

# Congress of the United States

Washington, DC 20515

September 13, 2022

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Administrator Brooks-LaSure:

We write to urge the Department of Health and Human Services to move forward with a proposal in the Centers for Medicare and Medicaid Services (CMS) proposed rule for Contract Year 2023 Medicare Hospital Outpatient Prospective System and Ambulatory Surgical Center Payment System that would achieve meaningful progress in addressing access to dental surgical services for beneficiaries, particularly those with special health care needs and disabilities, minority populations and rural populations.

In spite of advances in preventive care and reduction in untreated tooth decay, significant oral health disparities exist, affecting health equity and quality of life. Some beneficiaries disproportionately suffer from significant pain and infection from dental decay (dental caries). If not treated through dental surgical intervention, this disease can result in emergency department visits, hospital admissions, and life-threatening complications. Given the time involved for restorative dental surgical procedures, the often-complex equipment and anesthesia required, and the complexity of the services required for high-risk patients, dentists often need to provide these services in an operating room setting to ensure safe, quality care.

We are pleased that CMS proposes in the rule to make adjustments to the classification of the code used by hospital facilities to report outpatient dental procedures, ensuring that the dental surgical services provided in hospitals are aligned with the most clinically appropriate code classification. CMS's proposal aims to recognize the clinical services involved and their value to ensure hospitals are able to provide for these critically important beneficiary services in their operating rooms. We urge CMS to finalize its proposal, effective for calendar year 2023.

It is important to note that while CMS's proposal is a strong step forward in supporting beneficiaries, additional work is necessary to ensure there is appropriate access to dental surgical services, particularly for beneficiaries in rural geographic locations or where there may otherwise be delayed wait times for operating room access. We are concerned that due to regulatory restrictions, Medicare does not currently cover dental surgeries that are performed in ASCs. We ask that CMS promptly identify a solution through regulatory reforms at its disposal to also permit Medicare-covered dental services to be provided in ambulatory surgical centers, effective for calendar year 2023.

We thank you for consideration of our comments in support of CMS's proposal to address beneficiary access to needed dental surgeries in hospitals and with a request for CMS to ensure beneficiary access by permitting Medicare coverage of dental surgeries in ambulatory surgical centers. We see this to be a priority issue of health equity and protection for our most vulnerable beneficiaries.

Sincerely,



---

Terri A. Sewell  
Member of Congress



---

A. Drew Ferguson IV  
Member of Congress



---

David G. Valadao  
Member of Congress



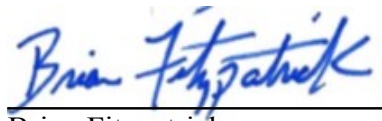
---

Rodney Davis  
Member of Congress



---

Grace Meng  
Member of Congress



---

Brian Fitzpatrick  
Member of Congress



---

Cheri Bustos  
Member of Congress



---

Jesús G. "Chuy" García  
Member of Congress



---

Adrian Smith  
Member of Congress



---

Tom O'Halleran  
Member of Congress



---

Don Bacon  
Member of Congress



---

Dusty Johnson  
Member of Congress



---

Brian Babin, D.D.S.  
Member of Congress



---

C. A. Dutch Ruppertsberger  
Member of Congress



---

Steve Womack  
Member of Congress



---

Jefferson Van Drew  
Member of Congress



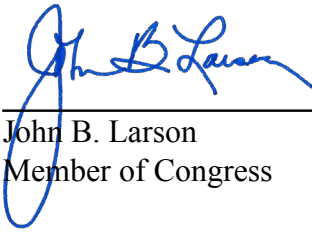
---

Susie Lee  
Member of Congress




---

Charles J. "Chuck"  
Fleischmann  
Member of Congress



---

John B. Larson  
Member of Congress



---

Mark E. Amodei  
Member of Congress

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