

ACA's Impact on Dental Coverage: Quick Reference Guide



ISSUE	SUMMARY	NADP ACTIONS
Coverage	<p>Large Group Market (more than 100 employees*) Dental coverage sold outside Exchanges in this market is NOT directly impacted; however, see Exchanges, Taxation and Public Programs for potential issues.</p> <p>Small Group (100 or fewer employees*)/Individual Market (SGI): Beginning in 2014 dental policies sold in the SGI market will be significantly impacted by ACA. Health plans are only allowed to offer policies which include the Essential Health Benefits Package (EHBP) in the in SGI market (see Exchanges for dental exception.) Pediatric dental and vision services are required as part of EHBP, and therefore must be incorporated into all medical policies. Pediatric dental coverage which is part of family dental policies would therefore be duplicative of EHBP coverage. NOTE: The pediatric dental services that must be included in coverage are to be defined by HHS based on typical employer coverage. Definition is not expected until late2011.</p>	NADP led an industry-wide effort supporting the full implementation of the Stabenow-Lincoln amendment into ACA. Stabenow Lincoln, which unanimously passed the Senate Finance Committee, was only partially incorporated into statutory language, i.e. allowing separate dental policies inside the Exchange to meet the EHBP. NADP is leading both Congressional and regulatory efforts to allow separate dental policies to offer the pediatric dental benefit in conjunction with medical policies to assist in meeting the EHBP outside the Exchange. (see Regulations)
Exchanges	Separate dental policies meeting the pediatric dental services required by EHBP standards are allowed to be sold in the Exchanges (see Coverage). A consumer inside the Exchange can purchase a medical policy and separate dental policy to meet the EHBP requirements. States may have the option to allow for additional dental coverage beyond the pediatric benefit. Exchanges are open to SGI market starting in 2014, and states can elect to open to large groups in 2017.	NADP & DDPA are producing a White Paper to assist states in the inclusion of separate dental policies working inside the Exchanges.
Market Reforms	Excepted benefits defined under HIPAA (including stand-alone dental and vision policies) are exempt from ACA market insurance reforms. Consumer protections may be applied by federal or state regulation to the children's dental sold as part of the EHBP in the SGI market.	HHS sent a formal letter agreeing with NADP's legal memo stating market reforms are not applicable to HIPAA excepted benefits.
Taxation	Dental plans will be subject to some of the tax provisions in ACA, including the assessment fee; however, dental was removed from the excise tax on high value coverage.	NADP provided critical information to the union led coalition which was key in obtaining the dental exemption from the excise tax.
Oral Health	There are several positive provisions to improve oral health in ACA; however many will not be effective until funded by Congressional appropriations (separate from the cost of ACA). Provisions include dental caries disease management, public education campaigns on prevention, school based sealant programs, workforce improvements, improvements to national oral health reporting and surveillance statistics.	NADP is a coalition partner with over 60 consumer groups working towards funding of oral health provisions.
Public Programs	ACA expands federal subsidies for Medicaid to 133% of the poverty level. It also extends the CHIP program for low-income populations. The expansion of government dental programs may replace some dental coverage currently in place through employer groups.	NADP supports higher reimbursement rates for dental providers within public programs.
Regulations	There are provisions throughout ACA which instruct HHS, DOL, NAIC (and others) to produce regulations/rules implementing ACA. Some of these, especially the definition of children's dental services, will have a direct impact on dental plans. Members of the Senate have asked the Secretary of HHS to clarify by regulation that outside the Exchange in the SGI market, a separate dental policy covering the required pediatric dental services, purchased with a medical plan containing all other required coverage, can meet the EHBP requisite.	NADP has filed comments and met with Regulators regarding the operation of dental plans inside the Exchanges. NADP supports the Senators call for clarification regarding pediatric dental coverage outside of the Exchanges, in which HHS responded they will assist if appropriate under ACA.

v. April 2011. *This is not legal advice, and may change as additional information is made available or clarified.*

*From 2014 when the ACA requirement for all Americans to have coverage goes into effect until 2016, states can define small employer as 50 or fewer and large employer as 51 or more.