

Senators Tammy Baldwin and Joni Ernst

ENSURING LASTING SMILES ACT

A bill to ensure coverage for congenital anomalies and birth defects

About four percent of children in the U.S. are born with congenital anomalies or birth defects that affect the way they look, develop, or function, often for the rest of their lives. Many born with congenital anomalies suffer from severe oral and facial defects such as cleft lip or palate, skeletal and maxillofacial deformities, hypodontia (absence of teeth), and enamel hypoplasia. Patients who do not have their craniofacial and other anomalies treated face long-term physical and psychological injuries. For example, severe dental anomalies that require surgery and other intensive care are a common symptom of Ectodermal Dysplasias, a rare congenital disease. Individuals who suffer from ED and other craniofacial anomalies can expect to incur significant out of pocket costs on reconstructive oral and dental procedures related to their disorder during their lifetime.

Most health plans provide coverage for congenital anomalies and many states require insurers to provide coverage of any health services related to congenital anomalies or birth defects. Despite this, health plans systematically and routinely deny or delay claims and appeals for any oral or dental related procedures- like reconstructive surgery for a cleft palate, under the pretense that such service is merely cosmetic or covered under separate dental plans. This is a common practice across the country and leaves families with the burden of how to pay for their child's treatment or procedures that are necessary to restore their ability to function.

Ensuring Lasting Smiles Act (ELSA)

The Ensuring Lasting Smiles Act would address these coverage denials and delays and ensure that children suffering from congenital anomalies or birth defects get the reconstructive treatment they need.

The bipartisan legislation would:

- Ensure that all health plans cover medically necessary services, including reconstructive surgeries and oral-related procedures, as a result of congenital anomalies or birth defects;
- Stipulate that such coverage include services and procedures that functionally repair or restore any missing or abnormal body part that is medically necessary to achieve normal body functioning or appearance, and clarifies that this includes adjunctive dental, orthodontic or prosthodontic support; and
- Exclude cosmetic procedures or surgery.

Support: The American Association of Oral and Maxillofacial Surgeons (AAOMS), the American Society of Plastic Surgeons (ASPS), the National Foundation for Ectodermal Dysplasias (NFED), American College of Surgeons, American Dental Association, American Academy of Dermatology Association, American Association of Orthodontists, Children's Hospital of Wisconsin, American Academy of Neurology, Rare and Undiagnosed Network (RUN) and EveryLife Foundation.