

Ensuring Lasting Smiles Act

Introduced by U.S. Senators Tammy Baldwin (D-WI) & Joni Ernst (R-IA)

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, or enamel hypoplasia), 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 Ectodermal Dysplasias 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 having private health insurance.

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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 that primarily impacts the appearance or function of the eyes, ears, teeth, mouth, or jaw;
- 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 the treating physician determines is medically necessary. 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), Lisa Murkowski (R-AK), Ben Ray Lujan (D-NM), Thom Tillis (R-SC), Angus King (I-ME), Roger Marshall (R-KS), Jack Reed (D-RI), Chuck Grassley (R-IA), Richard Blumenthal (D-CT), Cory Booker (D-NJ), Jeff Merkley (D-OR)

Supporters: National Foundation for Ectodermal Dysplasias (NFED), American Academy of Pediatric Dentistry, American Dental Association, American Association of Oral and Maxillofacial Surgeons, Pathways for Rare and Orphan Solutions (PROS Foundation), Rare and Undiagnosed Network (RUN), American Institute of Dental Public Health, FACES: The National Craniofacial Association, Children's Wisconsin, Crane Dental Laboratory, Inc., American Cleft Palate Craniofacial Association, M-CM Network, American Academy of Ophthalmology, Ear Community, American College of Surgeons, Academy of General Dentistry, TMJ Association, American Association of Orthodontists, American Society of Plastic Surgeons, American Academy of Pediatrics, American Association for Pediatric Ophthalmology & Strabismus, and American Association for Dental, Oral, and Craniofacial Research.