

Ensuring Lasting Smiles Act (S. 560/H.R. 1379)

Section-by-Section Summary

Section 1. SHORT TITLE. Ensuring Lasting Smiles Act

Section 2. COVERAGE OF CONGENITAL ANOMALY OR BIRTH DEFECT. Amends the Public Health Service Act (PHSA), the Employee Retirement Income Security Act of 1974 (ERISA), and the Internal Revenue Code to require coverage under private group and individual health plans for outpatient and inpatient services related to the diagnosis and treatment of a congenital anomaly or birth defect.

Coverage. Includes any service to functionally improve, repair, or restore any body part that is medically necessary to achieve normal body functioning or appearance, as determined by the treating physician. Coverage may be subject to coverage limits, such as pre-authorization or pre-certification, as required by the plan or issuer that are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

Treatment Defined. Includes patient and outpatient care and services performed to improve or restore body function or to approximate a normal appearance, due to congenital anomaly or birth defect and shall include treatment to any and all missing or abnormal body parts, (including teeth, the oral cavity, and their associated structures) that would otherwise be provided under the plan or coverage for any other injury and sickness, including inpatient and outpatient care, reconstructive services and procedures, and complications, including prosthetics and appliances; adjunctive dental, orthodontic or prosthodontic support from birth until the medical or surgical treatment of the defect or anomaly has been completed, including ongoing or subsequent treatment required to maintain function or approximate a normal appearance; procedures that do not materially restore or improve the function of the body part being treated; and procedures for secondary conditions and follow-up treatment. Treatment shall not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

Grandfathered Plans. Ensures that grandfathered health plans include such coverage.

State Laws. A state may establish, implement, or continue in effect standards and requirements that provide stronger coverage protections for patients.

Effective Date. Would apply to group health plans for years beginning on or after January 1, 2020, and with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.