

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

## 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 medically necessary item or 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 due to a congenital anomaly or birth defect. Coverage may be subject to coverage limits (such as medical necessity, pre-authorization or pre-certification) and cost-sharing requirements (such as coinsurance, copayments, and deductibles) as required by the plan or issuer.

**Treatment Defined.** Includes inpatient and outpatient items and services performed to improve, repair, or restore bodily function or to approximate a normal appearance due to a congenital anomaly or birth defect and includes 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 any items or services, such as inpatient and outpatient care, reconstructive services and procedures, and complications thereof; 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 materially improve, repair, or restore bodily function; and procedures for secondary conditions and follow-up treatment associated with the underlying congenital anomaly or birth defect. Treatment shall not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

**Rule of Construction.** Includes a rule of construction to reiterate the intent of the bill and ensure that private group and individual health plans, including ERISA plans, must provide benefits for coverage as described.

**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, 2022, and with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.