

TDA TODAY

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Austin-area Dentist Wins ADA Design Award for Office Remodel

The American Dental Association (ADA) awarded **Gary Cash, DDS**, of Austin a Design Innovation Award (DIA) in November for his dental office remodel.

The ADA Council on Dental Practice, ADA Member Advantage, and BMO Harris Bank announced November 15 the winners of the third annual DIAs, which recognize excellence in dental facilities that seamlessly combine esthetics appeal, function, and design, according to ada.org.

Dr Cash has wanted to redesign his office since he acquired it in 2011. "I have always loved the space and location, but the flow and the ergonomics needed a total reconfiguration," he explains. "I am left-handed, and the rooms had single entry and the previous dentist was right-handed."

Prior to the remodel, employees had to cross through the patient reception area to access the team break room, he says. "Our team was thrilled with the improvements, the admin areas have larger desks and work spaces, and there is improved privacy between check-in and check-out spaces."

The ADA Council on Dental Practice narrowed down the applicants in the 3 award categories: large new build, small new build, and remodel. Open voting on ada.org

Dr Gary Cash won an ADA Design Innovation award for the remodel of his dental office in Austin. He was awarded \$1,000 and will be featured in various American Dental Association publications.

occurred in October and during SmileCon in Las Vegas.

Dr Cash says the 2-phase remodel experience was not without its challenges as the practice shut down for 6 weeks while electrical and plumbing systems were replaced.

However, the end result was worth it! "It is such an honor winning the DIA award! It is humbling that our design and workflow-vision resonates with so many of our colleagues. Our vision was

to create patient comfort, flow, and a work space that reflects our quality of dentistry and patient care."

The winner for the "large new build" category is Mattson Hellickson Dental in Beaverton, Oregon; the "small new build" category went to Jessica Cohen Orthodontics in Highland Park, Illinois. The winners receive \$1,000, and their practices and design processes will be featured in various ADA publications during the upcoming year, according to ada.org.



OIG Launches Solicitation Education



The Texas Health and Human Services Office of Inspector General (OIG) proactively works with dental providers to prevent fraud, waste and abuse in Texas Medicaid delivery. In its latest endeavor, the OIG is collaborating with the Texas Department of State Health Services (DSHS) to share information about illegal dental solicitation with dentists who participate in Texas Health Steps, which provides free dental and medical checkups to children with Medicaid. The OIG's outreach effort and training with DSHS is currently underway and includes connecting with providers through a variety of communication avenues.

Solicitation Basics

The information being shared with providers is intended to remind Medicaid dentists and their staff of the prohibition against patient solicitation. The OIG enforces 1 Texas Administrative Code §371.1669, which prohibits a person from offering any cash, gifts or other items that may influence a potential client's selection of a Medicaid service provider. Providers may not offer, and clients may not accept:

- Cash, cash equivalents or gift cards in any amount.
- Free or discounted services for a family member to influence their health care decisions.
- Transportation, unless it's properly arranged with the

client's managed care organization or the Texas Health and Human Services Commission.

The OIG may investigate providers who advertise free transportation on their website or providers who hire people to canvass neighborhoods looking for Medicaid-eligible children and pay drivers to transport children for Medicaid services. Providing goods or services of any value could be considered a violation, but that would typically not be the case for non-cash, low-cost items such as a toothbrush valued less than \$10.

Don't Risk Exclusion and Fines

If a provider solicits Medicaid clients, the provider may be found guilty of a Class A misdemeanor and a third-degree felony if the dentist was previously convicted of illegal dental solicitation or was employed by the federal, state or local government at the time.¹ The provider may be subject to disciplinary action by the Texas State Board of Dental Examiners, an injunction, civil penalties of up to \$10,000 and possible exclusion as a provider from the Medicaid and CHIP programs.²

Marketers in Mission and Grand Prairie were each excluded from working for Medicaid providers for 25 years for their roles in soliciting clients for dentists. Investigators say the marketers typically used social media to offer cash or gift cards to the parents or guardians of children in the Medicaid program and would often transport the children to the dental appointments without a guardian present. These investigations also led to dentists billing for services not performed.

Solicitation was part of a case settled this year with a north Texas pediatric dental care provider. The case focused on allegations of Medicaid client solicitation, as well as erroneous billing for dental procedures. The provider worked with the OIG to better understand Texas Medicaid policies to prevent future errors also agreed to a settlement of \$50,000, which included \$15,000 in penalties.

Join the Effort

The OIG created a brochure to educate providers about the signs and consequences of illegal dental solicitation in Medicaid. Download it from <https://tinyurl.com/OIGsolicitation> and share it with your staff.

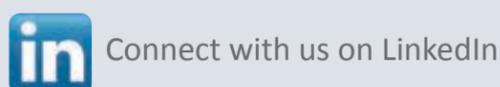
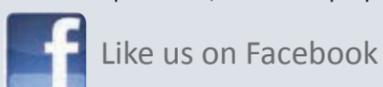
If you believe a provider is illegally soliciting Medicaid patients, please notify the OIG by calling 800-436-6184, or by using the Report Fraud form found on the OIG website, ReportTexasFraud.com. Your identity and contact information will be kept confidential to the extent permitted by law.

Connect with the Office of Inspector General:

Facebook: www.facebook.com/TxOIG
Twitter: www.twitter.com/TexasOIG
LinkedIn: hsc-office-of-inspector-general

References

1. Texas Occupations Code, Sec. 102.001
2. Texas Occupations Code, Sec. 102.009, 102.010, 259.008



Chew ON THIS

TDA President
Debrah J. Worsham, DDS



During this time of year we find ourselves focusing on gratitude, celebrations, shopping, and gatherings with family and friends. While trying to attend any and all holiday related events, and do everything required of us, we sometimes find ourselves a little bit stressed and running in many different directions. Life at TDA is no different!

The TDA was recently featured in the State Spotlight section on the most recent ADA Power of 3 Webinar. These ADA sponsored webinars are open to state dental officers/leaders from all across the United States. President-elect, Dr Duc "Duke" Ho, and I highlighted Texas' efforts to increase TDA membership through our personal peer-to-peer outreach efforts. We had several "atta boys and great job, Texas," so I know our program was well-received by many.

My recent road trips have taken me to greater Houston, Brazos Valley, east Texas, and McAllen.

These included component society meetings with sit down meals, social get togethers with catered food under a tent in a dental office parking lot, photo shoots and interviews, and Christmas parties!

There is never a dull moment with TDA members, whether it's renewing old acquaintances or meeting new friends, and especially with our family-like camaraderie!

As you read through this year's final issue of *TDA Today*, focus on those topics impacting your practice that TDA helps you navigate. TDA provides necessary updates on TSBDE rules, Medicaid issues, and state laws affecting our practices. TDA makes our lives easier with savings through the TDA PERKS Program. TDA members receiving special recognition or those members who give back to their community are highlighted, and TDA spotlights the generosity of our member dentists who volunteer their time at Texas Mission of Mercy events across the state.

Please examine your 2022 dues statement which was mailed recently. The statement highlights tangible benefits offered by TDA:

- Dental advocacy
- Personalized regulatory and compliance assistance
- National and state award winning scientific publications
- Monthly newsletter covering numerous dental related issues
- Peer review program
- The TDA Meeting where required CE may be obtained in one weekend
- TDA Perks Program with endorsed services, products, and preferential pricing to members

Your 2022 dues may be paid easily online at tda.org, whether in full or with 10 monthly installments complete with auto renew. Dues statement questions may be answered by calling the TDA Member Services team at 512-443-3675, Ext 137.

Stay connected with your peers and TDA's resources. Get in gear and renew your membership today!



Leadership of the ETDS gather for a group photo at their December meeting.



The East Texas Dental Society (ETDS) celebrated at its holiday party and society meeting in December. Pictured are Dr Caleb Rossall and TDA President Dr Debrah Worsham.

TEXASDENTALASSOCIATION
SMILES
FOUNDATION

happy healthy
smiles...
that's our mission!

End of Year Giving Opportunities

Holiday Cards—Give the gift of hope!

Our holiday cards are back! The front says, "Bringing Smiles This Holiday Season!" Inside will feature a patient quote along with a note: "May your holidays be filled with happiness and trimmed with the love of family & friends." Cards are \$25 each or 5 for \$100. Proceeds from the cards will go to continuing our mission to help the underserved populations of Texas. If you want to order cards, please visit <https://www.tdasmls.org/tdasf-holiday-cards/> or email rgutierrez@tda.org.

Match Giving Fundraiser

Looking for an opportunity to give back and double your impact? Look no further—we have a great option for you! Donations for the SMART Smiles program (up to \$4,000) and TDA SF (up to \$7,000) will be matched by an anonymous donor! You can give between now and December 15th!

New Policy for Texas Mission of Mercy Events

All volunteers and patients are required to provide proof of a negative COVID-19 test result received within 72 hours prior to appointment or attendance at a Texas Mission of Mercy (TMOM) event or, in lieu of a negative test result, volunteers or patients may choose to provide proof of vaccination against COVID-19.

We are excited for our upcoming Veterans Mission of Mercy event in San Antonio, Texas on November 4-5, 2021. This will be a 20-chair event.

If you don't speak for dentistry, who will?

DENPAC supports candidates for state office who support dentists and patients.

We need your investment.



Ready to do your part?

Visit DENPAC.org to make an investment online.



Contributions or gifts to political action committees are not deductible as charitable contributions for federal tax purposes. Contributions to the Texas Dental Association Political Action Committee are voluntary and may be used to support state candidates and office holders. You may refuse to contribute without reprisal, and the Texas Dental Association and its local component societies will neither favor nor disadvantage anyone based on the amount or failure to make contributions. According to Texas state law, political action committees may only accept contributions from individuals, professional corporations, and professional associations. State law requires political action committees to request and make best efforts to report the name, mailing address, occupation, and employer for each individual whose contributions aggregate in excess of \$100 in a calendar year.

MEDICAID MONTHLY

New! DentaQuest Change Your Main Dentist Tool for Members!

Now members can change their Main Dentist online and save time. Just direct the member's head of household to DentaQuest's online tool where they can change their Main Dentist in 4 easy steps. It's faster than calling and available 24/7 using the same system that the DentaQuest Member Services team uses. There is no need to log in to the member portal and members show up on the dentist's patient roster within minutes.

MEMBERS CAN NOW CHANGE THEIR MAIN DENTIST ONLINE AND SAVE TIME!

When you direct a Member's Head of Household to our new online tool, they can change their Main Dentist in 4 easy steps.

- Make changes online, faster than a call, 24/7
- No need to log in to the Member portal
- Use the same system our Member Services team uses
- Members show up on your patient roster within minutes - no reference number needed!

Member's Head of Household Can Use This Code to Change Main Dentist Now!



www.dentaquest.com/texas

Please note: Main Dentist changes can only be made by the Member's Head of Household.

Members can stay up to date and receive the latest news and information about their plan at www.DentaQuest.com/staysmiley.



DentaQuest

FOUR EASY STEPS FOR MEMBERS

Tell Member's Head of Household to have Member ID number handy (found on Member ID card).



1

Member's Head of Household tells us who wants to change their Dentist.



2

Member's Head of Household searches for a Dentist.



3

Member's Head of Household selects a new Main Dentist.



4

Member's Head of Household receives confirmation of final selection.



DQ2289 (10.21)

Update: Statewide Medicaid Managed Care Advisory Committee

The Health and Human Services Commission (HHSC) held subcommittee meetings and the full committee meeting on November 3-4, 2021. Since the committee's inception, the Texas Dental Association (TDA), through its Council on Public Health and Access to Care, has advocated for various Medicaid dental managed care improvement projects.

This is a reminder that dentist providers are encouraged to report complaints with dental maintenance organizations (DMOs) to HHSC. HHSC not only records, investigates, and helps resolve provider complaints, but the agency evaluates the complaints received with each DMO which can lead to contract action by the agency if warranted.



How to Submit a Complaint as a Medicaid Provider

Providers wishing to submit a complaint about a health or dental plan (managed care or dental maintenance organization) such as concerns about a claim, follow these steps.

STEP 1: Contact the health or dental plan

Refer to the MCO or DMO complaints/appeals section of the provider manual or website.



For other complaints such as provider enrollment and re-enrollment, or traditional Medicaid claims:

› Call **800-925-9126**



› or write to:

TMHP, Complaints Resolution Department
PO Box 204270, Austin, TX, 78720-4270

If you still need help:

STEP 2: Contact HHSC

Send a secure email to HHSC at hpm_complaints@hhsc.state.tx.us or fill out this online form: <https://texasrhs.org/ManagedCareProviderComplaint>

What you'll need when you contact HHSC:

- › Provider's name, national provider identifier number, phone number, and contact person submitting complaint
- › Member's Medicaid ID number, name, birthday and address
- › Summary of complaint and any associated documents to be sent via secure email

What you can expect from HHSC:

- › Send you an acknowledgement letter within three to five business days
- › Start working on your complaint
- › Check in with you within five business days of receiving the complaint
- › Tell you what happened and anything you might need to do

For a complaint on behalf of a member, please follow step 1, and then submit a complaint to HHSC at <http://bit.ly/ComplaintSubmission> if you still need help.

For CHIP health or CHIP dental complaints, please follow step 1, and then contact TDI at ConsumerProtection@tdi.texas.gov if you still need help.

2020c09 - revision date: July 2020

Update: Centers for Medicare and Medicaid Services Interim Final Rule Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccinations

On November 5, 2021, the Centers for Medicare and Medicaid Services (CMS) published its interim final rule (ie, emergency regulation), effective November 5, 2021, mandating that Medicare-and-Medicaid certified providers and suppliers be vaccinated for COVID-19 by January 4, 2022.

As stated in CMS' frequently asked questions for the rule, "The staff vaccination requirement applies to the following Medicare and Medicaid-certified provider and supplier types: Ambulatory Surgery Centers, Community Mental Health Centers, Comprehensive Outpatient Rehabilitation Facilities, Critical Access Hospitals, End-Stage Renal 2 Disease Facilities, Home Health Agencies, Home Infusion Therapy Suppliers, Hospices, Hospitals, Intermediate Care Facilities for Individuals with Intellectual Disabilities, Clinics, Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical Therapy and Speech-Language Pathology Services, Psychiatric Residential Treatment Facilities (PRTFs) Programs for All-Inclusive Care for the Elderly Organizations (PACE), Rural Health Clinics/ Federally Qualified Health Centers, and Long Term Care facilities."

However, according to the rule as published in the November 5, 2021, issue of the *Federal Register*, **the regulation does not apply to Medicaid dentists in private practice**, "...because CMS does not regulate the health and safety in physician and dental offices..." Please note that entities not covered by this federal rule (ie, Medicaid dental offices) may still be subject to other Federal COVID-19 vaccination requirements, such as those issued by Occupational Safety and Health Administration.

TDA remains in contact with Texas Health and Human Services as it reviews CMS' emergency regulation and its impact on Texas' Medicaid providers and facilities. Any updates or changes will be published in a future issue of the *TDA Today*. ■



The Most Popular Topic Among TDA-Member Readers Underscores a Constant Challenge This Perks Program Offers a Complete Solution.

Staying compliant with ever-changing regulations and requirements is challenging.

It's not surprising, then, that the most consistently read articles in TDA Perks Program's weekly e-newsletter are compliance-related.

Hundreds of TDA members are apparently voracious readers of Lee Slaton's wildly popular to-the-point and easy-to-understand OSHA and HIPAA monthly compliance articles. (To subscribe to TDA Perks Program's free weekly e-newsletter "In the Know," visit tdaperks.com and subscribe in the footer.)

Mr. Slaton, vice president of healthcare at Smart Training, is happy to know he's helping so many through his articles. But he'd like more TDA members to understand Smart Training's programs provide a scaffold for comprehensive (instead of piecemeal) and simplified OSHA and HIPAA compliance for their offices.

The company is the market leader in dental OSHA and HIPAA compliance and provides three programs for dental offices to help them achieve compliance.

Its staff training program streamlines OSHA-required monthly safety and security meetings; and all courses, scores, and safety meetings are automatically recorded.

Its "OSHA & HIPAA Essentials" program provides all documents required by OSHA and HIPAA (job hazard analysis, risk assessment, compliance binder, and supervisors' training).

Smart Training's comprehensive offering (Platinum+) is a step-by-step regulatory compliance program that offers a guarantee against OSHA fines—the only one in the Texas dental industry. Compliance specialists provide evaluations of a practice and custom recommendations to ensure it's safe and compliant with OSHA and HIPAA requirements, federal and State regulations.

TDA members can receive a complimentary compliance assessment (\$250 value). Contact the company to check for availability and discounts. For more information about Smart Training, visit tdaperks.com (Compliance & Supplies) or call Smart Training at 469-342-8300. ■



TSBDE Rule Update

This recurring section is designed to help TDA members keep up with important Texas State Board of Dental Examiners (TSBDE) rules, other regulations, and state law affecting their practices.

TSBDE Proposed Teledentistry Rule

The Texas State Board of Dental Examiners (TSBDE) published a proposed teledentistry rule in the November 12, 2021, issue of the *Texas Register* for 30-day public comment. The proposed rule details the standards for providing teledentistry dental services as set out in House Bill 2056 of the 87th Regular Legislative Session, and Chapter 111, Texas Occupations Code.

As our readers know, the Texas Dental Association (TDA) supported the teledentistry bill—House Bill 2056—by Representative Stephanie Klick and Senator Charles Perry.

TDA's rule comment letter to the TSBDE acknowledges that the dental board's published draft teledentistry rule—22 Texas Administrative Code §108.16, *Teledentistry*—is consistent with House Bill 2056, signed into law by Governor Greg Abbott. The proposed rule maintains a single standard of dental care and holds teledentistry services to the same standards and guidelines as exist for in-person dental services.

However, TDA did include in its letter a recommendation to clarify subsection (e)(5). While TDA believes subsection (e)(5) is not necessary in the teledentistry rule, TDA recognizes it may provide some explanation and guidance for those practicing teledentistry. But an unintended consequence of subsection (e)(5) as currently proposed could confuse scope of practice under a license if not clarified. For instance, a hygienist may not perform an examination, and it should be clarified that this proposed rule does not change or intend to expand the law in this regard. To address this situation, TDA suggested a simple addition to subsection (e)(5) to ensure there is no confusion about scope of practice under teledentistry.

The dental board will discuss all public comments received about the rule during its February 17, 2022, Dental Practice Committee meeting and during the full board meeting on February 19, 2022. Depending on the comments received and board member deliberations, the TSBDE may decide to adopt the rule as published, adopt the rule with minor non-substantive amendments, or vote to publish a new version of the proposed rule in the *Texas Register* for additional public comment.

For more information on the TSBDE, please contact TDA Senior Policy Manager Diane Rhodes at 512-443-3675, drhodes@tda.org.



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