

The Dental and Optometric Care (DOC) Access Act

Introduced by: Senator Manchin

Original Co-Sponsor: Senator Cramer

Summary: The Dental and Optometric Care (DOC) Access Act aims to take control of important health care decisions from insurers and back into the hands of dental and vision care patients and their doctors. The DOC Access Act would allow dentists, optometrists, and ophthalmologists to use the medical labs of their choice and provide clarity for doctors, patients and insurers on what can be charged for services that insurers do not cover.

The legislation is based on and complements existing laws in 44 states. These state laws provide patients with greater access to dental and vision care when their doctors are not constrained by contractual language that puts profit over what's best for the patient.

The Problem: Doctors set a list price for their services while insurers set the price they are willing to cover. Since insurers set rates, doctors often take a loss on services after the rate price has been negotiated, especially services that insurers do not fully cover. Insurers also set rates on services that they do not cover, which requires doctors to negotiate the services that will be billed to patients.

For doctors, many of whom operate their practice as a small business, these harmful rate-setting agreements have led to a loss of independence and tightened operating margins for smaller health care practices. This plan behavior has also put smaller vision and dental plans at a competitive disadvantage. Within the vision plan market, the most dominant plans cover nearly two-thirds of Americans with vision coverage. The two most dominant plans also own retail optical stores, manufacture and sell frames and lenses, and operate laboratories that turn materials into finished eyeglass products. And to make matters worse, the leading national vision plan announced plans to institute a unilateral and drastic cut in fees paid to doctors when they provide patients with prescription lenses from competing companies during the middle of a pandemic.

Company control over patient choice has also minimized patients' access to the care they need, put smaller vision and dental plans at a competitive disadvantage, all while forcing doctors to accept potentially damaging terms of a plan-provider agreement or be forced out-of-network for patients in their area.

The Solution: The DOC Access Act complements existing laws in 44 states and would provide better access to care for patients, diversify patient choices in the vision and dental markets, and provide doctors with more freedom to make smart decisions for their small businesses. However, because laws enacted at the state levels do not apply to federally regulated dental and vision plans, which comprise up to half of those with dental and

vision coverage in most states, the DOC Access Act is necessary to return decision making control back to patients and their doctor.