



**American Association of Oral and Maxillofacial Surgeons**

Douglas W. Fain, DDS, MD, FACS  
President

Scott Farrell, MBA, CPA  
Executive Director

July 11, 2017

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 re-introducing the "Dental and Optometric Care Access Act" (HR 1606), which, if passed, will prohibit federally controlled healthcare plans from capping fees on non-covered vision and dental services.

To date, more than 39 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 1606 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 percent 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 1606 through the legislative process.

Sincerely,

Douglas W. Fain, D.D.S., M.D., F.A.C.S.  
President