.**

To access the complete list of organizations that strongly support ELSA

