

Newsletter

Volumn 61, Issue 2

Get a Grip on Compliance

dentassist is providing

The Mandatory 8-hour Infection Control Course for the unlicensed Dental Assistant & the California Dental Practice Act

Sponsored by the Fresno-Madera Dental Society

Clinical Class Schedules & Locations:

Friday, June 24, 9:00 a.m.-1:00 p.m.—Madera Friday, June 24, 1:00 p.m.-5:00 p.m.—Madera Saturday June 25, 9:00 a.m.—1:00 p.m.—Fresno Fresno-Madera Special Member Price: \$365

Please call us to register.

916.443.1113

dentassist.com



Please note the correct dates on the above notification. This course is for all D.A.'s (unlicensed dental assistants) and is mandated by the Dental Board of California. D.A.'s may not sign up for, or take any test for an RDA license without taking and passing this 8 hour infection control and the two hour Dental Practice Act courses. CPR certification is also a new requirement. Any courses that have been taken through the Fresno-Madera Dental Society do not qualify for the 8 hour infection control course. Unless your dental assistant can produce verification of having completed this requirement through their dental assisting training institute, they have not met this mandate.

The two scheduled dates above can only accommodate 24 students at one time, and registration must be made in advance as 4 hours of bookwork is required prior to taking the remaining 4 hours of hands on training.

Dentassist is an approved provider of this course. Seating is limited. 12 per class, 24 per day. Please call the dental society if you have any questions. 438-7284.

Additional language from the Dental Board of California on page 4. Call Val or Dawn if you have any further questions. 438-7284

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SALVATION ARMY



Let's help fight hunger together through the month of June. You can participate by having food donations dropped off at your address. Easy and non-disruptive to your practice., Dr. Leisle is encouraging others to volunteer their office site as a drop-off point..

For now you can drop off (Non-Perishable items only):

Monday through Wednesday

8:30 a.m.—5:00 p.m.

Thursday

8:00 a.m. to 3 p.m.

SPONSORED BY:

Dr. Greg Leisle 6245 N. Fresno, #103 Fresno, CA 93710

Northwest corner of Fresno and Escalon Between Bullard and Sierra (559) 432-66 To volunteer your office as a drop-off society office at 438-7284.

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Upcoming Meetings (Can be accessed on FMDS.com website under Calendars.

September 9-11 CDA Presents San Francisco Summer Break for General Meetings (June through August)

FMDS Summer CCDC -September 16—Dr. Okeson presenting "Occlusion, Joint Stability and Temporomandibular Disorders"



SAINTAPOLLONIA

Patroness of Dentis

Did you know this?

aint Apollonia was one of a group of virgin martyrs who suffered in <u>Alexandria</u> during a local uprising against the <u>Christians</u> prior to the persecution of <u>Decius</u>. According to legend, her <u>torture</u> included having all of her <u>teeth</u> violently pulled out or shattered. For this reason, she is popularly regarded as the <u>patroness</u> of <u>dentistry</u> and those suffering from <u>toothache</u> or other dental problems.

The Mission of the Fresno-Madera Dental Society is to Serve the Professional Needs of Its Members and Assist Them in Enhancing the Oral Health of The Community.



MY PATIENT FILED BANKRUPTCY - WILL I BE PAID?



According to creditcards.com, "California continued to lead the nation in 2010, with more than 59,000 filings for the first quarter of the year, followed by Florida, with nearly 26,000 filings. Illinois also topped the 20,000 mark. In California, filings soared by more than 40 percent over the previous year, while in Florida the number jumped by more than one-quarter." With such staggering data, it is no wonder dental practices are reporting an increase in the number of patients filing bankruptcy.

Even when a patient has a large outstanding balance, many practices are unaware of the severity of their financial situation until a notice of bankruptcy filing arrives. This filing will most likely come in the form of a notice to you by the bankruptcy court. Individuals file bankruptcy to discharge all or as much of their debt as possible; sadly, this often includes dental bills.

There are three different bankruptcy proceedings to be aware of 7, 11, & 13.

Chapter 7- This proceeding is the most common and is known as a straight or liquidation bankruptcy. The only money available towards a debtor comes from assets that can be seized and sold, but a primary residence and car are often exempted. Since there are often little assets to sale, your chances of seeing any payments from your patient are slim to none.

Chapter 11- This is the least common filing you will encounter. This is a reorganization proceeding where debtors try to keep their property and use it in the reorganization. It can be a long and drawn out process. Similar to Chapter 7, the chances of a debt being paid are slim to none.

Chapter 13- Also known as a repayment bankruptcy, and your most likely chance of receiving payments towards the patient's account. Chapter 13 allows individuals with a regular income to develop a plan to repay all or part of their debts usually over three to five years. Payments are made to a trustee, who then distributes them to identified creditors.

Dentists, who wish to be included in the repayment distribution for a chapter 13 filing, must contact the trustee or court and ask to be included in the initial meeting of creditors. A claim must then be filed with the court, within 90 days after the meeting, according to U.S. Bankruptcy Court. After the meeting, the debtor, the trustee, and those creditors who wish to attend, will come to court for a hearing to establish the debtor's repayment plan.

It can be upsetting when a notice of bankruptcy arrives from a patient that already has an outstanding balance. The initial reaction is to immediately discontinue treatment and attempt to pursue the balance. However, both of these actions could have possible negative results. Once a notice of bankruptcy arrives, discontinue **all** collection attempts against the patient or the patient's property. If a collection agency is involved, they must be notified of the bankruptcy and informed that collection efforts must discontinue.

If the patient is in the midst of treatment or in a provision state, such as a crown, treatment must be completed before the patient can be dismissed from the practice. After treatment is completed, the patient can be sent a formal withdraw from care letter.

If you receive notice of a bankruptcy filing from a patient of record, consider the follow:

Do not discontinue treatment without giving the patient adequate notice to secure the services of a new treating dentist. You must complete any treatment that is in a provisional state before formally withdrawing from care.

Stop all collection efforts towards the patient's account. This includes phone calls and statements. If the account is currently being handled by a collection agency, inform them that collection attempts must stop. You may still pursue pending insurance payments.

Depending on the type of bankruptcy proceeding If you determine whether you are listed on the debtor's

Continued from page 3

schedule of creditors. If you are not, request to be added. You may have to write off the patients account balance if you are not included on the schedule of creditors.

Download and complete the official proof of claim form. Document the specifics of the debt and attach supporting information.

> http://www.uscourts.gov/uscourts/ RulesAndPolicies/rules/ BK Forms Official 2010/ B 010 0410.pdf

File your claim with the court where the patient filed bankruptcy as soon as possible.

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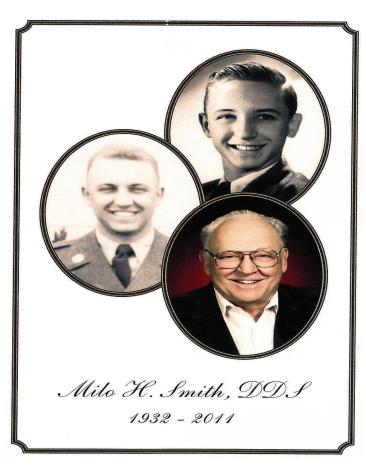
Requirements for all Unlicensed Dental Assistants

Business and Professions Code, Section 1750. (a) A dental assistant is an individual who, without a license, may perform basic supportive dental procedures, as authorized by Section 1750.1 and by regulations adopted by the board, under the supervision of a licensed dentist. "Basic supportive dental procedures" are those procedures that have technically elementary characteristics, are completely reversible, and are unlikely to precipitate potentially hazardous conditions for the patient being treated.

- (b) The supervising licensed dentist shall be responsible for determining the competency of the dental assistant to perform the basic supportive dental procedures, as authorized by Section 1750.1.
- (c) The employer of a dental assistant shall be responsible for ensuring that the dental assistant who has been in continuous employment for 120 days or more, has already successfully completed, or successfully completes, all of the following within a year of the date of employment:
 - (1) A board-approved course in the Dental Practice Act.
 - (2) A board-approved 8 hour course in infection control.
- (3) A course in basic life support offered by an instructor approved by the American Red Cross or the American Heart Association, or any other course approved by the board as equivalent and that provides the student the opportunity to engage in hands-on simulated clinical scenarios.
- (d) The employer of a dental assistant shall be responsible for ensuring that the dental assistant maintains certification in basic life support.
 - (e) This section shall become operative on January 1, 2010.

If additional information is needed, please email Dawn.Dill@dca.ca.gov.

Richard E. DeCuir Executive Officer Dental Board of California



Dr. Milo Smith was born in Loma Linda, California. His father, Lloyd Smith was attending medical school at Loma Linda at the time.

Milo graduated from high school at Upper Columbia Academy in Spangle, Washington in 1950, and then graduated from Walla Walla College in 1954. Soon after he was inducted into the U.S. Army.

Milo graduated from dental school in 1960 and practiced in Fresno for one and a half years. During this time he became editor for the dental society's newsletter, the Bulletin. Eventually, he moved to Kingsburg where he practiced until his retirement. Milo and his wife Jeanie both got their own pilot's licenses in 1967 and for a few years, owned their own airplane. Among his activities was his service on the Kingsburg Planning Commission for approximately 10-11 years, and being a member of the Kingsburg City Council for 14 years.

One of his fondest memories was when he was asked to take some soldiers to the White House to meet President Dwight David Eisenhower and was called by name by the President on his third visit.

Among his favorite activities were; Fishing, waterskiing, riding the cable cars in San Francisco, and of course practicing dentistry. Dr. Milo Smith passed away on March 25, 2011.

BECAUSE YOU ASKED

Q: Is there a requirement that dental offices go paperless by 2012 or 2013?

A: Going Paperless - Written by Teresa Pichay, CDA

Are you going paperless because you want to improve the systems in your office? Or are you going paperless because you heard it will be required in a few years, or you heard tax incentives are available? We've been hearing from dental offices, and it sounds like they are getting information from folks who either aren't telling the whole story or who don't know the whole story. Here's what we know.

The Bush Administration initiated the National Health Information Infrastructure project in 2004 and the program is being overseen by the U.S. Department of Health and Human Services. The implementation and use of electronic health record systems is a core part of the project. Currently, it is expected that the main components will be completed by 2015. At this time there is no federal requirement for health care providers to convert to paperless systems by that year. Indeed, the NHII uses the term "voluntary" when describing the program.

Advocacy groups have talked up the necessity of tax incentives for health care providers to implement electronic health record systems, and tax incentives were part of the discussions surrounding the federal economic stimulus package in early 2009. However, the American Recovery and Reinvestment Act of 2009 does not include tax incentives. The Recovery Act "authorizes bonus payments for eligible professionals and hospitals participating in Medicare or Medicaid if they become meaningful users of certified EHRs. These bonus payments will help lessen the financial burden for many healthcare providers to adopt this technology." This means that only certain eligible dental practices and clinics will be able to receive the bonus payments.

According to HHS, the incentive bonuses will begin in 2011. Beginning in 2015, Medicare can impose mandatory penalties for eligible professionals and hospitals that fail to demonstrate meaningful use of certified EHRs.

For more information on the National health Information Infrastructure, the bonus payments, and dentistry's role in NHII, refer to these Web sites:



California Employers Association—Call 800-399-5331 for membership information Articles written by Mari Bradford

Pregnancy Disability Leave 101

You have suspected it for a while and *finally* your employee has told you that they are pregnant and will need to take time off to care for their baby. When an employee comes to you to request a leave of absence, it can be pretty overwhelming! What laws do you follow, how much time do I have to give them off, what about benefits, etc.?!!? Depending on the size of your practice, you will have certain laws that you need to follow. There are more than 300,0000 babies born each month in the United States, so it is imperative that businesses be prepared for all of these new arrivals – one such rule is the Pregnancy Disability Leave (PDL) law for California employees.

If you have five or more employees on your payroll then your practice is covered by PDL. If your employee headcount has fluctuated, you may still be covered by PDL. The law states that if an employer has had five or more employees in 20 consecutive weeks in this year or the preceding calendar year, you are also required to follow PDL guidelines. Employees who are covered by PDL are eligible to take the leave from the first day of employment – there is no waiting period or minimum number of hours an employee must work for you before they are eligible to take leave.

In order to be eligible for PDL as stated in the provision of the law, an employee must be "unable to perform any one or more of her essential job functions with undue risk to herself, the successful completion of her pregnancy or to other persons". This means that a health care provider must certify that the employee is unable to perform her job functions, it does not mean that the employee walks in one day and says 'I want 5 months off and you have to give it to me'.

When an employee qualifies for PDL, they are eligible to take up to four months or the equivalent of 88 work days. These guidelines are for an employee who works full-time, so if you have an employee who only works in your office 2 days a week, they would only be eligible for a prorated amount of PDL.

As with all leaves, you may require employees to provide certification from a healthcare provider that states the following information; 1) the leave is required due to the fact that the employee is unable to work all or some of the essential functions of the job, 2)the date disable by pregnancy and 3) the expected duration of the leave. You can only ask this of an employee requesting PDL if

you request it of all other employees. You do not want to single an employee out just because they are pregnant and ask them to provide documentation that you do not require other employees to provide.

The employee should give you at least 30 days notice when their leave will begin unless due to lack of knowledge of when the leave or transfer will begin because of a change in circumstances or because of medical emergencies, then as soon as practical.

You should review your employee handbook to check to see if you include language regarding notice requirements since you must inform employees what type of notice you require. Once you have a handbook, you are required by law to include information regarding PDL as well as any other leaves your employees are covered under. If you have not updated your handbook lately, now is the time to contact CEA at 800-399-5331 to order a copy of the Sample Employee Handbook created just for dental offices. All of the language that is required regarding PDL, notice requirements and other leave regulations is already written for you and ready to be shared with your employees.

PDL is an unpaid leave - you are not required to continue an employee's salary while they are on PDL. You may require an employee to use sick time while they are on PDL, but you cannot require them to use their vacation or PTO. If an employee would like to use their accrued vacation or PTO they may, but you cannot require them to use it or automatically pay it out to them while they are on leave without their approval.

If you have more than 50 employees in your practice, then you will also need to follow the guidelines regarding FMLA (Family Medical Leave Act) and CFRA (California Family Rights Act). But if you do not have more than 50 employees, you are not required by law to follow those provisions.





Continued from page 6

If you provide medical benefits to your employees, you are not required to continue paying their benefits at the same level when they are on PDL. But you should follow the same practice for other leaves of absence for employees on PDL. For example, if you continue covering the cost of medical benefits for one month for other leaves, you must do the same with employees on PDL. If you do not cover the cost of benefits for other leaves, you do not have to with PDL. When you have an employee request PDL, you should contact your medical carrier or broker to discuss the best process for determining benefit continuation options with your employee.

Upon the completion of PDL, the employee must be returned to their same or comparable position at the same pay they were receiving before they left. There are very limited circumstances in which an employee may not be returned to their former position, if you have experienced a reduction in force during the employee's leave

of absence and their position would have been eliminated regardless of status, you may have legitimate grounds for termination. We strongly encourage you to contact legal counsel before you make any employment changes for an employee on a leave of absence.

Once an employee has finished their PDL, you can request that they provide you with a note from their medical provider stating that they are able to return to work and are released from disability. If an employee requests additional time off and they are no longer classified as 'disabled' by their medical provider, then you are no longer required to follow the PDL guidelines and reinstatement to their former position may not be required. Furthermore, you are not required to honor a request for a different job or schedule. Requests to return to a different position, work new hours, reduced hours, etc. should be handled just like any similar request from another employee.

Employee or Independent Contractor? The IRS will decide!

Three-year study. The IRS is randomly selecting 2,000 returns from all types of employers in the private, tax-exempt, and government sectors as part of the threeyear NRP payroll tax audit that began in February 2010. "This is the first time the IRS has conducted an employment tax study since the early 1980s. Based on studies from more than 10 years ago, the IRS has estimated that employment tax underreporting accounts for approximately \$54 billion of the \$345 billion tax gap (the difference between what taxpayers owe and what they pay). In other words, the IRS wants to be sure they are getting the proper amount of payroll taxes they are due.

Under Review. Employers selected for participation should expect to provide the IRS with a variety of documents, including:

- payroll tax records
- W-2 forms
- exemption worksheets (the IRS is taking a close look at worker classification).

Misclassifying a worker as an independent contractor,

when they should actually be classified as an employee, can result in liability for employment taxes and for the 100-percent penalty for failure to collect and account for employment taxes. The IRS uses three characteristics to determine the relationship between businesses and

workers --behavioral control, financial control, and the nature of the relationship.

isclassifying a worker as an independent contractor can result in liability for employment taxes ...

The Test. The basic test for determining whether a worker is an independent contractor or an employee is whether the principal (boss/owner) has the right to direct and control the manner and means by which the work is

performed. When the principal has the "right of control," the worker will be an employee even if the principal never actually exercises the control. If the principal does not have the right of direction and control, the worker will generally be an independent contractor.

What to Do. We encourage all employers to review the classification of all your independent contractors. Using the EDD employment determination guide, found at: http://www.edd.ca.gov/pdf pub ctr/de38.pdf an owner can determine whether a worker is most likely an employee or an independent contractor.

More questions? Give us a call, we can provide you with exemption worksheets and help you properly classify all of your employees!

AL'S DENTAL

So Long, Farewell, Auf Wiedersehen, Good By

A personal message from Al Johnson

We wanted to take a moment to give a sincere and grateful thank you for your support, loyalty and friendship over the past 30 years.

As you can imagine, a lot of thought went into the decision to sell the business and Benco Dental was a good choice. It is family owned with a focus on great customer service as a priority, and that was important to us. Greg, Tom and I (AI) will continue to do the best job for you and we hope to make the transition to Benco as smooth as possible.

Pat will be retiring, but will miss the friends made over these many years. Thank you again, and we look forward to the future.









Note from those at the dental society on behalf of our members, we thank you for your years of continued support of our dental conferences.

We are glad that you are staying for awhile Al, but will miss Pat. You have been a mainstay in dental circles as long as I can remember.

Best to all concerned. And to Benco—

WELCOME!!!

Val

FINGERPRINTS REQUIRED FOR LICENSE RE-

NEWAL by Teresa Pichay on 3/29/2011 CDA
Beginning July 1, licensed dentists, dental assistants, and dental hygienists who were licensed prior to January 1, 1999, or for whom an electronic record of fingerprint submission does not exist, are required to submit fingerprints as part of the license renewal process. Also, as a condition of renewal, a licensee must disclose if he or she has been convicted in the prior renewal cycle of any violation of law, except for traffic infraction under \$1,000 not involving alcohol, dangerous drugs, or controlled substances. Additionally, any disciplinary action against any other license held by the licensee must be disclosed.



THE GRAPEVINE BULLETIN PAGE 9

Scholarships Awarded to Reedley Dental Assisting Students



Most Outstanding Student Recognized

The California Dental Association (CDA) Foundation firmly believes that by working together we are able to create an environment where success with any project can be achieved, improved, and maintained. An example of this cooperative effort is seen in the four-part collaboration with the CDA Foundation, CDA, TDIC Insurance Solutions, and the Fresno-Madera Dental Society. The *Allied Dental Health Student Scholarship* program is sponsored by the CDA Foundation, generously funded by CDA and TDIC Insurance Solutions, and distributed by all of the participating CDA component dental societies.



Dr. Michelle Asselin presented \$500 scholarships to Reedley Dental Assisting Students.

Student achievement plays a crucial role in our efforts to expand the availability of oral health services to all Californians. Through this valuable scholarship program, each component is able to distribute up to \$1,000 in scholarships to deserving students enrolled in a California dental hygiene, dental assisting or dental laboratory technology program.

The Fresno-Madera Dental Society president, Dr. Michelle Asselin was pleased to award this year's scholarships to Ms. Wendy Jarvi and Ms. Raquel Dasher both students in the Reedley College Dental Assisting Program. Ms. Jarvi and Ms. Dasher were both chosen for their demonstrated leadership, outstanding academic achievements, volunteer community service and a desire to obtain a career in the dental field. They each received a \$500 scholarship.

Ms. Raquel Dasher was also selected by the students in the program as Reedley's most outstanding dental assisting student. She was awarded an additional \$100 and had her name placed on Reedley's perpetual plaque. The Fresno-Madera Dental Society is pleased to support such dedicated students as they complete their education and enter the <u>dental profession</u>.

To access the CDA Foundation's available funding opportunities, please visit their website at

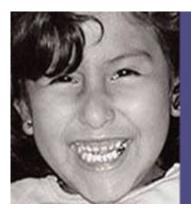
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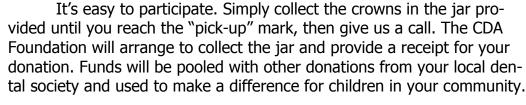
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The metals used in crowns are precious for many reasons, especially when it comes to helping kids smile a little brighter. By donating those metals through Crowns for Kids, you'll help fund essential programs in your community.



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