

United States Senate

WASHINGTON, DC 20510

April 12, 2023

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Administrator Brooks-LaSure:

We want to acknowledge efforts by the Centers for Medicare and Medicaid Services (CMS) to address national concerns regarding access to dental rehabilitative services for children and adults with special health care needs and disabilities, minority populations, and frail elderly patients. Last year, CMS worked with stakeholders and, through the calendar year (CY) 2023 Medicare Hospital Outpatient Prospective Payment System (OPPS) and Ambulatory Surgical Center (ASC) Payment System rule, established a new billing code to recognize the clinical services involved in dental rehabilitation surgery and the value of those services. Through the agency's effort, many hospitals should now be able to provide these critically important services in their operating rooms for beneficiary. To build on that progress, we encourage CMS to support access to needed dental surgical procedures by expanding operating room sites and urge CMS to allow the new Medicare dental code and its valuation to also be included within the ASC covered procedures list for all clinically appropriate procedures.

We understand that some beneficiaries with complex dental conditions have been facing unfathomable wait times as long as a year before receiving dental surgical treatment in hospital operating rooms, with this problem disproportionately impacting rural and underserved communities where there are fewer facilities for patients to access. For young children, individuals with special needs and the elderly, dental pain and disease often result in emergency care in the absence of dental surgical intervention, increasing overall health care costs.

Access to ASCs for dental surgical procedures would expand the availability of sites to support dentists and their patients who need time sensitive surgical services. We understand that regulatory limitations currently prevent this from happening, and for beneficiaries in rural and underserved geographic locations, this support is needed now. Allowing for these procedures to be provided in ASCs would help to promote the health and well-being of Medicare beneficiaries and some Medicaid beneficiaries, as states frequently model their coverage and billing for procedures conducted in ASCs and hospitals after Medicare.

Last year, when establishing a new Medicare dental code for dental surgical services, CMS stated that it would consider inclusion of the new code on the list of ASC covered procedures during future rulemaking. We ask that CMS move forward this year to address this issue and include this proposal in the CY 2024 OPPS and ASC Payment System rule for stakeholder comment. Thank you for consideration of this request.

Sincerely,



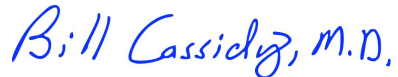
Benjamin L. Cardin
United States Senator



Marsha Blackburn
United States Senator



Debbie Stabenow
United States Senator



Bill Cassidy, M.D.
United States Senator



Steve Daines
United States Senator



Lisa Murkowski
United States Senator



Mike Braun
United States Senator



JD Vance
United States Senator

Cc: Meena Seshamani, MD, PhD, Deputy Administrator and Director, Center for Medicare
Daniel Tsai, Deputy Administrator and Director, Center for Medicaid & CHIP Services
Natalia Chalmers, DDS, MHSc, PhD, CMS Chief Dental Officer