

Ensuring Lasting Smiles Act

Introduced by U.S. Senators Tammy Baldwin (D-WI), Joni Ernst (R-IA), Sherrod Brown (D-OH) and Lisa Murkowski (R-AK)

Bipartisan reform to ensure coverage for congenital anomalies and birth defects

About four percent of children in the U.S. are born with congenital anomalies that affect the way they look, develop, or function. Many born with congenital anomalies suffer from severe oral defects (such as cleft lip or palate, hypodontia, enamel hypoplasia), skeletal defects (such as craniosynostosis), vision defects (such as congenital cataracts or aphakia), hearing defects (such as microtia), or other loss of bodily functions. Individuals who do not receive timely, continuous care for their congenital anomalies 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 group and individual health plans include coverage for congenital anomalies, and many states require insurers to provide coverage for treatments of congenital anomalies. Despite this, health plans systematically and routinely deny or delay claims and appeals for treatment of congenital anomalies by wrongfully categorizing certain treatments or body parts as cosmetic or not medically necessary. This is a common practice that leaves families with the burden of paying the full cost of their child's medically necessary treatments, despite maintaining private health plans.

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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 treatment they need and deserve.

Specifically, the legislation would:

- Ensure that all group and individual health plans cover outpatient and inpatient items and services related to the diagnosis and treatment of a congenital anomaly or birth defect;
- Stipulate that such coverage include services and procedures that improve, repair, or restore function due to a congenital anomaly or birth defect, including treatment to any missing or abnormal body part that would otherwise be covered for any other injury or sickness. The bill makes clear that this includes adjunctive dental, orthodontic or prosthodontic support; and
- Exclude cosmetic procedures or surgery

Original Cosponsors: Senators Amy Klobuchar (D-MN), Roger Marshall (R-KS), Jeanne Shaheen (D-NH), Roger Wicker (R-MS), Sheldon Whitehouse (D-RI), Thom Tillis (R-SC), Debbie Stabenow (D-MI), Kevin Cramer (R-ND), Chris Van Hollen (D-MD), John Boozman (R-AR), Gary Peters (D-MI), Susan Collins (R-ME), Ed Markey (D-MA), Shelley Moore Capito (R-WV), Cory Booker (D-NJ), Lindsey Graham (R-SC), Tina Smith (D-MN), Chuck Grassley (R-IA), Krysten Sinema (D-AZ), Jerry Moran (R-KS), Chris Murphy (D-CT), Steve Daines (R-MT), Richard Blumenthal (D-CT), Mike Braun (R-ID) and Jack Reed (D-RI)

Supporters: ELSA is endorsed by a broad coalition of national health care professional and patient advocacy organizations including the National Foundation for Ectodermal Dysplasias (NFED); American Association of Oral and Maxillofacial Surgeons (AAOMS); American Dental Association; Academy of General Dentistry; American Academy of Pediatric Dentistry; The Sturge-Weber Foundation; American Society for Dermatologic Surgery Association (ASDSA); The XLH Network, Inc.; American Academy of Neurology; Lymphedema

Advocacy Group; American Institute of Dental Public Health; Lupus and Allied Diseases Association, Inc.; American Society of Plastic Surgeons; Noah's Hope - Hope4Bridget; Genetic Alliance; PXE International; American Association of Women Dentists; American Behcet's Disease Association (ABDA); Usher 1F Collaborative; National Organization for Rare Disorders (NORD); International Pemphigus and Pemphigoid Foundation; Project Accessible Oral Health; FACES: The National Craniofacial Association; Children's Hospital of Wisconsin; Pathways for Rare and Orphan Studies (PROS); AmeriFace; and the American College of Surgeons.