



American Association of Oral and Maxillofacial Surgeons

William J. Nelson, DDS
President

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December 1, 2015

The Honorable Earl “Buddy” Carter
US House of Representatives
432 Cannon House Office Building
Washington, DC 20515

Dear Congressman Carter:

On behalf of the 9,000 fellows and members of the American Association of Oral and Maxillofacial Surgeons (AAOMS), I thank you for introducing the “Dental and Optometric Care Access Act” (HR 3323), which, if passed, will prohibit federally controlled health care plans (such as ERISA plans) from capping fees on non-covered vision and dental services (NCS).

To date, more than 35 states have enacted legislation to address instances in which health plans seek to cap the amount a dentist may charge one of their enrollees for a service, even if the service is typically a non-covered service and not subject to insurer reimbursement. Since self-insured health plans are regulated by the Employee Retirement Income Security Act (ERISA), they are exempt from those state insurance laws. We are pleased to see that your legislation would help to rectify this inequity.

Additionally, we appreciate language in HR 3233 that would prohibit health plans from providing nominal or de minimis coverage where insurers may decide, for example, to cover all previously non-covered services at 5% of the provider’s normal charge, thereby avoiding the non-covered services’ law prohibition, but defeating the spirit of the law

Passage of the “Dental and Optometric Care Access Act” is important if we are to ensure that dental providers are able to provide quality care while charging reasonable and customary rates for services not covered by insurance. Please contact Ms. Jeanne Tuerk of the AAOMS Governmental Affairs Department at 847/678-6200 or jtuerk@aaoms.org if we can be of any assistance as you move HR 3233 through the legislative process.

Sincerely,

Louis K. Rafetto, DMD
President