

Ensuring Lasting Smiles Act (S. 754/H.R. 1916)

REQUEST: Please cosponsor the *Ensuring Lasting Smiles Act* (S. 754/H.R. 1916).

SUMMARY: This bipartisan legislation would require all private group and individual health plans (including plans regulated by ERISA) to cover medically necessary items or services as a result of congenital anomalies or birth defects; stipulate that such coverage includes items and services to functionally improve, repair, or restore any body part that is medically necessary to achieve normal body functioning or appearance, and clarify the inclusion of adjunctive dental, orthodontic or prosthodontic support. The bill excludes coverage for cosmetic surgery to reshape normal structures of the body to improve appearance or self-esteem. The *Ensuring Lasting Smiles Act* (ELSA) would address delays and denials in coverage and ensure that patients suffering from congenital anomalies receive the treatment they need – and deserve – in a timely manner.

BACKGROUND: Approximately 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 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. On average, children with congenital or developmental anomalies can expect anywhere from three to five surgical procedures before normalcy and function are achieved. 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 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.

PROBLEM: Most private 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 can 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 common practice 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.

SUPPORT: The Ensuring Lasting Smiles Act (S. 754/H.R. 1916) is supported by more than 40 organizations, including 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 (ACS), American Dental Association (ADA), American Academy of Dermatology Association (AAD), American Association of Orthodontists (AAO), American Academy of Neurology (AAN), March of Dimes, Rare and Undiagnosed Network (RUN), EveryLife Foundation, Pathways for Rare and Orphan Studies, SunnyStrong, and APS Type 1 Foundation Inc.

CONTACT: To cosponsor the Senate bill (S. 754), please contact [Erin Dugan@baldwin.senate.gov](mailto:Erin_Dugan@baldwin.senate.gov) (Sen. Baldwin) or [Anna Breen@ernst.senate.gov](mailto:Anna_Breen@ernst.senate.gov) (Sen. Ernst). To cosponsor the House bill (H.R. 1916), please contact Aisling.Mcdonough@mail.house.gov (Rep. Eshoo) or Miller.Robinson@mail.house.gov (Rep. Ferguson).