

116TH CONGRESS 1ST SESSION

H. R. 1393

To amend title XVIII of the Social Security Act to provide for coverage of dental, vision, and hearing care under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

February 27, 2019

Mr. Doggett introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of dental, vision, and hearing care under the Medicare program.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Medicare Dental, Vi-
- 5 sion, and Hearing Benefit Act of 2019".
- 6 SEC. 2. DENTAL AND ORAL HEALTH CARE.
- 7 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-
- 8 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

1	(1) in subparagraph (GG), by striking "and"
2	after the semicolon at the end;
3	(2) in subparagraph (HH), by adding "and"
4	after the semicolon at the end; and
5	(3) by adding at the end the following new sub-
6	paragraph:
7	"(II) dental and oral health services (as defined
8	in subsection (kkk));".
9	(b) Dental and Oral Health Services De-
10	FINED.—Section 1861 of the Social Security Act (42
11	U.S.C. 1395x) is amended by adding at the end the fol-
12	lowing new subsection:
13	"Dental and Oral Health Services
14	"(kkk) The term 'dental and oral health services'
15	means—
16	"(1) routine dental cleanings and exams;
17	"(2) basic dental services, such as fillings and
18	crowns;
19	"(3) major dental services, such as root canals,
20	and extractions;
21	"(4) emergency dental care; and
22	"(5) other necessary services related to dental
23	or oral health (as defined by the Secretary).".
24	(c) Payment; Coinsurance; and Limitations.—

1	(1) IN GENERAL.—Section 1833(a)(1) of the
2	Social Security Act (42 U.S.C. 1395l(a)(1)) is
3	amended—
4	(A) by striking "and" before "(CC)"; and
5	(B) by inserting before the semicolon at
6	the end the following: ", and (DD) with respect
7	to dental and oral health services (as defined in
8	section 1861(jjj)), the amount paid shall be the
9	payment amount specified under section
10	1834(v)".
11	(2) Payment and limits specified.—Section
12	1834 of the Social Security Act (42 U.S.C. 1395m)
13	is amended by adding at the end the following new
14	subsection:
15	"(x) Payment and Limits for Dental and Oral
16	HEALTH SERVICES.—
17	"(1) In General.—The payment amount
18	under this part for dental and oral health services
19	(as defined in section 1861(kkk)) shall be, subject to
20	paragraph (3), the applicable percent (specified in
21	paragraph (2)) of the lesser of the actual charge for
22	the services or the amount determined under the
23	payment basis determined under section 1848.

1	"(2) Applicable percent.—For purposes of
2	paragraph (1), the applicable percent specified in
3	this paragraph is—
4	"(A) for the first year beginning at least 6
5	months after the date of the enactment of this
6	subsection, 0 percent;
7	"(B) for the year following the year speci-
8	fied in subparagraph (A) and each subsequent
9	year through the seventh year following the
10	year specified in subparagraph (A), the applica-
11	ble percent specified in this paragraph for the
12	previous year increased by 10 percentage
13	points; and
14	"(C) for the eighth year following the year
15	specified in subparagraph (A) and each subse-
16	quent year, 80 percent.
17	"(3) Limitations and Secretarial Author-
18	ITY.—
19	"(A) Frequency.—With respect to dental
20	and oral health services that are—
21	"(i) routine dental cleanings, payment
22	may be made under this part for only two
23	such cleanings during a 12-month period;
24	and

"(ii) routine exams, payment may be 1 2 made under this part for only two such 3 exams during a 12-month period. "(B) SECRETARIAL AUTHORITY.— "(i) Authority to apply addi-6 TIONAL LIMITATIONS.—The Secretary may 7 apply such other reasonable limitations on 8 the extent to which dental and oral services 9 are covered under this part, including 10 through application of a prior authoriza-11 tion requirement. 12 "(ii) Authority to modify cov-13 ERAGE.—Notwithstanding any other provi-14 sion of this title, if the Secretary deter-15 mines appropriate, the Secretary may mod-16 ify the coverage under this part of dental 17 and oral health services to the extent that 18 such modification is consistent with the 19 recommendations of the United States Pre-20 ventive Services Task Force.". 21 (d) Payment Under Physician Fee Schedule.— 22 Section 1848(j)(3) of the Social Security Act (42 U.S.C. 23 1395w-4(j)(3)) is amended by inserting "(2)(II)," before "(3)". 24 25 (e) Dentures.—

1	(1) In General.—Section 1861(s)(8) of the
2	Social Security Act (42 U.S.C. 1395x(s)(8)) is
3	amended—
4	(A) by striking "(other than dental)" and
5	inserting "(including dentures)"; and
6	(B) by striking "internal body".
7	(2) Special payment rules.—Section
8	1834(a) of the Social Security Act (42 U.S.C.
9	1395m(a)) is amended by adding at the end the fol-
10	lowing new paragraph:
11	"(23) Payment and limits for dentures.—
12	"(A) In general.—The payment amount
13	under this part for dentures shall be, subject to
14	subparagraph (C), the applicable percent (speci-
15	fied in subparagraph (B)) of the amount other-
16	wise payable for such dentures under this sec-
17	tion.
18	"(B) Applicable percent.—For pur-
19	poses of subparagraph (A), the applicable per-
20	cent specified in this subparagraph is—
21	"(i) for the first year beginning at
22	least 6 months after the date of the enact-
23	ment of this paragraph, 0 percent;
24	"(ii) for the year following the year
25	specified in clause (i) and each subsequent

1	year through the seventh year following the
2	year specified in clause (i), the applicable
3	percent specified in this subparagraph for
4	the previous year increased by 10 percent-
5	age points; and
6	"(iii) for the eighth year following the
7	year specified in clause (i) and each subse-
8	quent year, 80 percent.
9	"(C) Limitations and Secretarial Au-
10	THORITY.—
11	"(i) In General.—Payment may be
12	made under this part for an individual
13	for—
14	"(I) not more than one full upper
15	and one full lower denture once every
16	five years; and
17	"(II) not more than one partial
18	upper denture and one partial lower
19	denture once every five years.
20	"(ii) Secretarial authority.—
21	"(I) Authority to apply addi-
22	TIONAL LIMITATIONS.—The Secretary
23	may apply such other reasonable limi-
24	tations on the extent to which den-
25	tures are covered under this part, in-

1	cluding through application of a prior	
2	authorization requirement.	
3	"(II) AUTHORITY TO MODIFY	
4	COVERAGE.—Notwithstanding any	
5	other provision of this title, if the Sec-	
6	retary determines appropriate, the	
7	Secretary may modify the coverage	
8	under this part of dentures to the ex-	
9	tent that such modification is con-	
10	sistent with the recommendations of	
11	the United States Preventive Services	
12	Task Force.".	
13	(f) Repeal of Ground for Exclusion.—Section	
14	1862(a) of the Social Security Act (42 U.S.C. 1395y) is	
15	amended by striking paragraph (12).	
16	(g) Effective Date.—The amendments made by	
17	this section shall apply to services furnished on or after	
18	January 1 of the first year beginning at least six months	
19	after the date of the enactment of this Act.	
20	SEC. 3. VISION CARE.	
21	(a) Coverage.—Section 1861(s)(2) of the Social Se-	
22	curity Act (42 U.S.C. 1395x(s)(2)), as amended by section	
23	2, is further amended—	
24	(1) in subparagraph (HH), by striking "and"	
25	after the semicolon at the end;	

1	(2) in subparagraph (II), by adding "and" after
2	the semicolon at the end; and
3	(3) by adding at the end the following new sub-
4	paragraph:
5	"(JJ) vision services (as defined in subsection
6	(lll));".
7	(b) Vision Services Defined.—Section 1861 of
8	the Social Security Act (42 U.S.C. 1395x), as amended
9	by section 2, is further amended by adding at the end the
10	following new subsection:
11	"Vision Services
12	"(Ill) The term 'vision services' means—
13	"(1) routine eye examinations and procedures
14	performed (during the course of any eye examina-
15	tion) to determine the refractive state of the eyes;
16	and
17	"(2) other necessary services related to eye and
18	vision health (as defined by the Secretary).".
19	(c) Payment; Coinsurance; and Limitations.—
20	(1) In General.—Section 1833(a)(1) of the
21	Social Security Act (42 U.S.C. 1395l(a)(1)), as
22	amended by section 2, is further amended—
23	(A) by striking "and" before "(DD)"; and
24	(B) by inserting before the semicolon at
25	the end the following: ", and (EE) with respect

1	to vision services (as defined in section
2	1861(lll)), the amount paid shall be the pay-
3	ment amount specified under section 1834(y)".
4	(2) Payment and limits specified.—Section
5	1834 of the Social Security Act (42 U.S.C. 1395m),
6	as amended by section 2, is further amended by add-
7	ing at the end the following new subsection:
8	"(y) Payment and Limits for Vision Services.—
9	"(1) In General.—The payment amount
10	under this part for vision services (as defined in sec-
11	tion 1861(lll)) shall be, subject to paragraph (3), the
12	applicable percent (specified in paragraph (2)) of the
13	lesser of the actual charge for the services or the
14	amount determined under the payment basis deter-
15	mined under section 1848.
16	"(2) Applicable percent.—For purposes of
17	paragraph (1), the applicable percent specified in
18	this paragraph is—
19	"(A) for the first year beginning at least 6
20	months after the date of the enactment of this
21	subsection, 0 percent;
22	"(B) for the year following the year speci-
23	fied in subparagraph (A) and each subsequent
24	year through the seventh year following the
25	year specified in subparagraph (A), the applica-

1	ble percent specified in this paragraph for the
2	previous year increased by 10 percentage
3	points; and
4	"(C) for the eighth year following the year
5	specified in subparagraph (A) and each subse-
6	quent year, 80 percent.
7	"(3) Limitations and Secretarial Author-
8	ITY.—
9	"(A) Frequency.—With respect to rou-
10	tine eye exams, payment may be made under
11	this part for only one such exam during a 12-
12	month period.
13	"(B) Secretarial Authority.—
14	"(i) Authority to apply addi-
15	TIONAL LIMITATIONS.—The Secretary may
16	apply other reasonable limitations on the
17	extent to which vision services are covered
18	under this part, including through applica-
19	tion of a prior authorization requirement.
20	"(ii) Authority to modify cov-
21	ERAGE.—Notwithstanding any other provi-
22	sion of this title, if the Secretary deter-
23	mines appropriate, the Secretary may mod-
24	ify the coverage under this part of vision
25	services to the extent that such modifica-

1	tion is consistent with the recommenda-
2	tions of the United States Preventive Serv-
3	ices Task Force.".
4	(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—
5	Section 1848(j)(3) of the Social Security Act (42 U.S.C.
6	1395w-4(j)(3)) is amended by inserting "(2)(JJ)," after
7	" $(2)(II)$," (as added by section 2).
8	(e) Special Payment Rules for Eyeglasses,
9	CONTACT LENSES, AND LOW VISION DEVICES.—Section
10	1834(a) of the Social Security Act (42 U.S.C. 1395m(a)),
11	as amended by section 2, is further amended by adding
12	at the end the following:
13	"(24) Payment and limits for eyeglasses
14	AND CONTACT LENSES.—
15	"(A) In general.—The payment amount
16	under this part for eyeglass lenses, eyeglass
17	frames, and contact lenses shall be, subject to
18	subparagraph (C), the applicable percent (speci-
19	fied in subparagraph (B)) of the amount other-
20	wise payable for such eyeglass lenses, eyeglass
21	frames, and contact lenses, respectively, under
22	this section.
23	"(B) Applicable percent.—For pur-
24	poses of subparagraph (A), the applicable per-
25	cent specified in this subparagraph is—

1	"(i) for the first year beginning at
2	least 6 months after the date of the enact-
3	ment of this paragraph, 0 percent;
4	"(ii) for the year following the year
5	specified in clause (i) and each subsequent
6	year through the seventh year following the
7	year specified in clause (i), the applicable
8	percent specified in this subparagraph for
9	the previous year increased by 10 percent-
10	age points; and
11	"(iii) for the eighth year following the
12	year specified in clause (i) and each subse-
13	quent year, 80 percent.
14	"(C) Limitations and Secretarial Au-
15	THORITY.—
16	"(i) In general.—Payment may be
17	made under this part (other than for
18	eyewear described in section $1861(s)(8)$)
19	for an individual for—
20	"(I) not more than one pair of
21	eyeglass lenses during any 12-month
22	period;
23	$``(\Pi)$ not more than one set of
24	eyeglass frames during any 24-month
25	period; and

1	"(III) contact lenses, only to the
2	extent that the sum of such payments
3	for contact lenses does not exceed a
4	limitation of \$200 during any 24-
5	month period beginning during the
6	first year beginning at least six
7	months after the date of the enact-
8	ment of this paragraph (or, beginning
9	during a subsequent year, such limita-
10	tion for a 24-month period beginning
11	in the previous year increase by an
12	appropriate inflation adjustment spec-
13	ified by the Secretary).
14	"(ii) Secretarial authority.—
15	"(I) AUTHORITY TO APPLY ADDI-
16	TIONAL LIMITATIONS.—The Secretary
17	may apply such other reasonable limi-
18	tations on the extent to which eye-
19	glass lenses, eyeglass frames, and con-
20	tact lenses are covered under this
21	part, including through application of
22	a prior authorization requirement.
23	"(II) AUTHORITY TO MODIFY
24	COVERAGE.—Notwithstanding any
25	other provision of this title, if the Sec-

1	retary determines appropriate, the
2	Secretary may modify the coverage
3	under this part of eyeglass lenses, eye-
4	glass frames, and contact lenses to
5	the extent that such modification is
6	consistent with the recommendations
7	of the United States Preventive Serv-
8	ices Task Force.
9	"(25) Payment and limits for low vision
10	DEVICES.—
11	"(A) IN GENERAL.—The payment amount
12	under this part for low vision devices shall be,
13	subject to subparagraph (C), the applicable per-
14	cent (specified in subparagraph (B)) of the
15	amount otherwise payable for low vision devices
16	under this section.
17	"(B) Applicable percent.—For pur-
18	poses of subparagraph (A), the applicable per-
19	cent specified in this subparagraph is—
20	"(i) for the first year beginning at
21	least 6 months after the date of the enact-
22	ment of this paragraph, 0 percent;
23	"(ii) for the year following the year
24	specified in clause (i) and each subsequent
25	year through the seventh year following the

1	year specified in clause (i), the applicable
2	percent specified in this subparagraph for
3	the previous year increased by 10 percent-
4	age points; and
5	"(iii) for the eighth year following the
6	year specified in clause (i) and each subse-
7	quent year, 80 percent.
8	"(C) Secretarial Authority.—
9	"(i) Authority to apply limita-
10	TIONS.—The Secretary may apply reason-
11	able limitations on the extent to which low
12	vision devices are covered under this part,
13	including through application of a prior
14	authorization requirement.
15	"(ii) Authority to modify cov-
16	ERAGE.—Notwithstanding any other provi-
17	sion of this title, if the Secretary deter-
18	mines appropriate, the Secretary may mod-
19	ify the coverage under this part of low vi-
20	sion devices to the extent that such modi-
21	fication is consistent with the recommenda-
22	tions of the United States Preventive Serv-
23	ices Task Force.
24	"(D) Low vision device defined.—In
25	this paragraph, the term 'low vision device'

- 1 means a device, prescribed by a physician, that 2 magnifies, enhances, or otherwise augments or 3 interprets visual images irrespective of the size, 4 form, or technological features of such device 5 and does not include ordinary eyeglasses or con-6 tact lenses. In the previous sentence, the term 7 'ordinary eyeglasses or contact lenses' means 8 lenses that are intended to fully correct visual 9 acuity or fully eliminate refractive error.".
- 10 (f) Definition of Durable Medical Equipment 11 To Include Eyeglasses, Contact Lenses, and Low
- 12 Vision Devices.—Section 1861(n) of the Social Security
- 13 Act (42 U.S.C. 1395x(n)) is amended—
- 14 (1) by striking "and" before "eye tracking" and
 15 inserting a comma; and
- 16 (2) by inserting ", and eyeglass lenses, low vi-17 sion devices (as defined in section 1834(a)(25)), eye-18 glass frames, and contact lenses" before "; except".
- 19 (g) Repeal of Ground for Exclusion.—Section
- 20 1862(a)(7) of the Social Security Act (42 U.S.C.
- 21 1395y(a)(7)) is amended by striking ", eyeglasses (other
- 22 than eyewear described in section 1861(s)(8)) or eye ex-
- 23 aminations for the purpose of prescribing, fitting, or
- 24 changing eyeglasses, procedures performed (during the

course of any eye examination) to determine the refractive 2 state of the eyes". 3 (h) Effective Date.—The amendments made by this section shall apply to services furnished on or after January 1 of the first year beginning at least six months after the date of the enactment of this Act. SEC. 4. HEARING CARE. 8 (a) Coverage.— 9 (1) In General.—Section 1861(s)(2) of the 10 Social Security Act (42 U.S.C. 1395x(s)(2)), as 11 amended by sections 2 and 3, is further amended— 12 (A) in subparagraph (II), by striking "and" at the end: 13 14 (B) in subparagraph (JJ), by inserting "and" at the end; and 15 16 (C) by adding at the end the following new 17 subparagraph: 18 "(KK) audiology services (as defined in sub-19 section (II)(3)) and hearing services (as defined in 20 subsection (ll)(5));". 21 (2)Hearing Services Defined.—Section 22 1861(ll) of the Social Security Act (42 U.S.C. 23 1395x(ll)) is amended—

1	(A) in the subsection heading, by inserting
2	"; Hearing Services" after "Audiology
3	Services"; and
4	(B) by adding at the end the following new
5	paragraph:
6	"(5) The term 'hearing services' means—
7	"(A) routine hearing exams and exams for
8	hearing aids; and
9	"(B) other necessary services related to hearing
10	health (as defined by the Secretary).".
11	(b) Payment; Coinsurance; and Limitations.—
12	(1) In General.—Section 1833(a)(1) of the
13	Social Security Act (42 U.S.C. 1395l(a)(1)), as
14	amended by sections 2 and 3, is further amended—
15	(A) by striking "and" before "(EE)"; and
16	(B) by inserting before the semicolon at
17	the end the following: ", and (FF) with respect
18	to audiology services (as defined in section
19	1861(ll)(3)) and hearing services (as defined in
20	section 1861(ll)(5)), the amount paid shall be
21	the payment amount specified under section
22	1834(z)".
23	(2) Payment and limits specified.—Section
24	1834 of the Social Security Act (42 U.S.C. 1395m),

1	as amended by sections 2 and 3, is further amended
2	by adding at the end the following new subsection:
3	"(z) Payment and Limits for Hearing Serv-
4	ICES.—
5	"(1) In General.—The payment amount
6	under this part for audiology services (as defined in
7	section 1861(ll)(3)) and hearing services (as defined
8	in section 1861(ll)(5)), shall be, subject to para-
9	graph (3), the applicable percent (specified in para-
10	graph (2)) of the lesser of the actual charge for the
11	services or the amount determined under the pay-
12	ment basis determined under section 1848.
13	"(2) Applicable percent.—For purposes of
14	paragraph (1), the applicable percent specified in
15	this paragraph is—
16	"(A) for the first year beginning at least 6
17	months after the date of the enactment of this
18	subsection, 0 percent;
19	"(B) for the year following the year speci-
20	fied in subparagraph (A) and each subsequent
21	year through the seventh year following the
22	year specified in subparagraph (A), the applica-
23	ble percent specified in this paragraph for the
24	previous year increased by 10 percentage
25	points; and

1 "(C) for the eighth year following the year 2 specified in subparagraph (A) and each subse-3 quent year, 80 percent. "(3) Secretarial authority.— 4 5 "(A) AUTHORITY TO APPLY LIMITA-TIONS.—The Secretary may apply reasonable 6 7 limitations on the extent to which audiology 8 services and hearing services are covered under 9 this part, including through application of a 10 prior authorization requirement. 11 "(B) AUTHORITY TO MODIFY COVERAGE.— Notwithstanding any other provision of this 12 13 title, if the Secretary determines appropriate, 14 the Secretary may modify the coverage under 15 this part of audiology services and hearing services to the extent that such modification is con-16 17 sistent with the recommendations of the United 18 States Preventive Services Task Force.". 19 (c) Payment Under the Physician Fee Sched-20 ULE.—Section 1848(j)(3) of the Social Security Act (42) 21 U.S.C. 1395w-4(j)(3)), as amended by section 2(d), is 22 further amended by inserting "(2)(KK)," before "(3)". 23 (d) Hearing Aids.— 24 (1) Repeal of ground for exclusion.— 25 Section 1862(a)(7) of the Social Security Act (42)

1	U.S.C. 1395y(a)(7)), as amended by section 3(g), is
2	further amended by striking ", hearing aids or ex
3	aminations therefor,".
4	(2) Definition of durable medical equip
5	MENT TO INCLUDE HEARING AIDS.—Section 1861(n
6	of the Social Security Act (42 U.S.C. 1395x(n)), as
7	amended by section 3, is further amended by insert
8	ing "hearing aids," before "and eyeglass lenses".
9	(3) Special payment rules for hearing
10	AIDS.—Section 1834(a) of the Social Security Ac
11	(42 U.S.C. 1395m(a)), as amended by sections 2
12	and 3, is further amended by adding at the end the
13	following new paragraph:
14	"(26) Payment and limits for hearing
15	AIDS.—
16	"(A) In General.—The payment amoun
17	under this part for hearing aids shall be, sub
18	ject to subparagraph (C), the applicable percen-
19	(specified in subparagraph (B)) of the amoun-
20	otherwise payable for hearing aids under this
21	section.
22	"(B) Applicable percent.—For pur
23	poses of subparagraph (A), the applicable per

cent specified in this subparagraph is—

24

1	"(i) for the first year beginning at
2	least 6 months after the date of the enact-
3	ment of this paragraph, 0 percent;
4	"(ii) for the year following the year
5	specified in clause (i) and each subsequent
6	year through the seventh year following the
7	year specified in clause (i), the applicable
8	percent specified in this subparagraph for
9	the previous year increased by 10 percent-
10	age points; and
11	"(iii) for the eighth year following the
12	year specified in clause (i) and each subse-
13	quent year, 80 percent.
14	"(C) Limitations and Secretarial Au-
15	THORITY.—
16	"(i) In general.—Payment may be
17	made under this part for an individual for
18	not more than one hearing aid per ear dur-
19	ing a 48-month period.
20	"(ii) Secretarial Authority.—
21	"(I) Authority to apply addi-
22	TIONAL LIMITATIONS.—The Secretary
23	may apply additional limitations on
24	the extent to which hearing aids are
25	covered under this part, including

1 through application of a prior author-2 ization requirement and through ap-3 plication of criteria for a minimum level of hearing loss for coverage of an initial or replacement hearing aid. 6 "(II) AUTHORITY TO MODIFY 7 COVERAGE.—Notwithstanding any 8 other provision of this title, if the Sec-9 retary determines appropriate, the Secretary may modify the coverage 10 under this part of hearing aids to the 11 12 extent that such modification is con-13 sistent with the recommendations of 14 the United States Preventive Services 15 Task Force.". (e) Effective Date.—The amendments made by

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to services furnished on or after
18 January 1 of the first year beginning at least six months
19 after the date of the enactment of this Act.

 \bigcirc