

The Supreme Court Upholds Major Aspects of Affordable Care Act But Makes Adult Medicaid Dental Benefits Optional

By a vote of 5 to 4, the Supreme Court ruled on June 28, 2012 to uphold the Patient Protection and Affordable Care Act (ACA). While this momentous ruling protects the ACA's opportunities to expand oral health benefits for those in need, State Oral Health Programs (SOHPs) now are challenged to provide leadership to ensure that the ACA's authorized oral health provisions are funded and programs are developed to realize the full potential of the legislation.

The ACA contains the following provisions, but while authorized, many elements of the legislation are as yet unfunded:

- The establishment of the Prevention and Public Health Trust Fund with programs in prevention, wellness, and public health activities which can include oral health.
- The provision of school-based sealant programs through federal grants to each of the 50 states and territories and to Indians, Indian tribes, tribal organizations and urban Indian organizations.
- An Oral Healthcare Prevention Education Campaign which charges the Secretary of DHHS to conduct planning activities for a 5-year national public education campaign that is focused on oral healthcare prevention and education.
- A provision on Oral Health Services for Children that requires State Benefit Exchanges to include oral health services for children and prohibits cost sharing on preventive services.
- Community Transformation Grants that establish grants to states and local agencies for preventive services outside the traditional health and dental practitioners' office.

ASTDD and our national partners continue to promote the advancement and funding of these vital provisions to enhance the potential of SOHPs to meet the needs of the underserved and reduce oral health disparities.

Sadly, the Supreme Court ruled that states would have the option, rather than be required, to expand Medicaid benefits to adults at or below 133 percent of the federal poverty level. Oral health benefits for adults will remain optional for states to provide, and there will be no penalty for states that choose not to expand their adult Medicaid coverage to the levels established by the ACA.

Millions of underserved adults will remain without Medicaid dental benefits and other essential health care services in states that choose not to expand Medicaid benefits to adults. SOHPs will remain on the front line of the fight to improve the public's oral health even as the burden of oral disease grows heavier. This is a time for a call to action and to build awareness of the importance of oral health in building a strong America.

Guidance for SOHP leaders can be found in ASTDD's Core Competencies, a guide for enhancing community-based oral health efforts. These efforts can serve to build awareness of the potential to advance the ACA's provisions that can assist underserved populations in seeking and obtaining services.

Of the seven Domains within the Core Competencies, Domains #1, #3, and #7, listed below, outline the necessary action steps.

- ❖ **Build Support**: State oral health programs establish strong working relationships with stakeholders to build support for oral health through promotion, disease prevention and control.
- ❖ **Influence Policies and Systems Change**: State oral health programs promote and implement strategies to inform, enhance or change the health-related policies of organizations or governmental entities capable of affecting the health of populations.
- ❖ **Lead Strategically**: State oral health programs create strategic vision, serve as a catalyst for change and demonstrate program accomplishments

<http://www.astdd.org/docs/CompetenciesandLevelsforStateOralHealthProgramsfinal.pdf>

ASTDD has resources that can be used by states to assist in implementing efforts to support the viability of state and local health departments' oral health programs and to build strong coalitions to face both the opportunities and the challenges in the newly shaped ACA. Those resources include our Best Practice Project, as well as technical assistance around data collection, communication, evaluation and working with partners. Engaging partners and stakeholders has never been more critical than now!