

Acknowledgement and Consent for HIPAA Discussed by NYSDA General Counsel

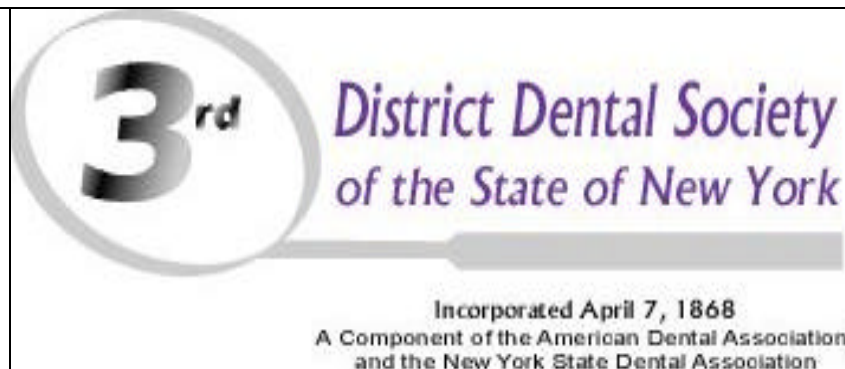
Margaret Surowka Rossi, Esq., New York Dental Association's General Counsel states "one of the most common questions I have been asked about HIPAA is whether NYS law requires a consent form in addition to the "Acknowledgment of the Receipt of Notice of Privacy Policies". HIPAA provides that as long as a dentist makes a good faith effort to obtain the Acknowledgment form, the dentist is free to disclose protected health information for purposes of treatment, payment and healthcare operations. New York State law has found that it is professional misconduct to disclose health information without a patient's consent (section 29.1(8) of the Rules of the Board of Regents -- found in Title 8, Education of the NYCRR). Many dentists may already have obtained consent from their patients for disclosure for specific purposes.

For example, the Universal Insurance Claim form includes a provision whereby the patient ex-

pressly consents to the release of information for purposes of payment for the specific treatment at issue. New York State does not appear to require the longer consent form included in the ADA compliance kit, but that form would certainly suffice to cover New York law and dentists using that kit can have the patients sign that in addition to the Acknowledgment. Or the dentist could have them sign a combined Acknowledgment and Consent. A sample form is posted on the NYSDA web site (www.nysdental.org).

In any event, the dentist should not disclose information without a consent for such disclosure -- which should be what the dentists are already doing under New York law. Just because HIPAA allows it for treatment, payment and operations, does not mean New York Law does. If they already have the consent for such purposes, it should cover the dentist under New York law."

Third District boasts NEW logo



As an ongoing project by the district, Dr. Barry Simon, Immediate Past President, assisted in the groundwork of this up-to-date logo.

After much work by Kathleen Moore our Executive Director, the new logo had been created and adopted at the

February 3rd Executive Committee meeting.

The new logo is a part of new district stationary and this new newsletter cover now printed in lilac ink, the official academic color of dentistry.

Executive Committee November Minutes

Call to Order

The regularly scheduled meeting of the Third District Dental Society of the State of New York was called to order by President Elect Dr. David Delaney at 7:30 PM in the Conklin Conference room of Albany Memorial Hospital. A quorum was present. Motion passed to accept the September 9, 2002 minutes as published.

President's Report - Dr. Bennett Lax

Dr. Lax reported an approximate \$18,000 profit from the Annual Meeting despite the scheduling conflict with the 4th District. Drs. Vladimir Cubano, Doug Smail, and Christopher Maestro have been appointed to serve on the Executive Committee.

President Elect's Report - Dr. David Delaney

Next months executive committee meeting will be moved to December 9th due to the BOG meeting in NYC. Next years Annual Meeting will be held on Friday September 19, 2003 at the Albany Marriott.

Executive Director's Report - Kathleen Moore

On October 26th the DNA Life Print was held at Crossgates Mall. 200 children attended the event, chaired by Dr. Christopher Walsh, ages 6 months to 16 years. Cable News 9 did a segment on the event.

ADA Delegates Report

Drs. Steve Messing and Andy Wood outlined a few topics from the October ADA Annual Meeting. An article will be placed in the Mirror reviewing pertinent points of interest. Some of the topics discussed are as follows:

ADA Budget – The budget passed. There will be an increase in ADA dues to \$435. This is mainly a result of a resolution passed to spend 2.65 million this year and 7.95 over 3 years to continue the Direct Reimbursement Program. Another resolution was passed that establishes reserves of the ADA at 30% of the annual budget. Anything over will go into the following year's budget.

Licensure by Credentials- ADA Resolution 14 requires a general dentist to practice in an area for 6 years in good standing to get licensure by credentials. The NY delegation put forth a motion to omit the time requirement. This passed.

Resolution 8ORP- this resolution passed. It deals with the identification of dental consultants. This proposal would require insurance companies to make the credentials available of individuals involved with accepting and rejecting dental claims.

The ADA is supporting federal legislation to facilitate the formation of association health plans. This would allow the ADA to set up a health plan without being subjected to individual state insurance regulations.

The ADA will be promoting their Give Kids A Smile Program. Dentists will be encouraged to open up their offices on Feb. 21 and treat children for free. Additional information will be available through the district at a later date.

The ADA will be spending funds to study amalgam waste and water contamination. They are hoping to provide evidence that current filter systems are adequate to prevent amalgam waste water contamination.

NYSDA Governors Report – Dr. Peter Collins

The Board of Governors will be meeting in NYC on December 1st and 2nd. One of the items to be discussed will be a potential

\$23 dues increase.

Old Business

Dr. Brian Kennedy reviewed possible locations for the 2004 NYSDA Meeting.

New Business

The DRNA-Kerr Recycling Program was briefly discussed. Any further discussion was tabled.

The District was contacted by Albany Medical Center Pediatrics regarding Children's Access to Care. Dental Health Planning and Hospital Dentistry will research this and report back to the Executive Committee.

Insurance Committee

Dr. David Delaney reported that MILMIC might increase the dividend this year.

Continuing Education

Dr. Michael Kane announced the dates of the upcoming CE courses. Brochures will be mailed in December and reminders will be in the Mirror. The dates are as follows: February 7, March 7, April 4 combined 4th district course, May 2 and June 6, 2003

Adjournment

Executive Committee December Minutes

Call to Order

The regularly scheduled meeting of the Third District Dental Society of the State of New York was called to order by President Elect Dr. David Delaney at 7:40 PM in the Conklin Conference room of Albany Memorial Hospital. A quorum was present. Motion to accept the November 2002 minutes as published passed.

Necrology

A moment of silence was observed for Dr. Michael Shaughnessy. Dr. Shaughnessy passed away on Friday December 6.

Executive Director's Report - Kathleen Moore

Kathleen Moore reported on the following:

- Jason Barner of Learning for Life has requested a dentist from the district to give a 10-minute presentation for a program they are holding at Watervliet HS on December 12th from 1:30 – 2:15. The program is designed to introduce students to various professions.
- The Third District Web site is currently being updated. Members only section 'under construction' will contain past newsletters, NYS licensing links, dental practice act, NYSDA CE registry, answers to frequently asked questions, other informational links of interest, and sample letters such as a patient termination letter. Additional suggestions should be directed to the district office.
- CE brochures are at the printer but can be viewed on the Web site. For a limited time a link to a HIPAA online course is available through Dentrek.
- The New York State Nurses Association conference center will be considered as the location for our 2004 CE courses.
- Dr. Frederick Rosenberg was presented and accepted for membership in the Third District Dental Society.
- A sample of a new Third District logo was passed around for review and suggestions.

Board of Governor's Report

Dr. Mark Weinberger reported on the December 2nd BOG meeting.

- CD4 codes will be in effect on January 1, 2003. CD4 workshops may be made available through NYSDA in conjunction with

Welcome New Members

Congratulations to our newest members. Take a few minutes to welcome them to the Third District Dental Society.

Dr. Frederick Rosenberg; No Dues Transfer from New York County
1968 Graduate of the University of Pennsylvania
GP at 138 Pine Street, Kingston

Dr. William J. Redding
Graduate of Fairleigh Dickinson – Service in the Navy
1984 to 87
General Practice at 6888 Route 209 Kerkonson NY
12446

Dr. Victor Zeines
1970 Graduate of NYU
General Practice at PO Box 195-Rt 28, Shokan

ADA HIPAA Kits

If you have missed attending the Third District's ADA video seminars held in March, you are not left out. The district office has a small supply of the ADA Privacy Kits available for \$100.00. We will loan out the video tape for one week with a deposit check of \$25. The check will be returned after the video has been received.

To reserve the video or purchase a privacy kit, call the district office at 782-1428

Golf Outing announced

The Albany Dental Study Group will be hosting an afternoon golf tournament and reception on May 16, 2003 at the Saratoga National Golf Course.

The outing will begin promptly at 1:00 pm. and the social gathering will commence immediately following. New and present members are invited to attend.

Please mention this event to practioners who would like to join the Albany Study Group. Contact Mark Polsinello, President Albany Dental Study Group, 518-438-1131.

Dr. Lawrence Busino inducted recently to the American College of Dentists



Dr. Lawrence Busino and Dr. John Essepian
at induction ceremony

Dates to Remember

- **Executive Committee** - Monday, April 7th at the Memorial Hospital, Conklin Conference Room on Northern Blvd. in Albany
- **Oral Cancer Screening** - April 12, 2003 HVCC
Volunteers are needed, call the district to schedule.
- **Continuing Education** - April 4th "Orthodontic and Periodontic Interactions with Cosmetic Dentistry" presented by Frank Celenza, DDS
- **2003 Autumn Extravaganza** - September 19th at the Albany Marriott

Current meeting dates and course offering of all district Study Group Courses is located on the district Continuing Education web page

Continued - December Minutes

the districts.

- State officers and Board of Governors will be subjected to a conflict of interest clause
- The contract between NYSDA and the Executive Director will be available to the BOG at any time.
- The Board would like to consider making EDPAC part of the annual dues. This is the format California follows.
- On October 25, 2002 the CDC put in effect new hand hygiene guidelines. These are available on the CDC web site.

Old Business

- Dr. Steve Essig met with Dr. Virginia Brittin, the head of Pediatrics at Albany Med. She is interested in implementing an access to care program for needy children and would like to get dentistry involved. Most of the children would be Medicaid patients. The program is in the early stages and any further developments will be reported at future time.
- Dr. Steve Messing reminded members of the National Give Kids a Smile program to be held on February 21st. Information is available on the ADA web site.

New Business

- The issue of a member holding both an ADA delegate position while also holding a NYSDA Board of Governors position was discussed. Currently this is prohibited in our Standing operating procedures and not in the Constitution and By Laws. It must be decided if this procedure will be followed and if it will be left in the Sop's or included in the Constitution and By Laws. The general consensus of the members present was to leave it in the Sop's. Dr. Andrew Wood will meet with the Constitution and By Law committee and have a recommendation at the next Executive committee meeting as to how to resolve this conflict.
- Kathy has begun to organize resolutions and policies adopted by the Executive committee so they can be easily referred to and reviewed. The Constitution and By Law committee will be reviewing the Sop's and will report to the Executive committee it's proposed Administrative Code.
- Dr. Essig discussed the benefits of having the Third District fund an alternate ADA delegate so they will be more likely to attend the annual meeting. This would make the transition to ADA delegate more effective. Dr. Essig will present a resolution at a future executive committee meeting.
- Members were reminded to present resolutions in written and oral form to the secretary and district office.
- A letter from Mario Catalano was read which presented the following motion:

Resolved: that the Insurance committee of the 3rd District Dental Society review the Dental Malpractice Marketplace and report it's findings and recommendations back to the Executive committee for the February meeting. The Insurance committee would be able to review the Malpractice Marketplace with the executive committee at the March meeting. After discussion it was decided to move the deadline to the March meeting. The amended resolution was passed.

- The 2004 NYSDA meeting will be held at Mohegan Sun in conjunction with the Connecticut Dental Society meeting.

Adjournment

Meeting was adjourned at 9 PM.

Executive Committee January Minutes

Call to Order

The regularly scheduled meeting of the Third District Dental Society of the State of New York was called to order by President Elect, Dr. David Delaney at 7:30 PM in the Conklin Conference room of Albany Memorial Hospital. A quorum was present.

The December 9, 2002 Executive Committee minutes were amended as follows:

CD4 should have read CDT4

The discussion on the new hand-washing guidelines was a general announcement and not part of the Board of Governor's report. Motion to accept the December 8, 2002 minutes as amended passed.

President's Report - Dr. Bennett Lax

Dr. Lax has a list of Third District members who would like to participate on committees. Any chairperson in need of committee members should contact the District office or Dr. Lax.

Executive Director's Report - Kathleen Moore

reported on the following:

The revised Third District Web page is up and running

The District will look into guidelines, regulations, and options for record disposal, storage and electronic off site storage.

Membership and Communication

The following applicant was accepted into membership of the Third District Dental Society.

Dr. William J. Redding

CE Committee

Dr. Michael Kane announced the dates of the upcoming district CE courses are as follows: February 7, March 7, April 4 combined 4th district course, May 2 and June 6, 2003

Old Business

The issue regarding an alternate ADA delegate holding the position while also holding a NYSDA BOG position was revisited. It was decided to follow the existing policy and not allow a member to hold both positions simultaneously.

Dr. Steve Messing made a motion to remove term limits from the Constitution and By Laws and to place term limit guidelines in the Third District's Standing Operating Procedures. After discussion the motion was withdrawn.

Dr. Steve Essig put forth the following resolution:

Resolved: That the Third District Dental Society provide reimbursement for travel, lodging and per diem expenses for one or more alternate delegate to the Annual Session of the ADA House of Delegates meeting; and be it further

Resolved: That the amount of reimbursement be established at a minimum of \$500 per alternate delegate funded; and be it further

Resolved: That the amount of reimbursement be established annually at the September meetings of the Third District's Executive Committee and Budget and Finance Committee preceding the ADA annual session; and be it further

Resolved: That only alternate delegates that attend Second Trustee District Caucus meetings, appropriate reference committees and the sessions of the House of Delegates will be eligible for reimbursement.

Motion passed.

Adjournment Meeting adjourned at 8:25 PM.

How Much Disability Insurance Coverage Do You Need?

More and more dentists recognize the need for disability insurance, also known as income-replacement insurance. The reason: they are more likely to be disabled for at least 90 days before age 65 than they are to die. But many of those same dentists remain underinsured, and they often don't realize it.

One of the major reasons dentists are underinsured is that they assume a group disability policy at work or Social Security disability benefits will replace their full monthly income. It won't, and the gap is often significant. How much disability coverage do you need?

First, understand that disability insurance—whatever the source—won't replace all of your pre-tax income. At a maximum, your total insurance sources won't replace more than 70 to 80 percent. This is something to be aware of.

Now let's imagine the unimaginable: tomorrow you are disabled and unable to earn any wage income for months, perhaps a year or more, perhaps permanently. Would you have sufficient non-insurance sources of income to live on at least comfortably, keeping in mind you may have additional expenses associated with your disability? Sources might include your spouse's income, investment income and savings. If you still have a gap, then you'll need insurance to fill it. What about retirement savings plans, will they be completed in the event of a long term sickness or injury?

If the disability is work-related, you may be eligible for workman's compensation or veteran's insurance. An auto insurance settlement might pay for disability resulting from an auto accident. But you can't count on these sources, obviously. Social Security may provide benefits, but qualification requirements are strict. Some states also provide short-term disability coverage.

You may find at this point, perhaps with the help of a financial planner, that you would have an income shortfall if you became disabled, so you'll want to buy a Disability Income Insurance. One other consideration when determining the amount of coverage to buy: A sufficient amount today probably won't be sufficient years down the road due to inflation, so consider an inflation rider and guaranteed purchase riders.

This column is produced by the Financial Planning Association, the membership organization for the financial planning community, and is provided by :

Richard P. Pauli, CFP a local member in good standing of the FPA.. *Rich can be reached at 518-383-1238 option 1.*

Classified Ads continued from page 6

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Seeking to Own Practice

Albany Dentist with a general practice desires to relocate office. Will consider real estate purchase and/or acquisition of an existing practice. All inquires confidential. Contact 3rd District re AD031. Phone 518-782-1428

Equipment Wanted

Dental Equipment Needed: To be used for Glens Falls Medical Mission Foundation in Guatemala. Contact Dr Fred Phillips 518-584-3162 or visit www.gfmmf.org

Equipment for Sale

Dent-x 810 x-ray processor \$1,700, Star x-ray duplicator \$201, TRV-Form vacuum \$200, Handler trimmer \$175, P&C lights \$300, Dental EZ vac pump \$375, Dentrinx 500 sterilizer \$900, L & R ultrasonic #140- \$250, Power dental chairs- Dextra and Belmont \$900, Uniter welder #1082- \$350, Impression trays, COE, Caulk, rim lock. Will ship. Good condition, leave your fax # for complete list. Call Dr. Darling 518-377-7112 or email: rdarling@nycap.rr.com

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Sordex Panoramic x-ray model PT-125A. Hardly used, best offer. Call Joanne Aloisi, Center for the Disabled – Dental unit. 518-437-5731

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GENDEX 1000 X-Ray tube. Kavo-Vicon "LS" Fiber optic system handpiece light source. Complete central nitrous oxide/oxygen system: Porter MXR Flowmeters (X2), Porter Floor mounted outlet stations (X2), Porter Flowmeter solid wall mounts (X2), 2 Oxygen and 1 N2O Porter tank regulators, Sentinel wall manifold system. Call 518-237-0047

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Panoramic Corporation Dental Panoramic X-Ray Machine (PC-1000). 5 years old - \$10,000 new – asking \$5,000 (easy installation). Call 518-274-7186

Pre-encapsulated Amalgam: New Law Effective March 2003

Last year, New York State enacted legislation, Chapter 506 of the laws of 2002, amending the environmental conservation law in relation to the use and recycling of elemental mercury and silver amalgam by dentists. The law goes into effect March 15, 2003. Thereafter, non-encapsulated liquid mercury will be banned from use.

Following is an excerpt from NYSDA's Legislative Memo in Support:

Numerous scientific studies have proven that the use of dental amalgam as a restorative material does not pose a health hazard to the non-allergic patient. However, there is concern that liquid mercury, existing in its free non-encapsulated form, does pose risk to the environment. The ADA recommends that dentists eliminate the use of bulk dental mercury and that they use only pre-capsulated amalgam alloy in their dental practice. This legislation recognizes the need to phase out the use of non-encapsulated free mercury.

This legislation would require that dentists recycle any pre-encapsulated mercury capsule waste as well as silver amalgam waste generated in their dental practices in accordance with regulations promulgated by the commissioner.

The commissioner's regulations have not yet been developed regarding the recycling requirements. NYSDA has been working with the DEC and has urged the commissioner to accept "best management practices" without mandating the use of amalgam separators or otherwise imposing unduly onerous regulations on dentists. NYSDA will advise members as soon as the regulations are finalized.

Provided by the New York State Dental Association

Medicaid Claims After April 1st

Beginning April 1, 2003, the New York State Department of Health will convert to the use of ADA CDT-4. In addition to the new published fee schedule, this change will primarily involve the use of a "D" prefix, in place of the "0" prefix.

Please note: All dental services with a service date of April 1, 2003 or after, must be billed with a "D" code.

There is one exception to this rule, claims against prior approvals with expiration dates up through 3/31/04 and containing dental procedure codes with the lead "0" must contain the same "0" procedure code for dates of service within the approved period of service on the prior approval.

Most significant changes you will note in the CDT-4 codes is the elimination of the distinction between fees for "primary" and "permanent" dentition and the elimination of the "7120" code for "each additional tooth" extracted.

Understanding latex allergy is critical to its management

Understanding latex allergy is critical to the dental profession since some patients will undoubtedly present with the condition, and practitioners are at a high risk of developing it themselves, writes Gail A. Woolhiser, DDS, in *The Detroit Dental Bulletin*, September 2002.

The most important factor in prevention of the development of a latex allergy is the strict use of powder-free gloves, Woolhiser notes. Natural rubber latex allergy has become a significant occupational health issue in the last 10 to 15 years, coincident with the 1987 CDC recommendations for latex glove use and OSHA's 1992 implementation of universal precaution requirements.

Woolhiser writes that the use of latex gloves has jumped from 12 billion pairs in 1987 to 200 billion pairs in 1997. In addition, she notes, changes have occurred in the manufacturing process of gloves, the switch to single-use disposable gloves and the widespread use of latex gloves outside the healthcare field. As a result, the prevalence of latex allergy reached epidemic proportions and remains an important issue in industrialized countries.

She notes three main types of clinical reactions from contact with latex gloves: non-immunological irritant reactions, delayed hypersensitivity, and immediate hypersensitivity.

Non-immunological irritant reactions and contact dermatitis, the most common reactions, are not true natural rubber latex (NRL) allergies, she writes. Delayed hypersensitivity is the most common allergic reaction following contact with latex products, she notes. The condition is characterized by eczema with scaling, itching, redness, blisters, fissures and sores usually on the backs of the hands and wrists. The onset of signs and symptoms generally occurs 24 to 48 hours after contact.

Woolhiser writes that the term "latex allergy" is usually used to describe an immediate-type reaction. Symptoms generally begin with itching, erythema or contact urticaria localized to the dermal or mucosal contact area shortly after exposure.

Dental practitioners should be aware not only of patients with known latex allergy, but also of those with a high risk of developing latex allergy.

Woolhiser's article provides extensive details for the diagnosis and treatment of latex allergy, along with information for emergency management of latex allergy.

CLASSIFIED ADS

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Dental Associate: Unique opportunity in Rhinebeck clinic. Flexible hours and good financial potential. Create your own environment suited to your needs. Call Inst-Dental at 845-294-2840

Associate Dentist: Full time wanted for a friendly, motivated office close to Saratoga, NY. Are you an experienced, compassionate dentist capable of producing quality dentistry? Awesome staff. We would like a team player to join us. Do you want to be a part of an expanding, established practice & reap the rewards? Possibility of future partnership. Contact us at 518-661-6405 or fax 518-661-7765

Dental Associate: Practice the way you've always dreamed about. Top producing 21st century fee for service practice. The best of everything. Fantastic lifestyle. Early equity opportunity. 90 miles north of NYC. Call 845-691-5600

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Dental Associate: South of Albany – progressive family group practice seeks associate dentist. Practice in modern office with friendly staff, Large FFS patient base. Greenville Family Dental Center; Contact Dr. Mehlman at 518-421-1852

Dentist Wanted: Center Health care dental program seeks enthusiastic team oriented individuals for part-time positions. Candidates should have strong clinical skills, residency or equivalent training desired. Contact Joanne Aloisi, 518-437-5731, or send resume to Center for the Disabled, Dental Department, 314 South Manning Blvd, Albany, NY 12208 or Fax 518-437-5931

Associate: Albany, NY – Wanted for FT/PT Associateship leading to early buy out. General Practice. Exceptional opportunity. Endo/Perio/Crown/Bridge/RPD/ Surgeries. Send inquiries to PO Box 5073, Clifton Park, NY 12065 or call 518-373-6574

Dentist Wanted: After Jan 1, 2003. 2 days per week, Fort Edward Dental Clinic. Independent Contractor, good wages. Contact Theresa at 518-747-4977

Associate: Albany suburb-ready to locate? Easy access to great Saratoga, beautiful Adirondacks, and the heart of the Capital. Only two and a half-hours to New York City and Boston. Well established, state of the art, high quality practice looking for a motivated associate leading to partnership. Join the greatest staff where fun,

laughter, and dedication to our patients, makes us a successful family. Check us out at www.doctortsmilezone.com. Fax resume to (518) 452-1744. We think you will enjoy joining our team, considering our staff created this ad to find you.

Associate: Seeking F/P-time associate with potential to buy-in 3 or 4 years. Benefit from an established practice, excellent dental team. Beautiful Adirondack region, and great school system. Respond to 175 Broad Street #233, Glens Falls, NY 12801 or Fax 518-812-0090.

General Dentist: Part time, leading to full time for very busy fee for service high quality practice in the beautiful Catskill Mountains. Two hours from NYC. Well versed in oral surgery, perio surgery, and molar endo. G.P.R. and/or two year experience, Salary and commission. Perfect opportunity for motivated, self-confident individual. Fax resume to 845-679-3235

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Hygienist: Latham area. Wanted full time. Contact Dr Essopian 518-783-5577

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Hygienist: South of Albany, progressive family group practice seeks hygienist FT/PT; Practice in a modern office with friendly staff. Excellent benefits and compensation package. Greenville Family Dental Center; Contact Dr. Mehlman at 518-421-1852

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Dental Office: (1200 sq. ft.) Adjacent to historic home in GE Realty plot in Schenectady, NY. Highest visibility, convenient to schools and hospital, ideal for any professional-medical,



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www.third-district.org

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**“Orthodontic and Periodontic
Interactions with Cosmetic Den-
tistry”**

Frank Celenza, DDS

Friday April 7, 2003
Glen Sanders Mansion, Scotia
Held in conjunction with the 4th District

Register by calling the district office at
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