

Kathleen T. O'Loughlin, D.M.D., M.P.H.
Executive Director/Chief Operating Officer

November 18, 2009

The Honorable Ann Cummings
Chair, Health, Long-Term Care & Health
Retirement Issues Committee
National Conference of Insurance Legislators
385 Jordan Road
Troy, New York 12180

Dear Senator Cummings:

On behalf of the American Dental Association and our 157,000 member dentists, we thank the National Conference of Insurance Legislators for considering the merits of the *Model Act Banning Fee Schedules for Uncovered Dental Services*, sponsored by Rep. Brian Kennedy of Rhode Island. As you know, the model provides guidance to states on developing policy prohibiting insurers from capping fees for *non-covered* dental services.

Increasingly, health plans offering dental coverage are changing their billing and payment policy by limiting the amount a participating dentist can bill the patient for services not covered by the plan. This growing marketing strategy exceeds the traditional third party payer-practitioner relationship in a manner that can disrupt dental patients' access to dentists and that unfairly shifts risk to dentists without reducing the cost of providing care. Allowing this practice to become universally adopted could risk an exodus of practitioners from networks, making it harder for the public to find dentists who accept their insurance.

It is for these reasons that we support the model bill to be discussed in the Health, Long-Term Care and Health Retirement Issues Committee on November 20th.

ADA policy reflects the views of the 157,000 member dentists. The 2009 ADA House of Delegates adopted the following policy:

- **Maximum Fees for Non-Benefitted Services**
 - **Resolved**, that, as a matter of policy, the American Dental Association opposes any third party contract provisions that establish fee limits for non-scheduled dental services, and be it further
 - **Resolved**, that the American Dental Association continue to actively pursue passage of federal legislation to prohibit ERISA covered plans from applying such provisions, and be it further


November 18, 2009

Page 2

- **Resolved**, that the American Dental Association encourage constituent dental societies to work for the passage of state legislation to prohibit insurance plans from applying such provisions.

Again, the ADA wishes to extend appreciation on behalf of its membership for NCOIL's consideration of the *Model Act Banning Fee Schedules for Uncovered Dental Services*.

Sincerely,



Kathleen T. O'Loughlin, D.M.D., M.P.H.
Executive Director

KTO:jh

cc: Health, Long-Term Care, Health Retirement Issues Committee
Mr. Jordan Estey, director, Legislative Affairs & Education, National Conference of Insurance Legislators
Dr. Ronald L. Tankersley, president, American Dental Association
Mr. William M. Prentice, senior vice president, Division of Government & Public Affairs, American Dental Association
Mr. Jon B. Holtzee, director, State Government Affairs, American Dental Association
Dr. David M. Preble, director, Council on Dental Benefit Programs, American Dental Association