



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

September 11, 2023

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

**Re: Comments on CMS-1786-P — CY 2024 Medicare Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System Proposed Rule (“HOPPS Proposed Rule” or “Proposed Rule”)**

Dear Administrator Brooks-LaSure:

On behalf of the undersigned members of the Consortium for Citizens with Disabilities (CCD) Health Task Force, we write to provide comments on the Hospital Outpatient Prospective Payment System (OPPS) proposed rule for calendar year (CY) 2024, specifically to comment on the Centers for Medicare and Medicaid Services’ (CMS’) proposal to address access to dental surgical services. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination.

The optimal care setting to address the oral health care needs for certain children and adults with disabilities is often in an operating room surgical setting. This is due to the time involved for extensive restorative dental surgical procedures, the often-complex equipment and general anesthesia required, and the challenge of the services that need to be provided. We appreciate and thank CMS for responding to our comments on the 2023 OPPS-ASC rule and establishing a new HCPCS code for dental rehabilitation (G0330) to be used by hospital facilities, which we understand is already helping to address access to hospital operating rooms for dental cases.

Given the significant need for operating room access, particularly for children and adults with disabilities, we are grateful CMS is looking to take additional actions this year, proposing in the 2024 OPPS rule to cover dental rehabilitation surgeries in ambulatory surgical centers (ASCs). We encourage CMS to finalize its proposal to include dental surgery as a covered procedure and in doing so, work with the dental community to ensure that the dental surgical procedures

provided in the hospital outpatient setting and in ASCs are aligned with the most clinically appropriate code classification to encourage operating facilities to accept dental patients and support timely access to care.

We also understand that CMS is proposing to cover a limited set of additional dental procedures within ASCs and a more expansive list of dental procedures within hospital outpatient departments. We are concerned such a policy might ultimately prohibit people with disabilities, particularly those residing in rural communities or who are otherwise unable to access a hospital outpatient department from getting the dental procedures they need for their health and well-being. We encourage CMS to work with the dental and ASC communities to consider this issue further.

Thank you for your time and focus on these important issues. If you have further questions, please contact the Health Task Force co-chairs: Caroline Bergner ([cbergner@asha.org](mailto:cbergner@asha.org)), David Machledt ([machledt@healthlaw.org](mailto:machledt@healthlaw.org)), or Greg Robinson ([grobinson@autisticadvocacy.org](mailto:grobinson@autisticadvocacy.org)).

Respectfully Submitted,

Access Ready Inc  
American Association on Health and Disability  
American Medical Rehabilitation Providers Association  
American Music Therapy Association  
Autistic Self Advocacy Network  
Autistic Women & Nonbinary Network (AWN)  
Brain Injury Association of America  
Center for Medicare Advocacy  
CommunicationFIRST  
Epilepsy Foundation  
Family Voices  
Justice in Aging  
Lakeshore Foundation  
National Down Syndrome Congress  
Spina Bifida Association  
The Arc of the United States  
United Spinal Association  
VisionServe Alliance

Cc: Natalia Chalmers, DDS, MHSc, PhD, CMS Chief Dental Officer