

November 18, 2020

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mitch McConnell  
Senate Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Kevin McCarthy  
House Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Chuck Schumer  
Senate Minority Leader  
United States Senate  
Washington, DC 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

On behalf of the Academy of General Dentistry (AGD) and its 40,000 members, I would like to thank you and your colleagues' efforts to confront the 2019 novel coronavirus (COVID-19). The bipartisan relief packages you stewarded through Congress earlier this year provided critical assistance to many small business dental practices.

Now is the time for an additional relief package to help support our nation's oral health care system and the patients it serves. AGD respectfully requests that the following priorities be addressed in such a package.

**Create Pandemic-Related Tax Incentives** – Tax credits are necessary to offset the cost of acquiring personal protective equipment (PPE) and implementing other infection control improvements within dental practices. Enhanced infection control measures are essential to providing care in the dental setting for the duration of this pandemic. However, increased costs due to limited supply and high demand impose a significant financial burden on practices today.

Nine out of ten general dentists (91%) are experiencing higher than typical operating costs compared to pre-pandemic operations, and 39.2% of general dentistry practices have less than 14 days' worth of N95/KN95 masks.<sup>1</sup>

**Provide Liability Protections** – General dentists and other health care providers that follow public health guidelines/standards during the pandemic must have targeted and temporary exposure liability protections. Without explicit protection, dentists will be providing care to patients while facing the threat of having potentially unsubstantiated and costly lawsuits levied against them.

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<sup>1</sup> **COVID-19: Economic Impact on Dental Practices Specialist Report - Week of November 2.** Health Policy Institute - American Dental Association. November 18, 2020. Available at: <https://www.ada.org/en/science-research/health-policy-institute/covid-19-dentists-economic-impact>

A recent study published in the *Journal of the American Dental Association* found that the CDC's current infection control recommendations may be sufficient to prevent infection in dental settings and that most practicing dentists used PPE according to the CDC's guidance.<sup>2</sup> Liability protections for dentists following guidance could reinforce this positive occurrence in dentistry. The pandemic has already created a climate of risk and uncertainty in everyday life. Failure to protect the health care providers working to keep Americans in good health only exacerbates the challenges they are confronting in the delivery of care.

**Enhance the Paycheck Protection Program (PPP)** – PPP loans have been a pillar of support for general dentists and many other small businesses across the U.S. throughout this ongoing pandemic. A recent survey by the ADA's Health Policy Institute (HPI) found that 90% of dentists surveyed had applied for a PPP loan.<sup>3</sup> The latest data from the HPI reported that 61% of general dentistry practices are still seeing lower than usual patient volumes, with 27% of practices currently "breaking even" and 13% operating unprofitably.<sup>4</sup>

Please remedy the situation caused by the IRS's guidance (Notice 2020-32), which bars the deduction of business expenses paid using a forgiven PPP loan. There is bipartisan agreement that when the CARES Act created the PPP, the intent in Section 1106(i) of the legislation was for loans to be forgiven tax-free, inclusive of deducting forgiven expenses. Denying businesses' ability to deduct expenses paid for with a forgivable PPP loan places additional hardships on already struggling small businesses.

Amending the Small Business Act and the CARES Act to allow for a second draw of PPP loans may be one of the most effective methods of ensuring small businesses, including many dental practices, are able to stay open and continue recovering. Improvements we would appreciate in future PPP loans include expanding eligibility to 501(c)(6) organizations, streamlining loan forgiveness, and incorporating PPE in the non-payroll costs allowable in the use of future loans.

**Safeguard Flexible Spending Accounts (FSA)** – Unfortunately, the pandemic has resulted in many people forgoing or delaying routine dental or medical care in 2020, evidenced by consistently lower than average patient volumes since the pandemic's onset. Americans who acted proactively and contributed money to an FSA in 2020 are at risk of losing hard-earned benefits at the end of the year due to circumstances outside their control.

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<sup>2</sup> **Estimating COVID-19 prevalence and infection control practices among US dentists.** Estrich C.G., Mikkelsen M., Morrissey R., Geisinger M.L., Ioannidou E., Vujicic M., Araujo M.W.B. November 2020. *Journal of the American Dental Association*, 151 (11), pp. 815-824. Available at: [https://jada.ada.org/article/S0002-8177\(20\)30658-9/fulltext](https://jada.ada.org/article/S0002-8177(20)30658-9/fulltext)

<sup>3</sup> **COVID-19: Economic Impact on Dental Practices Week of September 7 Results.** Health Policy Institute - American Dental Association. September 16, 2020. Available at: <https://www.ada.org/en/science-research/health-policy-institute/covid-19-dentists-economic-impact>

<sup>4</sup> **COVID-19: Economic Impact on Dental Practices Specialist Report - Week of November 2.** Health Policy Institute - American Dental Association. November 18, 2020. Available at: <https://www.ada.org/en/science-research/health-policy-institute/covid-19-dentists-economic-impact>

Allowing individuals to roll over the unused balance of their 2020 FSA funds to 2021 is a reasonable solution that does not unjustly penalize those who planned ahead. As you know, FSAs can be a powerful tool to help individuals pay for necessary dental care and services.

As primary care doctors specializing in oral health, it is imperative that dental practices are supported during this time of uncertainty and financial strain so that they are able to continue to provide oral health care in an environment that is safe for patients, staff, and themselves.

The AGD appreciates your leadership and stands ready to work with you to address this unprecedented public health threat. If you or your staff have any questions, please contact Daniel J. Buksa, JD, Associate Executive Director of Public Affairs, by phone at (312) 440-4328 or via email at [daniel.buksa@agd.org](mailto:daniel.buksa@agd.org) to let us know how we may be of further assistance.

Sincerely,



Bruce Cassis, D.D.S., MAGD  
President  
Academy of General Dentistry



Myron (Mike) Bromberg, D.D.S.  
Congressional Liaison  
Academy of General Dentistry