



AMERICA'S PEDIATRIC DENTISTS
THE BIG AUTHORITY on little teeth®

AAPD 2020 Legislative and Regulatory Priorities

Council on Government Affairs

Approved by the Board of Trustees on January 17, 2020

AAPD is the lead advocacy group where indicated; other lead groups are highlighted in blue

Federal Appropriations for FY 2021

Workforce Goal

1. Seek appropriations for **sec. 748 Title VII dental primary care cluster** of \$40.673 million¹, with directed funding of not less than \$12 million going to pediatric dentistry in recognition of the demand for training grants and the increased need for pediatric dentists to treat insured children under the ACA. Obtain continued preference for pediatric dental faculty in the DFLRP as obtained in FYs 2017, 2019, and 2020.

Encourage HRSA to release a new grant cycle for DFLRP.

Encourage HRSA to especially focus future Title VII dental grants on priority 7 under current authorizing language: "7) Qualified applicants that have a high rate for placing graduates in practice settings that serve underserved areas or health disparity populations, or who achieve a significant increase in the rate of placing graduates in such settings."

AAPD

Workforce Goal

2. Support efforts of Children's Hospital Association to obtain full funding of \$400 million for **Children's Hospitals GME**.

Children's Hospital Association

Medicaid Dental Reform Goal

3. Work with ADA and the Organized Dentistry Coalition to obtain continued Congressional report language directing **CMS** to appoint a new **Chief Dental Officer**.

ADA and Organized Dentistry Coalition (of which AAPD is a member)

¹ Congressional appropriators have included the Feingold-Collins State Oral Health grants under this total amount. The AAPD, ADA, and ADEA supported \$12 million each for pediatric dentistry and general dentistry in FY 2020.

Federal Health Care Reform

Access to Care Goal

1. Explore possibility of **targeted pediatric oral health bill** to address **Medicaid dental reform** by increasing Medicaid matching payments for states that pursue specific Medicaid dental reforms including reimbursement at competitive market-based rates (per previous proposals such as S. 1522/H.R. 3120). Protect Medicaid EPSDT guarantee in Medicaid block grant and other cost-savings proposals.

Ensure appropriate and fair Medicaid dental audits, adhering to AAPD clinical recommendations and utilizing peer review by pediatric dentists.

AAPD

Access to Care and Medicaid Dental Reform Goal

2. **Support corrections to Affordable Care Act (ACA) to:**

- a) Make pediatric oral health coverage mandatory- assuming there is a mandatory benefits package for children in successor legislation.
- b) Exempt preventive dental services from deductibles in embedded plans and SADPs.
- c) Retain dental health professions training reauthorization (Section 748 of HPTA) as contained in Section 5303 of the ACA.

AAPD and ADA

Access to Care Goal

3. Assist ADA in obtaining passage of **McCarron-Ferguson repeal bill** introduced in the House by Congressmen Gosar and DeFazio (H.R. 1418) and in the Senate by Senators Gaines and Leahy (S. 350).

ADA

Access to Care Goal

4. Work with ADA and other dental and medical organizations to support passage of H.R. 3762, the Dental and Optometric Care Access Act, which would apply **non-covered services provisions** to ERISA plans.

ADA

Access to Care Goal

5. Work with ADA and other dental and medical organizations to support a simplified process across appropriate governmental agencies to **designate individuals with intellectual disabilities as a medically underserved population.**

Lead group to be determined

Federal Health Care Reform

Access to Care Goal

6. Work with AAOMS and ADA to support passage of *Ensuring Lasting Smiles Act* (H.R. 1379 and S. 560), 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.

AAOMS and ADA

Explore option of introducing similar legislation to require general anesthesia coverage under ERISA plans.

AAPD

Federal Regulations

Access to Care Goal

1. Based on findings of a coding and reimbursement technical analysis, seek recommended changes in **CMS Medicaid funding formula for facility fee charges in hospital dental general anesthesia cases**, so that pediatric dentists do not lose hospital operating room access due to low facility fees for such cases.

AAPD

Access to Care Goal

2. As the Affordable Care Act (ACA) provision defines **pediatric oral health as an essential health benefit (EHB)**, ensure that implementing regulations require robust coverage consistent with the AAPD Policy on a Model Dental Benefits for Infants, Children, Adolescents, and Individuals with Special Health Care Needs. Coordinate joint response/comments on proposed regulations with ADA and keep key members of Congress informed.

Support mandatory purchase (vs. offer) of an appropriately structured embedded or stand-alone dental plan for children inside exchanges, and encourage states to adopt such a requirement as several have already done (Kentucky, Nevada, Washington state).

Sustain regulatory inclusion of general anesthesia coverage state mandates as EHB in 2017 and beyond (for states that approved such mandates prior to 12-31-11). Monitor types of pediatric oral health insurance offered in state health insurance exchanges as compared_with AAPD model_benefits.

Evaluate and respond to key ACA insurance plan issues such as network adequacy, provider fees, family out-of-pocket costs, and the impact of pediatric dental coverage embedded in medical plans. Communicate recommendations to Center for Consumer Information and Insurance Oversight.

AAPD and ADA

Access to Care Goal

3. Work closely with ADA, state dental associations, and state pediatric dentistry chapters to ensure that **state health insurance exchanges** appropriately adhere to federal guidelines and regulations concerning insurance plans offering pediatric oral health coverage. Fully engage state Public Policy Advocates in this effort.

State chapters and state dental associations

Medicaid Dental Reform Goal

4. Ensure that **Medicaid EPSDT regulations** continue to promote the dental home and a required examination by a dentist.

AAPD and ADA

Federal Regulations

Access to Care Goal

5. Monitor implementation of **Head Start Performance Standards** proposed in 2015, to ensure appropriate requirements for dental periodicity schedule and establishment of a dental home.

AAPD and ADA

Medicaid Dental Reform Goal

6. Encourage CMS to include **pediatric oral health quality measures developed by the Dental Quality Alliance** as part of the Medicaid dental program.²

ADA

² The DQA was formed by the ADA at the request of CMS. The AAPD was a founding member and has a representative on the DQA's Executive Committee. The DQA's initial measure set ("Starter Set"), Dental Caries in Children: Prevention and Disease Management, were approved by the DQA and published in July 2013. These measures were developed for implementation with administrative enrollment and claims data for plan and program level reporting. They are listed below:

<i>Evaluating Utilization</i>	Use of Services Preventive Services Treatment Services
<i>Evaluating Quality of Care</i>	Oral Evaluation Topical Fluoride Intensity Sealant use in 6-9 years Sealant use in 10-14 years Care Continuity Usual Source of Services
<i>Evaluating Cost</i>	Per-Member Per-Month Cost

Two measures of ambulatory care sensitive emergency department visits among children for reasons related to dental caries and subsequent follow-up with a dental provider also were developed for implementation with administrative enrollment and claims data for program level reporting. DQA measures have been endorsed by the National Quality Forum (NQF). Population health sealant measures were approved in 2019, with input from AAPD: Sealant receipt on permanent 1st molar and sealant receipt on permanent 2nd molar. The previous sealant measures that assessed annual placement of sealants for 6-9 and 10-14 year olds have been retired.

Other Federal Legislation (taxes, student loan reform)

Workforce Goal

1. Support passage of H.R. 996 and S. 359, bills that would **exempt DFLRP from taxation** to individual faculty recipients.

AAPD

Workforce Goal

2. Work with ADA and other organizations to support passage of the **Student Loan Refinancing and Recalculation Act** (H.R. 1899) which would:

- Allow borrowers to **refinance** their student loan interest rates to the 10-year Treasury note rate, plus one percent, throughout the lifetime of the loan.
- **Eliminate** origination fees and instead set future student loan interest rates at the 10-year Treasury note rate, plus one percent.
- **Delay** student loan interest rate accrual for many low- and middle-income borrowers while they are in school.
- Allow for borrowers in medical or dental residencies to **defer payments** until the completion of their programs.

Oppose attempts to cap the **Grad PLUS loan program**.

ADA and Organized Dentistry Coalition (of which AAPD is a member)

Workforce Goal

3. Support passage of H.R. 1554, the **Resident Education Deferment Interest Act** introduced by Congressman Babin. This bill, supported by the Organized Dentistry Coalition and spearheaded by AAOMS, would halt interest accrual while loans are in deferment during residency training.

AAOMS and Organized Dentistry Coalition (of which AAPD is a member)

State Legislation and Regulations

Workforce and Access to Care Goal

1. Promote states' adoption of **expanded duties for dental assistants** as recommended in the AAPD's *Policy on Workforce Issues and Delivery of Oral Health Care Services in a Dental Home*, and assist state chapters dealing with dental therapist and other mid-level proposals.³ Provide technical assistance, via research and policy center, to state Public Policy Advocates working in collaboration with state dental associations on this issue. Work with research and policy center to identify data on national rate of EFDA use.

State chapters and AAPD

Medicaid Dental Reform Goal

2. Provide continued technical assistance to state pediatric dentistry chapters for **Medicaid dental reform** for their efforts with both state legislatures and state dental associations. Continue to promote states' adoption of appropriate dental periodicity schedules consistent with AAPD guidelines, and update research and policy center dental periodicity schedule adoption map on website as appropriate.

Promote state Medicaid programs' adoption of pediatric oral health quality measures developed by the Dental Quality Alliance (DQA). Continue to inform and educate key constituencies about reforms that work, including MSDA (Medicaid/CHIP State Dental Association), NCSL, NGA etc.

Work with research and policy center and CDBP to respond to Medicaid medical movement to managed care by:

- (a) promoting dental managed care hybrid payment models that leave the risk with the plan contractor (or at least share it between the plan and the provider); and
- (b) maintaining accountable dental fee-for-service plans.

AAPD, state chapters, and state dental associations

³ The AAPD Pediatric Oral Health Research and Policy Center maintains an EFDA "tool kit" on its web page.

State Legislation and Regulations

Medicaid Dental Reform Goal

3. Ensure that state **Medicaid programs conducting provider audits**, as well as auditors contracted by CMS, do so in an appropriate and fair manner, adhering to AAPD clinical recommendations and utilizing peer review by pediatric dentists. Work with PPA network to secure language in SMA dental provider manuals referencing AAPD clinical recommendations as the appropriate criteria for any audits of pediatric dental practices, and a dental advisory board for every SMA. Pursue dental auditor training initiative with CMS Center for Program Integrity. Obtain recommended changes in Nebraska SMA dental audits consistent with November 6, 2019 letter from AAPD, ADA, Nebraska Dental Association, and Nebraska Society of Pediatric Dentistry.⁴

AAPD, state chapters and state dental associations⁵

Access to Care Goal

4. Continue to provide technical assistance to states for **General Anesthesia coverage via legislation or state insurance marketplace regulations**, highlighting ongoing cost analysis and using TRICARE coverage and success in 33 states to spur momentum. Utilizing research and policy center technical brief and working closely with CDBP, educate insurers and insurance regulators on necessity of this benefit and role of pediatric dentists in treating high risk children.

State chapters and AAPD

⁴ This letter is accessible at: <https://www.aapd.org/advocacy/legislative-and-regulatory-issues/latest-advocacy-news/dental-organizations-urge-nebraska-medicaid-office-to-halt-overhaul-pediatric-dental-audits/>

⁵ This resolution was adopted by the ADA's House of Delegates in 2017:

"33H. Adopted—Consent Calendar Action Council on Advocacy for Access and Prevention Resolution 33—**Peer to Peer State Dental Medicaid Audits**. Resolved, that the American Dental Association encourages all state dental associations to work with their respective state Medicaid agency to ensure that Medicaid dental audits be conducted by dentists who have similar educational backgrounds and credentials as the dentists being audited, as well as being licensed within the state in which the audit is being conducted."

This resolution was adopted by the ADA's House of Delegates in 2018:

"69H Adopted- Council on Advocacy for Access and Prevention Resolution 69—**State Medicaid Dental Peer Review Committee**. Resolved, that the American Dental Association encourages all state dental associations to work with their respective state Medicaid agency to create a dental peer review committee, made up of licensed current Medicaid providers who provide expert consultation on issues brought to them by the state Medicaid agency and/or third party payers."

State Legislation and Regulations

Access to Care Goal

5. Provide technical assistance to states seeking legislation for **mandatory oral health examinations prior to school matriculation, utilizing 2020 efforts in Colorado as an advocacy model**. Seek support of state dental associations and other interested organizations via efforts of state Public Policy Advocates.⁶

State chapters, AAPD, and state dental associations

Access to Care Goal

6. Work with ADA, state dental associations, and state pediatric dental units to **promote community water fluoridation**, and prevent efforts to remove fluoride from currently fluoridated communities.

ADA

Workforce and Access to Care Goal

7. Secure or expand **student loan forgiveness** programs for pediatric dentists who practice in under-served areas.⁷

State dental associations and state chapters

Access to Care Goal

8. Ensure that state dental boards adopt regulations concerning **mild, moderate, and deep sedation and general anesthesia** practice and permitting that are consistent with policies, best practices, and guidelines of the AAPD. Utilize review and input from AAPD's Committee on Sedation as needed.

AAPD and state chapters

Workforce Goal

9. Ensure that state dental boards maintain and enforce regulations concerning appropriate **advertising of specialty status** and advertising guidance for general dentists treating children consistent with AAPD policies concerning Affiliate members.

AAPD and state chapters

Access to Care Goal

10. Support **model dental benefits legislation** to address a number of vexing third party-payer issues such as: fair and transparent network contracting (allow dentists to accept or refuse contracts to which they would be obliged); assignment of benefits (pay claims directly to dentist when covered patient requests it); retroactive denials (reasonable time period to request refunds from dentists when claims are paid in error); virtual credit cards (not limiting payments to such method); and prior authorization (hold dental insurers to pay what was promised in the authorization).

State dental associations and state chapters

⁶ Note that a tool kit is available on the AAPD research and policy center web page.

⁷ A listing of current state loan forgiveness programs is available at: <https://www.aapd.org/globalassets/media/residency-programs/updated-student-loan-repayment-plans-by-state-final-july-2019.pdf>