

118TH CONGRESS  
1ST SESSION

# H. R. 1422

To amend title XIX of the Social Security Act to improve oral health care and dental benefits under the Medicaid program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2023

Mr. SIMPSON introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to improve oral health care and dental benefits under the Medicaid program, and for other purposes.

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 “Strengthening Med-  
5 icaid Incentives for Licensees Enrolled in Dental Act” or  
6 the “SMILED Act”.

1 **SEC. 2. SUPPORT FOR ENSURING INDIVIDUALS ENROLLED**  
2 **IN MEDICAID HAVE DENTAL SERVICES AC-**  
3 **CESS EQUAL TO THE POPULATION OF THE**  
4 **STATE.**

5 Section 1903 of the Social Security Act (42 U.S.C.  
6 1396b) is amended by adding at the end the following new  
7 subsection:

8 “(cc) **EQUAL ACCESS TO ORAL HEALTH CARE**  
9 **PLAN.**—

10 “(1) **PROVIDER PARTICIPATION AND ACCESS**  
11 **REQUIREMENTS.**—Not later than 1 year after the  
12 date of enactment of this paragraph, a State shall  
13 provide the Secretary with assurances that adminis-  
14 trative barriers to the participation of licensed den-  
15 tists under this title will be addressed, by—

16 “(A) improving eligibility verification;

17 “(B) ensuring that any such dentist may  
18 participate in a publicly funded plan without  
19 also having to participate in any other plan;

20 “(C) simplifying claims forms processing;

21 and

22 “(D) assigning a single plan administrator  
23 for the dental program.

24 “(2) **STUDY ON DENTIST PARTICIPATION.**—Not  
25 later than 3 years after the date on which the assur-  
26 ance under paragraph (1) is submitted, each State

1 shall conduct a study to determine whether the par-  
2 ticipation of licensed dentists have increased fol-  
3 lowing the assurance provided under paragraph  
4 (1).”.

5 **SEC. 3. DENTAL AND ORAL HEALTH SERVICES DEFINED;**  
6 **AUDIT REQUIREMENT.**

7 (a) DENTAL AND ORAL HEALTH SERVICES DE-  
8 FINED.—Section 1905 of the Social Security Act (42  
9 U.S.C. 1396d) is amended—

10 (1) in subsection (a)(10), by inserting “and  
11 dental and oral health services (as defined in sub-  
12 section (jj))” after “dental services”; and

13 (2) by adding at the end the following new sub-  
14 section:

15 “(jj) DENTAL AND ORAL HEALTH SERVICES.—

16 “(1) IN GENERAL.—For purposes of subsection  
17 (a)(10), the term ‘dental and oral health services’  
18 means dentures and denture services, implants and  
19 implant services, and services necessary to prevent  
20 oral disease and promote oral health, restore oral  
21 structures to health and function, reduce oral pain,  
22 and treat emergency oral conditions, that are fur-  
23 nished by a provider who—

24 “(A) is legally authorized to furnish such  
25 items and services under State law (or the

1 State regulatory mechanism provided by State  
2 law);

3 “(B) is initially credentialed by a State  
4 Medicaid program (or the designated entity of  
5 such program) through an integrated data col-  
6 lection system, as described in paragraph (3);  
7 and

8 “(C) is, as applicable, re-credentialed  
9 through such integrated data collection system  
10 by a State Medicaid program (or the designated  
11 entity of such program).

12 “(2) SELECTION OF DATA COLLECTION SYS-  
13 TEM.—Not later than one year after the date of en-  
14 actment of this subsection, the State Medicaid Di-  
15 rector shall select an integrated data collection sys-  
16 tem (as defined in paragraph (3) that—

17 “(A) minimizes provider paperwork bur-  
18 den; and

19 “(B) communicates final credentialing de-  
20 cisions to providers within 90 days of receipt of  
21 a completed application.

22 “(3) INTEGRATED DATA COLLECTION SYSTEM  
23 DEFINED.—For purposes of this subsection, the  
24 term ‘integrated data collection system’ means an  
25 electronic system maintained by a State and used

1 for purposes of enrolling, screening, and  
2 credentialing dentists under a State Medicaid pro-  
3 gram.”.

4 (b) DENTAL AND ORAL HEALTH SERVICES AUDIT  
5 REQUIREMENT.—Not later than 90 days after the date  
6 of enactment of this Act, a State Medicaid program, in-  
7 cluding a program offered by a sponsor of a Medicaid  
8 managed care plan, that offers dental and oral health serv-  
9 ices audits a claim for such dental and oral health services  
10 shall—

11 (1) utilize a licensed health care professional  
12 from the dental specialty area of practice being au-  
13 dited to establish relevant audit methodology con-  
14 sistent with—

15 (A) established practice guidelines, stand-  
16 ards of care, and State-issued dental Medicaid  
17 provider handbooks; and

18 (B) established clinical practice guidelines  
19 and acceptable standards of care established by  
20 the dental professional or specialty organiza-  
21 tions responsible for setting such standards of  
22 care;

23 (2) develop and implement, in consultation with  
24 the Centers for Medicare & Medicaid Services, a pro-  
25 cedure in which an improper payment identified by

1 an audit may be resubmitted as a claims adjust-  
2 ment, including the resubmission of—

3 (A) claims denied as a result of an inter-  
4 pretation of scope of services not previously  
5 held by the Centers for Medicare & Medicaid  
6 Services;

7 (B) documentation when the document  
8 provided is incomplete, illegible, or unclear; and

9 (C) documentation when clerical errors re-  
10 sulted in a denial of claims for services actually  
11 provided; and

12 (3) disallow the difference between the payment  
13 for the service that was provided and the payment  
14 for the service that should have been provided if a  
15 service was provided and sufficiently documented,  
16 but denied because it was determined that a dif-  
17 ferent service should have been billed.

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