

May 2009

Volusia-Flagler Dental Association Newsletter

"The Unified Voice of Organized Dentistry"

Serving Volusia and Flagler Counties

MAY MEETING

Installation Banquet of Officers

Place: Oceanside Country Club

75 N. Halifax Drive.

Ormond Beach, FL

May 15, 2009

6:30 PM - 9:30 PM



*Dr. Flutie and the "Beatles", What a Show!!
Staff Appreciation Meeting March 12, 2009*

VOLUSIA-FLAGLER DENTAL ASSOCIATION

2008-2009 ANNUAL DUES STATEMENT: \$175.00

Please fill out *completely* this information update form and dues statement and return it with a check made payable to the **VOLUSIA-FLAGLER DENTAL ASSOCIATION (VFDA)** for \$175.00. This is your dues statement for 2008-2009. There will not be a separate statement mailed. The information collected will be used only for the VFDA.

Return this form and check to:

Dr. David Lloyd
Treasurer, VFDA
139 Executive Circle #101
Daytona Beach, FL 32114

Name & Degree _____

Spouse's Name (Degree/Occupation) _____

Home Address _____

Home Phone _____ Home 2nd Line or FAX _____

E-Mail Address: _____

Dental School & Year _____

Specialty School & Year _____

Other Degrees/Fellowships/Certifications _____

Primary Office Address _____

Main Phone _____ Back Phone Line _____ FAX _____

Secondary Office Address _____

Main Phone _____ Back Phone Line _____ FAX _____

Third Office Address _____

Main Phone _____ Back Phone Line _____ FAX _____

Nitrous Oxide: ☐ Yes ☐ No IV Sedation: ☐ Yes ☐ No

Foreign Language(s) _____

Other: _____

VOLUSIA-FLAGLER DENTAL ASSOCIATION

VOLUSIA-FLAGLER DENTAL ASSOCIATION 2008-2009

President Dr. Ray Kenzik
Vice President Dr. April C. Flutie
Secretary Dr. Bryan Bergens
Treasurer Dr. David Lloyd
Immediate Past President Dr. Don Hermann

Delegates Dr. Scott Lawson
Dr. Oscar Morejon
Dr. Howard Pranikoff

Alternate Delegates Dr. Bob Borer
Dr. Rod MacIntyre
Dr. Jason Larkin

Affiliate Rep to CFDDA Dr. Gene Rhee

Editor Dr. Bryan Bergens
Public Relations Dr. Don Hermann

Committee Chairs:

Dental Health Month Dr. Jason Larkin
Direct Assignment Rep Dr. Howard Pranikoff
Peer Review Dr. Jack Goldey
Membership, Recruitment & Retention Dr. Gene Rhee
Project Selection Dr. April C. Flutie
CFDDA Committee on the New Dentist Dr. Bob Borer

CENTRAL FLORIDA DISTRICT DENTAL ASSOCIATION

Second Vice President Dr. Howard Pranikoff

Submitted by Nominating Committee

Dr. Donald Hermann, Chair
Dr. Gene Rhee
Dr. Oscar Morejon
Dr. Benny Ramirez

1
2 DATE: January 11, 2008
3

4 SUBMITTED BY: FDA Staff
5

6 **STATUS REPORT: TOOTH WHITENING**
7

8 Florida law makes it a felony (unlicensed practice of dentistry) for a non-dentist to provide, or offer
9 to provide, tooth-whitening services. The law allows tooth whitening supplies to be sold directly to
10 consumers and it allows consumers to apply whitening products to their own teeth. But offering to
11 perform, or actually performing, the service for another person is the practice of dentistry, such that
12 only a Florida-licensed dentist may lawfully do it.
13

14 While the law is clear, enforcement has been slow and the number of bleaching kiosks is rising at
15 an alarming rate. Business-owners may not know that a dental license is required if they place the
16 products in, or take an impression of, a consumer's mouth. Yet ignorance of the law is no excuse.
17 Prosecutors may be reluctant to pursue felony charges if they believe—incorrectly—that there is
18 no danger to the patient from tooth whitening. Yet they are sworn to uphold the law. Prosecutors
19 may believe that the punishment far exceeds the seriousness of the crime. Yet the public goes
20 unprotected if the rule of law is compromised. Enforcement agencies may be reluctant to divert
21 meager resources to tooth-whitening choosing instead to focus only on "major" crimes. Yet there is
22 money in the budget to prosecute unlicensed activity and it is indeed a felony. Investigators may
23 face considerable challenges because tooth whitening operations are often set up at very
24 temporary, easily relocated, locations where the business owner is not present to be served with
25 process. Yet these challenges are present with all criminal activity, not just unlicensed practice.
26

27 The issue has attracted the attention of the Florida Board of Dentistry but the BOD has no authority
28 to prosecute criminal violations and no authority at all over non-licensees. Instead, unlicensed
29 activity is prosecuted by the Florida Department of Health.
30

31 Dentists who want to report unlicensed activity should contact the Department of Health, not the
32 Board of Dentistry. The telephone number to report unlicensed activity is 877-HALT-ULA (877-
33 425-8852).



Questionnaire to Accompany Complaints of Unlicensed Practice

If you know the Subject
of your complaint, what
is your relationship to
the Subject?

How did you become aware of the alleged
unlicensed practice?

When did you become aware of the
alleged unlicensed practice?

Location of Occurrence of
the alleged unlicensed
practice:

Time/Date/Location of Treatment or
Incident:

If payment was made, how was subject paid?

Does the Subject or Subject's business
accept Medicaid () Yes () No
Medicare () Yes () No?

Physical Description of
Subject:

Race:

Sex:

Height:

Weight:

Color of Eyes:

Description of Vehicle:

Year:

Make:

Model:

Tag No:

Color:

Have you notified law enforcement or any other Agency about the
offense? () Yes () No

If yes, please provide the case # and Name of Investigator
assigned to your case:

Name and telephone number of Agency:

Names and addresses of other individuals
aware of your complaint:

Names of other Subjects/licenses at the same location or
business:

CONFIDENTIAL INFORMANT SECTION:

If you wish to remain anonymous you may become a Confidential Informant. Pursuant to Florida Statutes dealing with the Investigation of Criminal Activities, the Department may investigate complaints made by a Confidential Informant. You do not have to provide your name. If you prefer to become a Confidential Informant, your identity will only be disclosed by the department under the order of a judge having jurisdictional authority.

Division of Medical Quality Assurance, Consumer Services Unit
4052 Bald Cypress Way, Bin C-75 • Tallahassee, FL 32399-3275
Telephone Number (850) 245-4339 or Toll Free Call Center 1-888-419-3456
Visit us online at www.doh.state.fl.us/mqa

LIST OF GRADUATING DENTAL ASSISTANTS

DAYTONA STATE COLLEGE

If interesting in interviewing, please call -

Shana Allen	386-671-9908
Johami Alverez	386-532-8485
Heather Berger	386-405-2657
Krisen Davis	386-736-3876
Shannon Galliford	386-532-0508
Alex Jones	386-472-3747
Connie McMorro	386-690-6314
Nataulee MacGregory	386-218-5543
Melissa Matos	386-290-4860
Brittany Petty	386-313-6246
Lauree Ramos	386-748-9861
Kathryn Southerland	904-803-9251
Katie Tourville	386-898-4948
Jill Reichert-Trecki	386-437-2472

VOLUSIA/FLAGLER DENTAL ASSOCIATION
EXECUTIVE BOARD MEETING MINUTES

March 12, 2009

Members present: Bergens, Kenzik, Flutie, Lloyd, Rhee, , Morejon, McIntyre

Group discussion- the delegates may be at another meeting and cannot attend our CE course in April 2009. The Alabama ruling about bleaching – declared it a practice of dentistry may aid dentists in Florida. The anti-fluoridation movement is occurring in many communities – Board members are monitoring. Dr. Costello is running for House 26 district (House of Representative) and we need to support him.

Dr. Kenzik – May installation banquet is May 15, 2009. Everything should be ready. Dr. Costello to do the induction.

Dr. Lloyd – We lost \$2,000.00 on the Levin Course and gained \$2,000.00 on the CE course. The food left over from the CE course was donated to a soup kitchen in Deland. Dues are continuing to arrive. Our accountant is working with the IRS to clear up our TaxID confusion and filing.

Board decision - Donate \$1,500.00 to the Dr. Jeff Scott Trust Account for his surviving children

Dr. Rhee – remind all to use our website www.volusiacountydental.org

Respectfully Submitted,

Bryan M. Bergens, D.D.S.
Secretary, VFDA and Editor

During the 2008 Legislative Session, the Florida Dental Association (FDA) amended the Health Care Clinic Establishment Permit legislation in an attempt to minimize its impact on the dental profession. The bill, HB 7049, tried to curb fraud associated with the purchase and alteration of prescription drugs. The Florida Department of Health's (DOH) answer: require anyone purchasing a prescription drug to register and purchase a Health Care Clinic Establishment Permit. The FDA led the effort to exempt the purchase of prescription drugs by an individual practitioner from the provisions of this bill. FDA staff expressed concerns following initial discussions with the DOH in which they did not acknowledge the exemption.

More recently, the DOH has clarified: if a group practice, in its corporate capacity, wishes to purchase and own prescription drugs, then a health care clinic establishment permit is required. Group practice is defined as a professional services corporation (PA) or professional limited liability company (LLC) operating a place of business at one or more physical locations..

Thus, dentists who want their business entity to be the purchaser and owner of prescription drugs, rather than themselves personally, may obtain a health care clinic establishment permit. Permit applications now are available online at www.floridadental.org/HCCCE.pdf or through the Department of Health at www.doh.state.fl.us/pharmacy/ap_HCCCE.pdf. Although a rule implementing this program has yet to be promulgated, the statutory law becomes effective Jan. 1, 2009. Permits cost \$255 for two years and require the business entity to designate an individual dentist employed by the entity "who will be responsible for all legal and regulatory requirements."

Why would dentists want their corporation to be the owner of the prescription drugs? In a common situation, doctors, through their business organization, own and operate more than one practice location and want to centralize ordering and distribution of prescription drugs for all the practice locations. With a health care clinic establishment permit in hand, a single doctor could order drugs for all practice locations and transfer drugs from one office to another, rather than having a doctor at each location individually order and keep track of the drugs.

Working with FDA staff, the DOH has clarified that dentists who has not incorporated (that is, they own and operate the practice as a sole proprietor) do not have to obtain a health care clinic establishment permit in order to purchase, store and administer drugs to patients under their care. Also, the department has clarified that even doctors who have incorporated their practice do not need a health care clinic establishment permit so long as they individually order their own prescription drugs for dispensing or administering to their own patients under their own license number.

In other words, dentists who have incorporated their practice, but practice by themselves are not required to purchase a health care clinic establishment permit. This is perhaps the most common practice setting. The FDA is pleased that most of its members therefore will remain unaffected by this new legislation. In this setting, uniquely typical of dentistry, it made no sense for the department to require a \$255 permit when it has already issued a dental license.

But remember:

- As an individual licensee, you are personally responsible for what happens to the prescription drugs you order, store and administer. Keep them safely locked away and dispose of them properly when expired.
- Even if you personally are not required to have a health care clinic establishment permit, your business organization may still want to obtain one (see above).
- If you want to give the drugs you ordered to other doctors in your practice to administer to their patients, you must incorporate the group practice and the corporation itself must obtain a health care clinic establishment permit. Alternatively, the other doctors should order the drugs themselves under their own license number and be personally responsible for them. This should be clearly spelled out.
- In some situations, a federal Drug Enforcement Administration registration number may be required in addition to your individual dental license number (controlled substances).
- Also, dispensing practitioner permits and anesthesia permits are different from health care clinic establishment permits. You may need one of these permits if you fill prescriptions (other than fluorides and chlorohexidine rinse solutions) for take-home use or if you perform conscious sedation, general anesthesia, etc.

Florida Dental Association

1111 E. Tennessee St.

Tallahassee, Florida 32308

Phone: (800) 877-9922

This message originates from the Florida Dental Association and/or its affiliated organizations. It contains information that may contain solicitations for and/or advertising of services.

Florida Dental Association FDA@FloridaDental.org

YOUR ASSOCIATION NEEDS YOU!!

**ANYONE INTERESTED IN BECOMING
*VFDA'S PUBLIC RELATIONS COORDINATOR***

**PLEASE CONTACT DR. RAY KENZIK
FOR INFORMATION AND JOB DESCRIPTION**

**THIS POSITION WILL HELP OUR
ASSOCIATION PROMOTE DENTISTRY**

THANK YOU IN ADVANCE

THE EXECUTIVE BOARD

SLATE OF NOMINATIONS
EXECUTIVE BOARD 2009-2010

TREASURER - DR. ERIC OLSEN

NOMINATING COMMITTEE – DR. RAMIREZ
TO REPLACE DR. RHEE

ANY OTHER NOMINATIONS –

PLEASE SUBMIT TO DR. KENZIK BY
MAY 1, 2009 OR THE NOMINATIONS ARE CLOSED

Friday Jan. 29, 2010

SAVE THE DATE

SEMINAR 2010

Speaker: Dr. Lou Graham

Topic:

***"Building Value with a
Conservative/Esthetic/Oral Health Approach"***

Primary Sponsor:

Dentsply Tulsa Dental Specialities

Location: Indigo Lakes Golf Club Banquet Center

Invitations will be mailed with complete details in late

December, in the meantime please call us at

386-677-1844 If you have any questions or
would like to register in advance.

Hope to see you there.

Howard L. Pranikoff, DDS, MScD, FICD, FACD

eGRAM

April 13, 2009

Dear Colleagues,

Washington is ready to raise Red Flags - and it could cost your practice hundreds of dollars. The Federal Trade Commission has declared that on May 1, 2009, businesses, including dental offices, are supposed to begin complying with the so-called "Red Flags Rule" contained in new federal regulations designed to deter identity theft.

The ADA has worked diligently to secure a legitimate exemption from these rules which we all believe were never intended to apply to dental practices.

We continue to press three main points:

- Including dentists within the definition of a "creditor" who needs to comply with the Red Flags Rule is contrary to the legislation that the Rule purports to implement;
- The Red Flags Rule was not adopted in accordance with the requirements of the federal Administrative Procedures Act; and
- Imposing the Rule on dentists represents unsound public policy and would impose an undue burden on dentists if they are required to comply.

As recently as March 4, the ADA's legal staff and I talked with representatives from the FTC in an attempt to at least postpone the introduction of the Rule.

Unfortunately, these attempts were not successful. If the new regulations go into effect as scheduled, your practice will need to write new policy procedures, train your staff, and confirm that all your business "associates" comply with identity theft rules.

I know that my dental practice doesn't have a legal team and a federal regulations compliance officer on staff to deal with these new requirements. But as an ADA member, I have access to a thorough guide to help me comply with the new Red Flags Rule- **and you do too.**

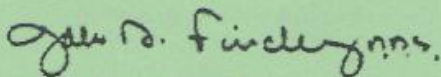
Your state dental society is making these valuable materials available to all ADA members. And now we have made them available on the [members-only section of ADA.org](#), where you can download these resources on your own.

The guide is a step-by-step plan to help you prepare and implement the requirements of the Rule, while the sample policy and procedures can save your dental practice hours, as well as legal fees necessary to meet FTC requirements.

These are very valuable documents for the exclusive use of our member dentists that would be expensive if purchased from an outside vendor. We are pleased to be able to make them available to you as a member benefit free of charge.

This is one more example of how the ADA is working hard every day to make the most of your dues dollars. We will continue to stand up for you in Washington on this and other issues that can affect your practice - and we'll stand beside you to minimize the impact of new regulations on your bottom line.

Sincerely,



John S. Findley, D.D.S.
President