



March 31, 2023

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

Re: Access to Dental Surgical Services for Children and Adults with Disabilities

Dear Administrator Brooks-LaSure:

On behalf of the undersigned members of the Consortium for Constituents with Disabilities (CCD) Health Task Force, we write to thank the Centers for Medicare and Medicaid Services (CMS) for taking significant initial action to address timely operating room access for individuals with disabilities in need of dental surgical services. We were pleased to see CMS' responsiveness to this issue being raised last year, and we would like to work with the agency again this year to ensure that agency actions can be built upon to support all individuals with disabilities, regardless of where they reside. 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.

As we have previously noted, children and adults with disabilities often face significant health disparities with respect to oral health care access. Often times, the optimal care setting to address the complex oral health care needs for certain children and adults with disabilities is in a hospital or an ambulatory surgical center (ASC). We want to acknowledge CMS's work to ensure that beginning January 1, 2023, hospitals have a viable way to bill for and receive more fair reimbursement for dental surgical services. We are hopeful this important agency action will support individuals with disabilities who can access the hospital for their needed dental care.

We remain concerned, however, that despite CMS's efforts to develop a new dental billing mechanism, Medicare still does not cover dental surgeries that are performed in ASCs, and as a result of this coverage limitation, neither do many state Medicaid programs. For individuals with disabilities who require access to an operating room to address their complex dental needs and who do not live within close geographic proximity to a hospital, an ASC is a needed resource for these surgeries to be provided.

We ask that CMS work with our communities to build upon the agency's progress in addressing access to medically necessary dental services, and in 2024, allow the new dental rehabilitation billing mechanism established for hospitals to be included on Medicare's ASC covered procedures list in order to further support children and adults with disabilities throughout the country.

Thank you for your time and attention to this important issue. If you have further questions, please contact the CCD Health Task Force co-chairs: Caroline Bergner (cbergner@asha.org), David Machledt (machledt@healthlaw.org), and Greg Robinson (grobenson@autisticadvocacy.org).

Sincerely,

American Association on Health and Disability
American Medical Rehabilitation Providers Association
American Music Therapy Association
American Therapeutic Recreation Association
Association of University Centers on Disabilities
Autism Speaks
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Brain Injury Association of America
Center for Medicare Advocacy
CommunicationFIRST
Disability Rights Education and Defense Fund
Family Voices
Justice in Aging
Lakeshore Foundation
National Association of Councils on Developmental Disabilities
National Disability Rights Network
National Down Syndrome Congress
National Health Law Program
The Arc
United Spinal Association
VisionServe Alliance

Cc:

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Meena Seshamani, MD, PhD, Deputy Administrator and Director, Center for Medicare
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