

# ODA Today

A publication of the Ohio Dental Association focusing on dentistry in Ohio

## QuickBites

### Renew your membership before benefits lapse!

If you have not already renewed your membership for 2019, your membership benefits will lapse on April 30.

The fastest way to renew is online at [www.oda.org/renew](http://www.oda.org/renew) or by phone at (800) 282-1526. Members can also fax their payment to (614) 486-0381 or mail it in with the envelope that was included with their dues statement.

Renew your membership to continue receiving access to all the Ohio Dental Association has to offer. The ODA is here for you - we've got you covered!

If you are a retired life member or have already paid your dues, thank you! You do not need to take any action.

## Inside

**Dental specialty update, part 1**  
From the Corner Office, page 2

**A visit from the Tooth Fairy**  
President's Message, page 2

**The power of grassroots advocacy**  
Legal Briefs, page 3

**Help with dental insurance is just a click, email or phone call away, part 1**  
Dental Insurance Corner, page 6

**Opinion & Editorial, page 11**

**Classifieds, pages 12 & 13**

## 2019 ODA Leadership Institute helps to equip members

By Jackie Best Crowe  
ODA Managing Editor

The 2019 ODA Leadership Institute – Aim High, Soar High – was held on March 15-16 at the Hilton Columbus at Easton Hotel. The event featured keynote presentations, round-table discussions, breakout sessions and opportunities for camaraderie and fellowship.

"This year's Leadership Institute was one of the most informative in a long time," said ODA President Dr. Michael Halasz. "From the congressional update by Mike Graham to the vaping update by Dr. Kumar, there was something for everybody. Dentists get five to six hours of CE for free, which is a great ODA membership benefit. I, personally, invited a new dentist for the MATCH event. She was so impressed with the whole program that she told me, 'It was refreshing to see so many more experienced dentists actually seeming invested in the next generation's careers.' To me, that's what this whole thing is about."

Leadership Institute is the ODA's award-winning program developed to help all ODA members become more successful and effective leaders. Attendees consistently rank the event as one of the top leadership development workshops. This event is free for ODA members, dental students and dental residents.



ODA Staff

More than 230 ODA members attended the 2019 ODA Leadership Institute in March.

"This was an excellent program with engaging speakers," said one survey respondent.

Leadership Institute kicked off with a presentation by Mike Graham, ADA vice president of government and public affairs, on "An Insider's Look at the Political Climate in Washington." He discussed the current political climate in Washington and its impact on dentistry.

Following lunch, attendees had the opportunity to attend two of the following one-hour breakout sessions:

- "The Power of Advocacy: Delivering a Positive Message for Dentistry" led by Graham; Dr. Matt Messina, an ADA spokesperson and member of the ADA's Council on Government Affairs; Adam

See LEADERSHIP, page 10

## ODA's Distinguished Dentist Award renamed in honor of Dr. Joe Crowley, ADA past president

By Jackie Best Crowe  
ODA Managing Editor

The ODA recently renamed the Distinguished Dentist Award to the Joseph P. Crowley Distinguished Dentist Award in honor of Dr. Joe Crowley, who recently completed his term as president of the American Dental Association.

"By renaming the ODA's Distinguished Dentist Award to honor Dr. Joseph P. Crowley, we are not just recognizing Joe's service as Ohio's first ADA president since Dr. Frank Casto served in that capacity way back in 1935, but we are celebrating Dr. Crowley's more than 30 years of outstanding and passionate leadership of the dental profession," said David Owsiany, ODA executive director. "His example will be an inspiration for all those who follow him."

The ODA Executive Committee and the ODA Ad-Interim Committee both voted unanimously to rename the award in honor of Crowley. Owsiany and the Executive Committee announced the new name at the 2019 ODA Leadership Institute.

Crowley, a general dentist from Cincinnati, has served as president at all three levels of organized dentistry and received the ODA



ODA Staff

ODA Executive Director David Owsiany (right) announces the renaming of the ODA Distinguished Dentist Award in honor of Dr. Joe Crowley (center) along with the ODA Executive Committee (front) and ADA 7th District Trustee Dr. Billie Sue Kyger (left).

Distinguished Dentist Award in 2013.

"I remember how proud I was in 2013 when the ODA gave to me its highest honor, the Distinguished Dentist Award. It was a humbling moment that continues to bring

delight to my life every day," he said. "Now, to have this award named in my honor is absolutely overwhelming. I did not expect

See DISTINGUISHED, page 3



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### The Director's Chair

David J. Owsiany, JD  
ODA Executive Director

Regular readers of this column know about the changes that have occurred related to dental specialty recognition and advertising regulations in recent years. Below is a quick review of major developments from the last few years and a review of recent criticisms of the current dental specialty recognition process. Next month, I will provide additional analysis of the dental specialty issue in the context of developments here in Ohio.

#### Dental specialty and scope of practice

In 2016, a decision by the U.S. Court of Appeals for the Sixth Circuit called into question the Ohio State Dental Board's rules, which at the time, required a dentist who met the requirements for dental specialty, and held him or herself out to be a specialist, to limit his or her practice exclusively to services within the announced specialty.

In response, the Ohio State Dental Board amended its rules making clear those dentists who meet the standards for specialty status and hold themselves out as specialists are no longer required to limit their practices exclusively to those specialty services. The ADA followed suit amending its "Principles of Ethics and Code of Professional Conduct" to end the requirement that dentists who choose to announce specialization must practice exclusively within that specialty.

Today, in Ohio, a dentist who meets the criteria for specialty status and holds him or herself out as a specialist may legally and ethically provide services beyond those related to the announced specialty.

## Dental specialty update, part 1

### Challenge to Texas dental specialty advertising rules

Down in Texas a few years ago, several dentists and the American Academy of Implant Dentistry, American Society of Dentist Anesthesiologists, American Academy of Oral Medicine and American Academy of Orofacial Pain brought suit against the Texas Dental Board challenging Texas' specialty advertising rules. The Texas rules limited dental specialty advertising to those dentists who satisfied the requirements for one (or more) of the nine specialties recognized by the ADA at the time: dental public health, endodontics, oral and maxillofacial pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, and prosthodontics.

In 2016, a U.S. District Judge granted the plaintiffs' motion for summary judgment finding that the Texas rules were an unconstitutional restriction of the plaintiffs' First Amendment right to free commercial speech. The Texas Dental Board appealed and in 2017, a split panel of the U.S. Court of Appeals for the Fifth Circuit upheld the summary judgment in favor of the plaintiffs by a 2-1 vote. The majority concluded that the Texas Dental Board did not meet its burden of demonstrating that the Texas rules restricting specialty advertising to the nine ADA-recognized specialties were necessary to protect the public from false and misleading advertising.

The impact of the Fifth Circuit's decision has largely been limited to Texas. Most states continue to set standards for specialty recognition and advertising in order to protect the public from false and misleading advertisements.

#### Changes at the ADA

It was not surprising that Texas relied on the ADA for specialty recognition in its rules. Many states continue to do so, and for good reason. For decades, the ADA has been considered the "gold standard"

for specialty designation in dentistry. The areas of dentistry recognized by the ADA are universally accepted as dental specialties within the dental community. However, in recent years, the ADA's specialty recognition process came under scrutiny, especially after an application for dental anesthesiology in 2012 appeared to satisfy the ADA's published criteria for specialty status but was not approved by the ADA House of Delegates.

In 2017, the ADA House of Delegates approved the creation of a new specialty recognition process by authorizing the formation of the National Commission on Recognition of Dental Specialties and Certifying Boards (NCRDSCB). This new independent commission is charged with developing, implementing and following objective standards for specialty recognition "to protect the public, nurture the art and science of dentistry, and improve the quality of care."

The NCRDSCB is made up of nine general dentists, a dentist from each of the specialties it recognizes and a public member. Moving the specialty recognition process from the ADA House of Delegates to NCRDSCB was intended to reduce potential or perceived bias or conflict of interest in the decision-making process for recognizing dental specialties. The NCRDSCB re-recognized the previously recognized nine ADA dental specialties and, on March 11, 2019, the NCRDSCB adopted a resolution based on an application from the American Society of Dentist Anesthesiologists to recognize dental anesthesiology as a dental specialty. Dental anesthesiology is now the 10th dental specialty to be recognized by the NCRDSCB and the first new dental specialty since oral and maxillofacial radiology was recognized in 1999.

The March 2019 issue of the "Journal of the American Dental Association" included a point-counterpoint on specialty recognition in dentistry. Dr. Mark Saxen,

See SPECIALTY, page 9



### President's Message

Michael Halasz, DDS  
ODA President

## A visit from the Tooth Fairy

An interesting thing happened to me not too long ago ... I caught the Tooth Fairy in the act. (No, not THAT act, you pervs!) You read that correctly, the Tooth Fairy. I did not want to waste the opportunity, so I decided to talk to the Tooth Fairy and ask him, that's right, him not her, a few questions ...

**Me:** So, uh, Mr. Fairy, what the heck do you do with all those teeth?

**TF:** You can call me "Frank." Well, I probably shouldn't tell you this, but I take them to the home office and they're ground up to be used as filler in fairy dust.

**Me:** That's NASTY!!

**TF:** Hey! We sterilize them first. OSHA, ya' know.

**Me:** OK, OK, OK. Well where do you get all that cash from? I mean, that's a lot of money to be dishing out to all those kids.

**TF:** I get it from the government.  
**Me:** Huh?

**TF:** I got a grant. Every year millions of dollars from the tax-payers meant for scholarships and other assistance programs go unused. Instead of using the money for something really useful, like Medicaid or Social Security, they reallocate the money for grants. I applied for a grant and I got it. It's a leftover piece of pork that originally helped get Carter elected. I even had enough money leftover to buy Tinkerbell a tennis bracelet.

**Me:** You mean you're using my tax dollars?!? That's not right.

**TF:** If that pisses you off, you better hope that Bernie Sanders never gets elected!

**Me:** No sh ... kidding. All right, so how do you get into all those houses?

**TF:** Well, I used to borrow Santa Claus's sleigh and go down the chimneys. You know the routine. But the reindeer went on strike.

**Me:** Seriously?

**TF:** Yup. Rudolph replaced Donner as the Union President. He decided all the reindeer were overworked. They also wanted benefits.

**Me:** Overworked?!? They work one night a year!! And what kind of benefits?

**TF:** Ya' know, antler and hoof coverage, accidental death from hunters, overtime pay, dental, the works. Santa was afraid that if the reindeer got extra benefits, the elves would be next, so I couldn't use his main reindeer anymore. I tried replacements but they just didn't work out. They

kept getting lost and were always running late.

**Me:** Well what did you do?

**TF:** Well, remember the movie "Monsters, Inc.?" Tinkerbell suggested that we use the closet system from it. Since she had a small roll in "Shrek," she was able to negotiate a deal with Pixar studios that allows me to rent the closets for a few hours every night.

**Me:** That's amazing. So are you and Tinkerbell a "thing?"

**TF:** Engaged.

**Me:** Hey, congrats!! When are you getting married?

**TF:** Well, we haven't set a date yet. She's still married.

**Me:** Wait, what?!? To who?

**TF:** Peter Pan. They drank too much of Captain Hook's rum one night, went to Vegas and got married at Treasure Island.

**Me:** No way!

**TF:** Yeah. She wants to get it annulled but he refuses to let it go. He doesn't believe it's over. He really just needs to grow up.

**Me:** You didn't just say that.

**TF:** Sorry.

**Me:** No worries.

**TF:** Hey, listen, I gotta fly. Busy night.

**Me:** That's fine. Uh, good luck with everything, man.

**TF:** Thanks. It was nice talking to you. Most people think I'm a burglar and call the cops. Sometimes it gets ugly.

**Me:** Wow! Well, be safe.

**TF:** Ciao!

Happy April Fools' Day!!

## ODA Today

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## The power of grassroots advocacy

The November 2018 election is in the rearview mirror and many Ohioans are happy to see politics take a back seat for a while. The reality is, however, that legislators and policymakers will continue making decisions that impact your future as a dentist.

Health care remains in the midst of transformative change and many issues important to Ohio dentists are under

debate. The creation of new dental providers, increased taxes and fees, and dental Medicaid reimbursement rates and adult coverage are just some of the ideas being considered by legislative bodies throughout the country.

Politics matter, even to dentists, not just during election season but throughout the year. Fortunately, Ohio's dentists are in a strong position to positively impact this debate in a variety of ways.

First, dentists can help ensure that pro-dentistry candidates win elections and become decision-makers by supporting ODPAC, the Ohio Dental Political Action Committee. ODPAC is the political arm of organized dentistry and is the only PAC in Ohio that represents the interests of Ohio dentists and their patients.

PACs were established as a mechanism for like-minded individuals to bind together to influence elections and help level the political playing field with big dollar contributors like insurance companies and labor unions. ODPAC allows dentists to pool their individual contributions together in order to make substantial contributions to the campaigns of pro-dentist candidates who may be in a position to influence the issues that affect dental pa-

tients and practices. These contributions allow our dentists and our advocacy team a seat at the table to discuss the issues that affect dentistry.

ODPAC doesn't just operate in Ohio. It is a federally registered PAC and has an affiliation with ADPAC, the American Dental Association Political Action Committee, in order to help influence Congressional elections and issues on the national level.

ODPAC does not receive funds from the ODA and is funded solely from the voluntary contributions of individual Ohio dentists, their spouses and dental students. ODA dues dollars cannot be used by ODPAC. It is also non-partisan in operation. ODPAC has supported candidates of all political persuasions in the past, but those candidates all have a common thread: support for Ohio dentists and the issues of importance to dentistry. This common thread has led our team to state that politicians who are supporters of dentistry are not determined by political party but instead are all a part of the "tooth party."

Second, dentists can be powerful grassroots advocates. As highly trained professionals, dentists are respected in local communities. Legislators know this

and they value the opinion of local dentists as constituents. Legislators also know that dentists see hundreds of their other constituents on a regular basis and are in a unique position to shape the public's impression of a politician or view on a political issue.

Dentists provide legislators with a unique source of information. Many elected officials know very little about dentistry, the delivery of health care or the challenges facing small businesses. It is important for them to know how their decisions can impact patients and the profession. There is no one in a better position to educate legislators about the dental industry, and challenges it may face, than our members. The message that our dentists deliver to legislators is powerful. Consequently, dentists should stay informed on current legislative issues and consider attending legislative events like local dental society Capital Club meetings and the ODA Day at the Statehouse, which will take place on April 10 in Columbus.

In these concerning political times dentists can't afford to sit on the sidelines and hope that things work out for the best. Being proactive as a grassroots advocate and supporter of ODPAC is the best way a dentist can ensure that the changes on the horizon don't impact their patients, practices and way of life in a negative way.

For more information on ODPAC contact the ODA Department of Government Affairs at (800) 282-1526.



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**SE Columbus:** Grossing \$438K on 3 days a week. 1600 active patients. Cerec included. Mix FFS, PPO, some Medicaid.

**Columbus:** Grossing \$830K. 6 ops. No Medicaid. 2500 patients with 50 new patients per month. Real estate for sale or lease. Beautiful free standing building.

**SE of Toledo:** Grossing over \$700K. Free standing building on a busy street. Over 3100 active patients with an average of 50 new patients

monthly. Five operatories and room to expand. Building for sale.

**Clermont County:** Grossing \$525K. 3 ops with room to expand. Paperless and digital. Mix of FFS/PPO/Medicaid patients.

**NW Dayton:** Collecting \$450K on only 2.5 days a week. Predominantly PPO with some FFS. Over 2200 active patients. Real estate for sale.

**Cincinnati:** Collecting \$430K on 3 days a week. 40 new patients/month. 5 ops-room to expand. Real estate available.

**Medina County:** Grossing \$150K per year on 2 days/week. 100% FFS. No lease, great merger opportunity.

**NW Dayton:** Grossing \$330K per year on 2 days/week. 1300 active patients, 30 new patients/month.



Dr. Jan Labeda has acquired and merged the practice of Dr. Thomas Lustenberger in Batavia, Ohio.

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### DISTINGUISHED, from page 1

this recognition as David Owsiany gave the presentation to the ODA members, and it was an amazing surprise. I cannot really comprehend the tribute to my work that the ODA, my colleagues and peers, have given in this momentous action."

Crowley served as the 154th president of the ADA, and was the first president of the ADA from Ohio in more than 80 years. As president, he led the 159,000-member organization that is America's leading advocate for oral health.

Crowley has a long history of serving in leadership positions with organized dentistry. Before becoming president of the ADA, Crowley served four years as the ADA Seventh District trustee. During his more than 40 years as a member of the ADA, he has served on and chaired many councils and committees at the local, state and national level. He served as president of the ODA in 2005-06 and president of the Cincinnati Dental Society in 1996.

"Words do not describe how lucky and thankful I am to be able to work with an organization that has the pulse and heartbeat of our profession the way the ODA does," Crowley said. "To be at the top of this world with this honor is truly the greatest moment of my life. I will be forever thankful and will hopefully continue to be deserving of this amazing recognition."

Crowley is a member of several professional dental organizations, including the American College of Dentists, International College of Dentists, the Ohio State University College of Dentistry Alumni Advisory Board, the L.D. Pankey Institute Alumni Association, the Pierre Fauchard Academy and the Academy of General Dentistry.

In addition to the Distinguished Dentist Award, Crowley received the Ohio Dental Association Achievement Award in 2001, the Cincinnati Dental Society Meritorious Service Award in 2007 and the Ohio Pierre Fauchard Distinguished Dentist Award.

Crowley earned his DDS from The Ohio State University in 1976.

# Attend in-person CE close to home at a discount

By ODA Staff

According to the ODA's recent membership survey, ODA members obtain the majority of their CE credits at live, in-person CE. The 2019 ODA Annual Session provides easy access to in-person CE at a great value.

ODA members receive a \$375 discount on their registration for Annual Session compared to non-member dentists.

Additionally, ODA Annual Session features courses that members are asking for, including topics such as new materials, implants, regulatory compliance, crown and bridge, operative dentistry and cosmetic dentistry. On the ODA's recent membership survey, dentists indicated they were very interested in these topics.

Nationally known speakers from across the U.S. will be in Columbus presenting at the ODA Annual Session, so the entire dental team can get top-notch CE all in one place without having to travel far.

Some highlights of this year's ODA Annual Session include:

- The Pankey Experience, where Pankey Institute Faculty will be presenting lectures and workshops throughout Annual Session.
- The Madow Brothers, who are known for their entertaining, spontaneous style and content-packed programs will be presenting on Friday.
- The popular Fireside Chats, which are small interactive group discussions on specific topics, will be held in the Exhibit Hall again this year.

In addition to great CE, the ODA Annual Session features one of the largest Exhibit Halls in the area, allowing attendees to shop for and try out all of the products



A course instructor assists an ODA Annual Session attendee. This year's Annual Session will be Oct. 3-6 in Columbus.

Photo by Ellen Dallager

## Plan ahead for the ODA Annual Session!

- Register early at [www.oda.org/events](http://www.oda.org/events)
- Book a hotel at <https://aws.passkey.com/go/ODA19>
- Renew your ODA membership at [www.oda.org/renew](http://www.oda.org/renew) to receive the Annual Session member discount

and services they need for their office in one convenient location.

This year's ODA Annual Session – Connect, Learn, Excel – is Oct. 3-6 in Columbus.

Register now for the ODA Annual Session at [oda.org/events](http://oda.org/events) before prices go up. Course registration will be available

## member benefits BUZZ

beginning May 1, and those who register early will have priority access to course registration.

This year, there will be NO events in the Hyatt Regency Hotel. Most activities will take place in the Greater Columbus Convention Center and the Hilton Columbus Downtown. Book a room in the ODA's hotel block at the Hilton by visiting <https://aws.passkey.com/go/ODA19>.

Dentists who haven't renewed their membership for 2019 should do so at [oda.org/renew](http://oda.org/renew) to ensure they receive the best available prices on in-person CE at the ODA Annual Session.

## 2019 ODA ANNUAL SESSION HIGHLIGHTS

### Featured speakers:

- Dr. John Alonge
- Dr. Lee Ann Brady
- Dr. Rick Cardoza
- Nancy Dewhirst, RDH
- Dr. Michael Fling
- Dr. Brian Gray
- Sheri Kay, RDH
- Dr. Mark Kleive
- Dr. Deepak Krishnan
- The Madow Brothers
- Dr. Mark Murphy
- The Pankey Experience
- Laci Phillips
- Christine Taxin
- Dr. Stephen Towns

### Featured topics include:

#### Thursday, Oct. 3

- Dental materials
- Shading workshops
- Oral surgery
- Dental lasers
- Office collections
- Orthodontics
- Restorative dentistry
- 3D imaging

#### Friday, Oct. 4

- Sleep apnea for dental hygienists
- Practice management
- Oral surgery workshop
- Digital marketing
- Radiography review
- Oral pathology
- Insurance coding
- Endodontics
- Clinical tips
- Instrument sharpening
- Periodontics

#### Saturday, Oct. 5

- Medical emergencies
- CPR
- Medical billing
- New patient experience
- Perio panel
- Biofilms
- Treating severe dental wear
- Topics for new dentists
- Risk management

#### Sunday, Oct. 6

- OSHA review
- Regulatory compliance
- Restorative dentistry

# ODA 2019 ANNUAL SESSION

OCTOBER 3 - 6

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Dr. Frank R. Recker has practiced general dentistry for 13 years and served as a member of the Ohio State Dental Board before entering the legal profession. Areas of practice include:

- Administrative Law before State Dental Boards
- Dental Malpractice Defense
- Practice-related Business Transactions

Dr. Recker also represents multiple national dental organizations and individual dentists in various matters, including First amendment litigation (i.e. advertising), judicial appeals of state board proceedings, civil rights actions against state agencies, and disputes with PPOs and DMSOs.



Dr. Perrino has been a practicing dentist for over 30 years. He is actively involved in organized dentistry, having served on numerous committees and councils at the local, state, and national level. Dr. Perrino was admitted to the Ohio Bar in 2014 and will be assisting in the representation and defense of dentists in all practice related matters.



Ms. Sandra Ertel, paralegal, has assisted Dr. Recker and Dr. Perrino in preparing for, and attending, depositions, court appearances and hearings in multiple states.

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## Change of address?

Contact the ODA Membership Department if you have moved your home or practice, changed your phone number, changed your name or changed your email address.

Via email: [membership@oda.org](mailto:membership@oda.org)  
By phone: (800) 282-1526

## Membership benefits will lapse at the end of April, renew your membership ASAP

Ohio Dental Association membership dues must be paid by April 30 for the 2019 membership year in order to continue receiving exclusive member benefits.

Any member who did not pay their dues by Jan. 1, 2019, is considered past due. Dentists who have not already renewed their membership should do so as soon as possible so that membership benefits, including receiving the "ODA Today," do not lapse at the end of April.

The fastest way to renew is online at [www.oda.org/renew](http://www.oda.org/renew) or by phone at (800) 282-1526. Members can also fax their payment to (614) 486-0381 or mail it in with the envelope that was included with their dues statement.

Dentists can also pay their dues using Reward Program Payment with Benco Dental. The Reward Program Payment allows dentists to redeem their Benco Dental BluChips® for a dues credit toward their ADA, ODA and local dental society dues. In order to use this payment option when paying dues, dentists will need to contact Benco Dental by logging onto [mybencorewards.com](http://mybencorewards.com) or calling (800) GO-BENCO ext. 2005 and request that their BluChips be redeemed for membership dues.

If you are a retired life member or have already paid your dues, you do not need to take any action.

### Membership Status

Ohio Dental Association members who have retired from the practice of dentistry can receive ODA benefits at a fraction of the cost of active membership.

ODA members with Retired Membership status pay 25 percent of ODA active dues but receive 100 percent of the benefits. To qualify for Retired Membership, dentists must no longer earn an income of any kind by means of their dental license. Dentists must also submit an Affidavit for Retired Membership, which is then reviewed by the dentist's local component society, the ODA and the American Dental Association.

Members over the age of 65 might also be eligible for reduced ODA membership dues. Dentists eligible for Life Membership must be at least 65 years old and have 30 consecutive years of membership. Dentists who are 65 or older and have 40 years of total (but non-consecutive) membership are also eligible for Life Membership. The membership for those eligible for Life status will automatically be updated and the discount will be reflected on the dues statement. ODA members with Life Membership status pay 75 percent of ODA active dues.

Additionally, members who qualify for both Retired and Life Membership are eligible for Retired Life Membership. Retired Life members can enjoy ODA membership at no cost. However, if Retired Life members wish to continue receiving "ODA Today," they must subscribe to the publication for \$15 per year.

Dentists who are interested in obtaining Retired, or Retired Life Membership status should contact the ODA at (800) 282-1526 or [membership@oda.org](mailto:membership@oda.org).

### Local societies: Apply for a recruitment grant

The deadline for dental societies that would like to apply for a 2019 recruitment grant from the ODA is April 30.

The proposed program must be a recruitment initiative with the goal of obtaining new members, and 25 percent of the total cost of the program must be funded by the component dental society. Events cannot be purely social and must have designated time to present the benefits of membership. A maximum of \$2,000 will be awarded per grant.

Events must be held by Dec. 31, 2019, and societies receiving grants are required to report the results of their efforts to the ODA Council on Membership Services quarterly.

For more information and to apply, visit [oda.org](http://oda.org) and under "Member Resources" click on "Membership Recruitment and Retention." The deadline to apply is April 30.

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## ODA Meeting & Event Calendar

**Apr.**

- 9-10 Council on Dental Care Programs and Dental Practice
- 10 ODPAC Board
- 10 Day at the Statehouse
- 12 Callahan Memorial Award Commission
- 19 ODA closed for holiday
- 26 Council on Access to Care and Public Service
- 29 ODA Foundation Board (call)

**May**

- 1 Dental Education and Licensure Committee
- 9 Executive Committee
- 9-10 ODA Foundation
- 17 Council on Membership Services

### Apply for a scholarship or grant from the ODA Foundation

Applications for the ODA Foundation's 2019 scholarships and grants are now open. Available scholarship opportunities for 2019 include:

- Dental Student Scholarship for dental students who are Ohio residents, members of ASDA and who will be D2s, D3s and D4s in Fall 2019.
- Mercer Leadership Scholarship for OSU dental students entering their D4 year in Fall 2019 who have been Ohio residents for at least five years, are members of ASDA and have a commitment to leadership in dental school and their community.
- Community Dental Health Coordinator Scholarship for individuals applying to a CDHC program who currently are employed by Ohio oral health related organizations.

The deadline for all scholarship applications is June 26.

The ODA Foundation also offers Access to Dental Care Grants for Ohio-based oral health-related programs that reach out to the underserved. Applicants must be 501(c)3 organizations in Ohio. The application process is a two-step process with a letter of inquiry due by May 22 and the grant proposal due by June 12.

Scholarship and grant application packets can be downloaded at [www.oda.org/community-involvement/oda-foundation/odaf-grants-and-scholarships/](http://www.oda.org/community-involvement/oda-foundation/odaf-grants-and-scholarships/).

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## Dental Insurance Corner

# Help with dental insurance is just a click, email or phone call away, part 1

**Christopher Moore, MA**  
ODA Director of Dental Services

The most recent Ohio Dental Association membership survey, like all of the previous surveys, reported that the membership ranks the ODA's "monitoring [of] the dental insurance industry and advocating dental insurance benefits" as a high priority objective for the association.

Many dental practices learn what they know about dealing with dental insurance and third-party payment issues through a process of trial and error. While this may be helpful in the learning process, it can also be stressful and not always beneficial to office efficiency.

There are many resources both at the Ohio Dental Association and the American Dental Association that member dentists can utilize that are typically just a phone call, email or computer keyboard click away. This month's issue of the Dental Insurance Corner will focus on the resources available to member dentists via the ODA and next month's column will detail those of the ADA.

### The ODA provides information

Every month the "ODA Today" is delivered to all ODA member dentists. Each issue includes a column, the Dental Insurance Corner, that addresses dental insurance issues being faced by

Ohio dentists.

"I encourage ODA member dentists to consider passing on the 'ODA Today' or at least the dental insurance column to their staff who handle insurance issues to provide them with an additional resource to better do their jobs," said Dr. Manny Chopra, chairman of Council on Dental Care Programs and Dental Practice. "Dentists are also encouraged to submit their ideas or suggestions for topics or questions that can be addressed in future issues."

The ODA website, [www.oda.org](http://www.oda.org), is also readily available to member dentists. It hosts past issues of the Dental Insurance Corner along with Medicare and Medicaid related resources.

ODA representatives present dental insurance seminars at ODA, local dental society and dental school functions throughout the year. Three presentations have given so far in 2019 to the Northeastern Ohio Dental Society, at The Ohio State University College of Dentistry and at the ODA Leadership Institute, and two more are currently scheduled to be presented by the end of the year. To schedule a free seminar, a dental society or dental school just needs to contact the ODA to reserve one.

Past ODA Annual Sessions have featured seminars addressing dental insurance and other forms of third-party payment issues. This year's Annual Session will include two information packed seminars on insurance billing by the highly

regarded speaker, Christine Taxin. On Friday, Oct. 4 Taxin will present "Cutting-Edge Dental Billing and Coding: Maximizing Patient Care and Profitability" from 2 to 5 p.m., and on Saturday, Oct. 5 she'll present "Billing Medical in Your Dental Practice: Maximize Practice Revenue with New Services and Procedures" from 9 a.m. to noon. Additional information about these seminars as well as the entire Annual Session may be obtained at <https://oda.org/news-and-events/annual-session/>.

### The ODA provides individual member assistance

ODA staff can be reached at (800) 282-1526 or (614) 486-2700, via fax at (614) 486-0381 or via email at [dentist@oda.org](mailto:dentist@oda.org) to answer questions, provide direction, resources and assistance. With 70 years of combined experience, the ODA staff have the dental insurance expertise, institutional knowledge, legal expertise and oftentimes personal contacts to assist members and/or their offices successfully address confounding dental insurance problems, issues and questions.

If an issue is beyond the ODA staff's ability to address or requires a more formal response, then member dentists can utilize the services of the ODA Dental Insurance Working Group (DIWG). The DIWG is comprised of a dedicated group of ODA member dentists who volunteer their time each month to determine the ODA's formal role in addressing dental insurance related questions, concerns and complaints involving third-party payers that are submitted by ODA member dentists. The working group has been around for many years and has proven itself to be an effective advocate and counselor to ODA members who have encountered problems with third-party payers.

Current DIWG members include: Dr. Jacqueline Cerar (Mentor); Dr. Manny Chopra (Cincinnati); Dr. Joseph M. DePalma (Dillonvale); Dr. Mary Ann Hanlon (Cincinnati); Dr. Purnima Kumar (Columbus); Dr. Gregory C. Michaels (Lancaster); Dr. Richard R. Ragozine (Girard); Dr. Jason M. Stroom (Cleveland).

See **INSURANCE**, page 7

ODA members who would like to submit a dental insurance related question, problem or concern may do so by sending the appropriate information to the ODA Dental Insurance Working Group, 1370 Dublin Road, Columbus, OH 43215, or 614-486-0381 FAX, or [chrism@oda.org](mailto:chrism@oda.org). To see past issues of the Dental Insurance Corner, visit [www.oda.org/news](http://www.oda.org/news) and choose the category "ODA Today" and subcategory "Dental Insurance Corner."

## Questions about health insurance?

ODASC, an ODA member benefit, can help.

ODASC is a resource for all health insurance options and ensures ODA members have a quality, affordable plan available to them and their staffs.

ODASC Representatives can walk you through the various health care benefit options available. They are licensed agents who are salary-based and do not make a commission on sales, so you can be assured they have your best interest at heart.

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**ODASC**  
OHIO DENTAL ASSOCIATION SERVICES CORPORATION, INC.  
An Ohio Dental Association Member Benefit

**INSURANCE, from page 6**

land); and Dr. David L. Vorherr (Cincinnati). Past working group actions have ranged from answering questions from confused dental practices to addressing procedure code revisions to contacting third-party payers on behalf of individual dentists to filing complaints with regulatory agencies to developing recommendations for future ODA legislative initiatives.

ODA members who would like to utilize the working group's services should submit their question, concern or request for assistance along with supporting documentation (e.g., description of the situation, copy of the submitted claim form, claim denial with explanation of benefits, copy of any appeal, photographs, radiographs or any other information that would assist the working group understand the situation) to the ODA Dental Insurance Working Group, 1370 Dublin Rd., Columbus, Ohio 43215 or via fax at (614) 486-0381 or via email to dentist@oda.org. They should also be sure to redact information that would identify specific patients unless the patient has granted the dentist permission to disclose his or her identifying information to the ODA.

"The working group has assisted many dentists over the years to address problems they were unable to resolve on their own," Chopra said. "It has also worked to facilitate the two-way flow of communication between the dental profession and Ohio-based dental insurance companies. While some insurance companies are noteworthy in their refusal to work with us in a meaningful way, many are very responsive in addressing issues of concern ranging from clarifying their decisions to revising their practices. I encourage ODA members to take advantage of this service when they have dental insurance questions or are unable to resolve matters on their own with a particular carrier."

**ODA-Delta Dental claims review project**

An outgrowth of the DIWG's efforts has led to the ODA and Delta Dental of Michigan, Ohio, and Indiana to work on a joint project to develop an additional resource to assist member dentists who encounter certain claim disallowances by Delta (i.e., the claim is denied and the dentist is barred from billing the patient for any part of the fee associated with the denial). Once developed, the program will enable members whose claims are



*ODA Staff*  
ODA Director of Dental Services Chris Moore gives a CE seminar about dental insurance issues at the 2019 ODA Leadership Institute. To schedule a free seminar, a dental society or dental school can contact the ODA to reserve one at (800) 282-1526.

disallowed for reasons associated with medical necessity and quality of care to appeal Delta's final determination to the ODA for a final adjudication.

"As we currently envision it, the ODA will utilize an appropriately trained mix of general dentists and/or specialists to review certain claims after ODA members have exhausted Delta's internal review process to make a final decision on the disposition of the claim," Chopra said. "We are hopeful and optimistic that Delta and the ODA will be able to develop a workable process that will both provide more transparency to the dental insurance process while at the same time be a significant member benefit. We are very appreciative of Delta's willingness to work with us on this new program."

**Contract Analysis Service**

"ODA members are strongly encouraged, in fact, urged to utilize the Contract Analysis Service before they sign into any participating provider agreements," Chopra said. "Obtaining an objective analysis is an integral part of a dentist's decision making process before he or she signs on the bottom line."

The Contract Analysis Service is a no cost service that assists member dentists in understanding terms and obligations of contractual agreements with third-party payers. It takes contract legalese and translates it into easy to understand language and also identifies potentially problematic contract provisions and their possible impact on the dental practice.

This information can help the dentist either negotiate more favorable contract terms or at least have a fuller understanding of what to expect as a result of entering into the agreement.

To utilize the Contract Analysis Service, ODA members simply need to contact the ODA Department of Dental Services at (800) 282-1526 and request an analysis for whichever contract they are considering. If the contract has already been analyzed, then its analysis will be sent to the member at no charge. If the contract has not been previously submitted to the ODA for review, then the dentist will be asked to send the ODA an unsigned copy of the contract. The ODA will then forward it to the American Dental Association where the ADA's attorneys will analyze it. The ADA will return the completed analysis to the ODA, which will then provide it to the member dentist, again at no charge.

**The ODA educates lawmakers on dental insurance issues**

The ODA lobbying team is continuing its efforts to gain legislative relief for dentists when it comes to the issue of non-covered services. Non-covered services involve arrangements whereby the insurance company contractually dictates the fee a dentist may charge for dental services that are not even covered by the carrier. This fundamentally unfair practice unnecessarily interferes with the patient-dentist relationship. It has been, and continues to be, a priority legislative issue for the ODA and will be a focus of the advocacy efforts

**Have a question or concern about dental insurance?**

If you have a question about a dental insurance issue or need help resolving a dispute, contact the ODA - we've got you covered! Our staff can answer questions or direct you to resources available to you through your membership.

**Contact us:**

- Phone: (800) 282-1526
- Email: dentist@oda.org
- Fax: (614) 486-0381

of the volunteer dentists who participate in the ODA Day at the Statehouse.

**In-office dental plans or membership plans**

In-office dental plans or membership plans work off the principle that for a fee, a patient gets a membership in a plan that affords him or her access to various free and/or discounted dental services in the dental practice that is selling the plan. The ODA Services Corp. (ODASC) is currently evaluating these types of programs with an eye toward possibly endorsing one.

**Numbers to know**

**American Dental Association**  
(800) 621-8099 or (312) 440-2500

**Dental OPTIONS**  
(888) 765-6789

**Ohio Department of Health**  
(614) 466-3543

**Ohio Dental Association**  
(800) 282-1526 or (614) 486-2700  
Fax: (614) 486-0381  
E-mail: dentist@oda.org

**Ohio Dental Association Services Corp. Inc. (ODASC)**  
(800) 282-1526 or (614) 486-2700

**Ohio State Dental Board**  
(614) 466-2580

**Medicaid**  
Dentists who need to enroll as a Medicaid Provider may contact Ohio Medicaid at (800) 686-1516 and may also need to contact the Medicaid HMOs directly. For problems with Medicaid or the Medicaid HMOs, contact the ODA at (800) 282-1526.

**Staffed Dental Societies:**  
**Akron Dental Society**  
(330) 376-3551

**Cincinnati Dental Society**  
(513) 984-3443

**Cleveland Dental Society**  
(440) 717-1891

**Columbus Dental Society**  
(614) 895-2371

**Corydon Palmer Dental Society**  
(330) 719-1297

**Dayton Dental Society**  
(937) 294-2808

**Stark County Dental Society**  
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**Toledo Dental Society**  
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## Opioid prescribing in Ohio down 325 million doses in 2018

By The State of Ohio  
Pharmacy Board

The number of prescription opioids dispensed to Ohioans declined for the sixth consecutive year in 2018, according to a newly released report from the State of Ohio Board of Pharmacy's Ohio Automated Rx Reporting System (OARRS).

From 2012 to 2018, the total number of opioids dispensed to Ohio patients decreased by 325 million doses or 41 percent. During the same period, the total number of opioid prescriptions issued to Ohioans decreased by 4.6 million.

The report also finds prescribers and pharmacists utilizing OARRS at record levels. In 2018, more than 142 million patient reports were requested by health care providers. With such expanded use of the system, the number of Ohioans engaging in doctor shopping behavior decreased by 89 percent last year.

"We all have a role to play in battling this public health crisis, and this continued downward trend in opioid prescriptions demonstrates that Ohio's prescribers are making significant progress in their efforts to prevent addiction," said Gov. Mike DeWine. "When this crisis first emerged, prescribers were led to believe that opioids were not addictive, but we know today that is not the case. It is encouraging to see such substantial progress to limit opioid prescriptions to stop painkiller

See OPIOIDS, page 13

### ODA works to prevent opioid abuse

By ODA Staff

The issue of preventing drug diversion and opiate addiction is important to the dental profession and the ODA. The Ohio Dental Association is proud to partner with policymakers and other interested parties to address this critical issue.

The ODA supports CE for dentists in prescribing opioids and other controlled substances as well as statutory limits on opioid dosage and duration.

The ODA also supports dentists registering for and utilizing OARRS, Ohio's prescription monitoring database to promote the appropriate use of controlled substances for legitimate medical purposes and deter the misuse, abuse and diversion of these substances.

Earlier this year, the ODA became a member of the Ohio Opioid Education Alliance as one of the more than 50 Ohio partners committed to spread a message of prevention and education around the dangers of prescription opioid misuse and abuse.

The ODA is leading on this issue by:

- Holding educational seminars across Ohio.
- Featuring articles in ODA publications.
- Distributing more than 5,000 fact sheets to Ohio dentists related to prescription drug abuse.
- Distributing and making resource available on the ODA's website.

## Corydon Palmer Dental Society receives award for mentoring program

By ODA Staff

The Corydon Palmer Dental Society received the 2018 Membership Award Program for Success (MAP for Success) Most Innovative Recruitment and Retention Initiative for its Mentoring Committee for Residents.

The committee works to grow the society's membership through a mentoring program that targets the dental residents at St. Elizabeth's Health Center.

Through the program, the committee has matched up each resident with a mentor from the Corydon Palmer Dental Society. They have organized dinners and an office crawl.

"We hope that by involving the residents in our activities and increasing their awareness of organized dentistry we can encourage the residents to stay in our area, continue to renew their membership, and become a member of organized dentistry for life," said Amanda Mastropietro, executive director of the Corydon Palmer Dental Society.

Through the program, two of the



Submitted photo

The Corydon Palmer Dental Society received the 2018 Membership Award Program for Success (MAP for Success) Most Innovative Recruitment and Retention Initiative for its Mentoring Committee for Residents.

mentees became associates at their mentors' dental practice.

The program kicked off about two years ago with the help of a grant, and since then members of the dental society have been "sponsoring" residents to help cover the costs of their participation in activities

with the Corydon Palmer Dental Society.

In addition to the award for Most Innovative Recruitment and Retention Initiative, the Membership Award Program for Success also recognized several other

See AWARD, page 13

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## New graduates may be eligible for malpractice insurance at no cost to them

By ODA Staff

Dentists who are new graduates, former ASDA members and current ODA members may be eligible to have their first year of malpractice insurance coverage to be prepaid by the ODA.

Through this program, the ODA provides new graduates with their first year of malpractice coverage through MedPro at no cost to them (subject to underwriting guidelines). Members can choose from occurrence or claims-made coverage.

Dentists who are planning to hire a new graduate as an associate can also take advantage of this benefit when providing malpractice insurance for their new employee.

MedPro is the Ohio Dental Association Services Corp.'s endorsed company for professional liability coverage for ODA members.

For more details on this program and to see if you qualify, contact the ODA at (800) 282-1526 or email [stacyc@oda.org](mailto:stacyc@oda.org).

Attention recent graduates:

Get your first year of malpractice insurance at

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## Tell us what you value most about your ODA membership!

The "ODA Today" is looking for ODA members who are willing to share why they value their membership in the Ohio Dental Association.

If you are interested in submitting a quote to the "ODA Today," please email [jackie@oda.org](mailto:jackie@oda.org) by May 3 and answer the question: What do you find to be the most valuable or beneficial part of your membership in the Ohio Dental Association? Please include a short response, your name as you would like it to appear, your specialty, and the city where you practice. You may also submit a professional photo to be used with your quote.

## SPECIALTY, from page 2

who is a volunteer associate professor at Indiana University School of Dentistry, Dr. Douglas Peterson, who is a professor at the University of Connecticut School of Dental Medicine, and Dr. Michael Mashni, who is a volunteer clinical assistant professor at the Herman Ostrow School of Dentistry at the University of Southern California, are critical of the ADA's current specialty recognition process.

The authors reviewed and compared the history of specialization in dentistry and medicine. They noted that although the ADA's "Council on Dental Education initially sought to emulate the AMA's approach to specialty recognition, the relative reluctance of dentistry to accept new specialties contrasts sharply with the steady increase in medical specialization throughout the 20th century." Saxen and his co-authors pointed out that "in 2018, the Association of American Medical Colleges listed descriptions of more than 120 medical specialties and subspecialties." They noted that "unlike dentistry, in which most practitioners were generalists, specialization had become the norm in medicine by the end of the 20th century."

Saxen and his co-authors concluded that the ADA's process for recognizing new specialties is "static," pointing out that the "ADA has not actively fostered the development of new specialties since the recognition of Oral and Maxillofacial Radiology in 1999, and subspecialties do not exist in dentistry." They urged the development of a new paradigm "encouraging cross-disciplinary interaction and nurturing the development of emerging specialties and subspecialties in dentistry."

The counter-point written by Dr. Anthony Ziebert, who is ADA senior vice president of education and professional affairs, and Dr. Charles Norman, who is chair of the NCRDSCB, pointed out that the NCRDSCB's criteria for specialty status is remarkably similar to those in medicine, pharmacy, veterinary medicine, and the rest of health care.

Ziebert and Norman delineated the following standards that are utilized across health care in recognizing specialties:

- Demonstrated ability to form a

certifying board,

- A distinct and well-defined field that requires unique knowledge and skills beyond general professional education,
- Knowledge and skills that are separate and distinct from any other specialty,
- Active contribution to research needs of the profession,
- Direct benefit to some aspect of patient care, and
- The existence of formal advanced education programs.

Ziebert and Norman also argued that the proliferation of specialties and subspecialties in medicine does not necessarily mean that the process for dental specialty recognition is flawed – especially since the specialty recognition standards are virtually identical in all the health care-related fields. They concluded that "subspecialization may be right for medicine, but it is not necessarily needed for dentistry."

As to the claim that the process in dentistry has become "static," Ziebert and Norman pointed out that "the last medical specialty certifying board accepted into the American Board of Medical Specialties was the American Board of Medical Genetics and Genomics in 1991." At the time of publication of the point-counterpoint in the March JADA, the last new specialty recognized in dentistry was actually more recent, in 1999. Moreover, since publication of the point-counterpoint, the NCRDSCB has recognized another new dental specialty in dental anesthesiology, further undermining the claim that the current process in dentistry is static.

Next month, I will provide additional analysis of the current state of dental specialty recognition and provide updates on recent activities here in Ohio on this issue.

## Check out the ODA's podcast!

The ODA has launched a podcast series called ODcAst: The Ohio Dental Podcast! This podcast is a convenient communications vehicle featuring ODA staff members and other experts discussing the latest information related to the ODA and dentistry in Ohio.

Upcoming topics include:

- How the ODA can assist dentists with dental insurance issues
- A conversation with ODA President Dr. Michael Halasz
- ODA Annual Session
- The ODA's DSO Taskforce

Download and subscribe to ODcAst: The Ohio Dental Podcast on:

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ODA Managing Editor Jackie Best Crowe is the host of the Ohio Dental Podcast. Feel free to send Jackie an email at [Jackie@oda.org](mailto:Jackie@oda.org) to provide feedback and suggest topics you would like to hear discussed on a future podcast.





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# 2019 ODA Leadership Institute



The ODA Executive Committee hosts a town hall discussion about the ODA's priorities for the year.



Robert Stevenson, a leadership development guru, presents a keynote on "The Leadership Formula."



Eric Richmond, ODA director of legal and legislative services; Adam Hewit, ODA's lobbyist; and Mike Graham, ADA vice president of government and public affairs, present a breakout session on "The Power of Advocacy: Delivering a Positive Message for Dentistry."



More than 200 people attended the ODA Leadership Institute.



The ODA Subcouncil on New Dentists hosted a New Dentist Beer School Social in conjunction with Leadership Institute.



Leadership Institute provides attendees with the opportunity to connect with dentists from across Ohio.



Dr. Purnima Kumar, a professor in the Division of Periodontology at OSU, leads a breakout session on "E-cigarettes and Oral Health."



Martin Saperstein, Ph.D., leads a keynote presentation on "Survey Research & The State of Dentistry in Ohio."

## LEADERSHIP, from page 1

Hewit, the ODA's lobbyist; and Eric Richmond, ODA director of legal and legislative services.

- "Update on Dental Insurance Issues in Ohio" led by Chris Moore, ODA director of dental services.
- "E-cigarettes and Oral Health" led by Dr. Purnima Kumar, a professor in the Division of Periodontology at The Ohio State University College of Dentistry.

In the afternoon, attendees heard a presentation from Dr. Joe Crowley about his time serving as president of the ADA. The discussion was moderated by Dr. Billie Sue Kyger, ADA 7th District trustee.

The day ended with a reception honoring Crowley.

Day two began with a presentation by Martin Saperstein, Ph.D., on "Survey Research & The State of Dentistry in Ohio." He discussed the results of the ODA membership survey as well as a survey of the public in Ohio to gather information about people's views of specialties in dentistry and how advertising affects their

decisions when seeking care.

Following his presentation was an ODA Town Hall, where the ODA Executive Committee discussed the ODA's priorities for the year and answered questions.

"Ohio leadership is impressive from the national level down," said one survey respondent. "It is part of a very good training process for those interested in dental politics and growth as future leaders."

The Leadership Institute ended with a presentation by Robert Stevenson, a leadership development guru, on "The Leadership Formula."

In addition to the formal programming, the ODA Subcouncil on New Dentists hosted a New Dentist Beer School Social on Friday night, and hosted a MATCH event to help dentists looking to hire or sell their practice meet up with dentists looking for a job or to buy a practice.

"Overall really great event, giving opportunities to meet other dentists in Ohio and hear about pertinent issues," said one survey respondent.

The 2019 ODA Leadership Institute was sponsored by Superior Dental Care.



## The Explorer

Matthew J. Messina, DDS  
Executive Editor

### Target: McCarran-Ferguson

As we prepare for the 2019 ADA Dentist and Student Lobby Day, one of the spotlight issues for the teams of dentists and students as they descend on Capital Hill is amending the McCarran-Ferguson Act. These lobbying teams will bring the full might of the 163,000 members of the ADA and more than 24,000 dental students in 66 dental schools across the U.S. ADA and ASDA are acting in support of legislation that amends the McCarran-Ferguson Act to empower the Federal Trade Commission (FTC) and the U.S. Department of Justice (DOJ) to enforce the full range of federal antitrust laws against health insurance companies engaged in anticompetitive conduct in the marketplace.

But why does this piece of legislation, hardly mentioned outside of dental circles, deserve the ire of the dental profession? The McCarran-Ferguson Act is a federal law that exempts the business of insurance from most federal regulation, including federal antitrust laws. Passed in 1945, it was introduced into the 79th

Congress by the National Association of Insurance Commissioners (NAIC) as a response to the U.S. Supreme Court (SCOTUS) decision in *United States v. South-Eastern Underwriters Association*. In 1944, the SCOTUS held that the Sherman Act, the federal antitrust statute, applied to insurance, stating that insurance was interstate commerce and could be regulated by the U.S. government. The NAIC proposed a bill, sponsored by U.S. Sens. Pat McCarran (D-NV) and Homer Ferguson (R-MI) that would keep regulation of insurance in the hands of the states.

The ADA-sponsored legislation is narrowly drawn to apply only to the business of health insurance, including dental insurance, and would not affect the business of life insurance, property or casualty insurance, or any other insurance areas. S. 350 was introduced by Sens. Steve Daines (R-MT) and Patrick Leahy (D-VT) and H.R. 1418 by Reps. Peter DeFazio (D-OR) and Paul Gosar (R-AZ). The bills will not interfere with individual states' abilities to maintain and enforce their own insurance regulations, antitrust statutes and consumer protection laws. As states have differing regulatory environments, the impact of this narrow repeal of McCarran-Ferguson will vary from state to state.

Repeal of the antitrust exemption for health insurance companies would help inject more competition into the insurance marketplace by authorizing greater federal enforcement in situations where state regulators fail to intervene or cannot act. The repeal of McCarran-Ferguson for health insurance would give consumers another avenue to seek help when health

insurers overcharge or take advantage of patients. As it stands now, the consumer's only recourse is to file a complaint with their individual state's insurance commissioner, who often has little resources and rarely acts.

It is important to stress that the repeal of the McCarran-Ferguson Act would not allow dentists to engage in anticompetitive behaviors. As business owners and dentists, we are prohibited by the Sherman Act from engaging in coordinated efforts that are seen as anticompetitive in the marketplace. Repeal of the McCarran-Ferguson exemption would hold insurance companies to the same rules under the Sherman Act. This would level the playing field and require that insurance companies would have to compete more aggressively with each other for individual customers and the purchasers representing large groups. Dentists are prohibited from sharing fee data with each other. The repeal of McCarran-Ferguson would stop insurance companies from sharing data when setting reimbursement rates and designing coverage plans. The consumer (patient) benefits when all parties in the marketplace must make their own decisions and do not have the benefit of knowing what others are doing. There is a reason why collusion and fee setting are prohibited.

The Sherman Act is viewed as providing the rules of the game of competition. It outlines what conduct is permissible in the marketplace because it promotes competition or what is not permissible because it is anticompetitive. For antitrust purposes, there are always two key questions: Is there concerted action (a

contact or conspiracy)? And, if so, does it unreasonably restrain competition?

Dentists are prohibited from sharing fees as that collusion (concerted action) could reduce competition and increase costs to consumers. Currently, insurance companies do not fear investigation into whether their sharing of data results in lowering of payments to providers and reducing options available to patients and purchasers of dental insurance. Dentists will still be required to act as individuals in the marketplace, which they indeed should continue to do. We seek to have insurance companies held to the same requirements under the Sherman Act. That's only fair.

On April 14-16, more than a thousand members of our profession (dentists and dental students) will exercise our right to petition the government. This Congress offers the opportunity to succeed where we have not in the past. There are groups of members of Congress who dislike regulation, prefer increased competition throughout the marketplace, and also those who are distrustful of insurance companies in general. We seek equality under the law, by requiring everyone to play by the same rules. As a profession, we have a positive story to tell as we advocate on behalf of our patients, who deserve the highest quality of health care at the lowest reasonable price. It's just the right thing to do and the Tooth Party will march on Washington to carry the message. You can contact your legislators to help spread the word. Or, better yet ... Come join us!

*Dr. Messina may be reached at docmessina87@gmail.com.*



## Just Think About It

Paul S. Casamassimo, DDS, MS,  
FAAPD, FRCSEd, Guest Columnist

### Only we can fix Medicaid

I've had the pleasure to work for the Ohio Department of Medicaid (ODM) for the last couple of years in various capacities, but most prominently as an adviser who is a dentist who sees patients! In a recent editorial for the "Journal of the American Dental Association" on Children's Dental Health month, I challenged our profession to move beyond the fixing of teeth during our February charge to engaging decision-makers like our legislature, appointed directors of agencies and public health officials outside the office in discussions about oral health. None of you reading should ever underestimate the value of having a spokesperson of professional stature, committed to a local community as a small business owner and employer, caring for neighbors, and with scientific training who can sit down with decision-makers and tell it like it is. That is the advocacy workforce we are!

In our latest ODA membership survey, the comments section tells as much about our opinions as the descriptive data – maybe more. I noted a number of comments about the Medicaid system, mostly, let's say "less than complimentary," and those prompted me to write this commentary. My only goal is to try to explain how the system works – or doesn't – and why. Secondly, I would hope that this piece might prompt you to engage in some

form of advocacy to do what you can to chisel away at misconception and improve awareness of the system in those who may not appreciate the marriage of state and private sector that enables Medicaid to care for thousands of Ohioans.

My appreciation of the complexity of the system we call Medicaid was my first step! Those of us used to having a cause and effect reinforcement in our work lives would be frustrated at the bureaucracy and the layers of approval needed for action and change. Those layers often involve political, financial and legal decisions out of the control of the people who have to act. I was amazed at the maze of federal and state regulation that can complicate decisions that for you and me, seem cut and dried. As often as not, these hurdles were put in place for good reason, but may now fall under the category of "unexpected consequences." I have seen logical, patient-oriented, provider-friendly change hit a roadblock as it travels up the ladder. We in the dental profession need to know that the people at ODM are often as frustrated when this happens as are we.

Let's talk about ODM people. In my brief time there, I have met committed and competent people who want the best for the entire Medicaid family, particularly the patients. My best analogy for these folks is law enforcement. We all know police officers as neighbors, friends and maybe family. We also know that when in blue, they are held to a set of rules of behavior that we may or may not agree with, but they have sworn to uphold. My colleagues at Medicaid work hard to make the system work, but as mentioned above, are constrained by rules, laws, and procedures not of their making. Could we ever imagine a multi-billion dollar system under the control of thousands of people who arbitrarily make decisions? None of us want that – we have enough issues with our state's finances in schools, infrastructure, drug middlemen and other areas that we really don't need or want a free-willing public health care system!

One of our favorite targets is the fee schedule. This is where I challenge us as a profession to engage our state leaders. A clichéd approach to this has been to talk with your legislator and ask if he or she could sell their products or services at a loss and survive. What we lacked in the past was data to support the need for a realistic reimbursement for our services and the benefits, which we have now. That all being said, realize that the dental portion of state Medicaid payments is a mere 1 to 2 percent of the overall Medicaid budget. What drug middlemen have skimmed off the pharmacy portion of Medicaid is about the same! For better or worse, legislators don't see the potential to end dental disease in the Medicaid population by doubling that percentage to 4 percent. The ODA has expressed interest in piloting a program focused on a reasonable reimbursement for dentists in some part of Ohio to demonstrate the benefits of dentist participation and client utilization. We need to push for that to make our point on the role of fees in making Medicaid work for its people.

Our state is committed to its managed care organization model. The political benefit of distance and cost controls for legislators should be obvious. What few of us realize is that we have access to these MCOs and they are required by law to engage the providers. Few of us may also realize that for the most part, MCOs have practicing dentists helping them on policy and decisions. They are us. Less than 10 percent of Medicaid clients remain in what is called "fee-for-service" or the classic Medicaid model, so your Medicaid clients are likely to be in an MCO. My advice to all dentists is to establish a relationship with your MCOs, work with them, hold them to task, and learn what they promise the state to provide and how that can benefit you and your patients.

Finally, realize that while it may not seem like it sometimes, ODM works for us! I don't know that in my experience, I have seen an organization as committed

to response as ODM. Now that response may not be what you wanted to hear or come as quickly as you'd like, but as large as this bureaucracy is, you can get a meeting with real people any time to state your case! I sit in on many of those and it is an enlightening experience to say the least. Realize that ODM leadership has to ultimately answer to the people we elect and who often are our patients, and who serve the voters who are Medicaid clients! And perhaps most importantly, the people at ODM want to take care of people.

Recently, ODM engaged dentists from the community to help design a quality and performance measure called an episode of care. Right now, as I write this, Ohio dentists, ODA staff and ODM officials engaged in the dental program are traveling to Chicago to meet with the ADA's Dental Quality Alliance to learn more about improving our state's system. Over the last year, ODM has engaged the ODA in developing and implementing smoking cessation services, use of silver diamine fluoride, and just now, making teledentistry work for Ohioans. Much of this never percolates down to membership or the providers who work hard to care for Medicaid's clients, but be aware that ODM does work hard to make the system the best it can be. We need to partner with them – the opportunities are there – for us to advocate for change.

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The views expressed in the monthly columns of the "ODA Today" are solely those of the author(s) and do not necessarily represent the view of the Ohio Dental Association (ODA). The columns are intended to offer opinions, information and general guidance and should not be construed as legal advice or as an endorsement by the ODA. Dentists should always seek the advice of their own legal counsel regarding specific circumstances.

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## Advertisers Index

Bridgeway Practice Transitions	3	Omni Practice Group	13
Choice Transitions		8 Paragon Dental Practice Transitions	5
Dr. Harry Miller		5 Practice Endeavors	14
Frank Recker DDS, JD		4 Practice Impact	7
ODASC	5, 6	Thomas Law Group	9

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Submitted photo Children from the Lawrence County Home-based HeadStart program participated in a Give Kids A Smile event hosted by Southern Ohio Dental Society President Dr. Hal Jeter. Jeter and hygienist April Floyd gave the kids (and moms) tips on how to take good care of their teeth and mouths. GKAS activities include free dental care and/or free oral health education for children and can be held anytime throughout the year. For more details or to register an event, visit <https://oda.org/community-involvement/give-kids-a-smile/>.

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**OPIOIDS, from page 8**

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**AWARD, from page 8**

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