

31376 Federal Register / Vol. 81, No. 96 / Wednesday, May 18, 2016 / Rules and Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 92

RIN 0945-AA02

Nondiscrimination and Activities

AGENCY: Office for

Office of the Secretary

ACTION: Final rule

SUMMARY: This final rule implements Section 1557 of the Affordable Care Act (ACA) (Section 1557)

prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities. The final rule clarifies and codifies existing nondiscrimination requirements and sets forth new standards to implement Section 1557, particularly with respect to the prohibition of discrimination on the basis of sex in health programs other

online database through *Federal Digital System (FDsys)*, a service of the U.S. Government Printing Office. This database can be accessed via the Internet at <http://www.gpo.gov/fdsys>.

I. Background

but not limited to: Civil rights/advocacy groups, including language access organizations, disability rights organizations, women's organizations, and organizations serving lesbian, gay, bisexual, or transgender (LGBT) individuals; health care providers;

Notice of Non-discrimination

Español * Tiếng Việt * 中文 * العربية * /kə'ren/ * français * προμου * Deutsche
한국어 * नेपाली * русский * ગુજ * Kurdî * فارسی * 日本語

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504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794 (disability), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance, or under any program or activity that is administered by an Executive Agency or any entity established under Title I of the Act or its amendments. Section 1557

man campaigns organized by civil rights/advocacy groups.

B. Overview of the Final Rule

This final rule adopts the same structure and framework as the proposed rule: Subpart A sets forth the rule's general provisions; Subpart B contains the rule's nondiscrimination provisions; Subpart C describes specific applications of the prohibition on

Section 1557 Taglines - p.7

In this issue

Find A Dentist - p.4

Annual Session Speakers - p. 9

HIPAA Compliant Email p. 12

President's Message

Burn Notice



Dr. Mark Schlothauer

Hello and greetings my fellow NDA members. This is my third of four letters I am obligated to write and put in the

newsletter regardless of

whether you read them or not. I could not find the exact dates, but I am sure it has been awhile since the NDA president could say they are writing when the Huskers are 5-0. By the time the next newsletter comes around we will also have elected ourselves a new President of the United States and I will be able to be the first NDA President since Dr. Kevin Low to be writing without saying Barack Obama was President of the United States. Crazy how time flies isn't it??

I want to begin by letting you know that the Board of Trustees and the House of Delegates met in Grand Island during the 3 District meeting last week. Thank you for all that attended the CE, the BOT and the HOD and giving a Friday to your profession. We had very informative meetings and had a couple of issues that took up most of our time together. As some highlights, of course no meeting would feel right without a discussion on Medicaid issues. As you should all know by now, Medicaid is a changin' how they are paying you. As of last week, out of the 988 dentists that billed to Medicaid last year only 400 had revalidated. So, long story short, if you plan on seeing Medicaid patients after the November deadline and you have not revalidated with Maximus and you submit a claim

after the revalidation deadline, **YOU WILL NOT BE PAID!** So, please revalidate if you haven't already. If you have questions, read further in the newsletter for contact information, go to the website, or call the NDA. The other big issue we discussed was the NDA budget. The NDA is sound financially you will be happy to know, but as with your home or practice we are always looking at ways to save money and of course to make money so we do not have to discuss dues increases. So, if you have ever wondered why you see "endorsed" companies at the ADA or the NDA level, they help bridge the gap between running expenses and our bank account. Endorsements are a great way to add money to the bottom line for a product or service we all might use in our practices, or one that we are already using. We are also open to any other suggestions to cut costs, so please let us know if you have an idea. No, we will not entertain the idea of going door to door selling magazine subscriptions!!

My final thoughts as I turn to the ADA annual meeting in Denver, Colorado the weekend of October 22 and 23. Please make plans to attend this meeting as it really doesn't end up this close to us very often and Denver is such a great city, especially in the fall. There are some...actually a ton of great classes to take, social activities to attend, and great places to eat and be entertained in the Mile High City. Speaking of things to do, the UNMC College of Dentistry and the Creighton School of Dentistry have their alumni receptions. If you haven't attended one of these before, they would love to be able to at least buy you a drink. Creighton's

reception is Friday October 21st from 6:30 to 9:00, at Embassy Suites, Cripple Creek Salon 1 and the UNMC Reception is also Friday night from 6:30 to 8:00 in the Hyatt Centennial Ballroom H. Please stop by and say hello to your alumni association and see some old friends and classmates. It's usually a great place to meet before dinner. Finally, speaking of things to do, Denver has a HUGE Husker fan base and there are plenty of "Husker" bars to watch the game. Do not watch the game alone, or at a bar where you have to ask them to turn the channel to the game. If you haven't experienced watching a game out of town at a Husker bar, add it to your bucket list and cross it off on Saturday the 22nd. The time of the game is TBA, but a Husker bar is a great atmosphere to watch the game.

I will keep reminding you to look ahead to some important "save the dates" and "calls to action". 1) NDA Annual Session at Embassy Suites, La Vista - April 28, 2017 with Dr. Mark Hyman as the main speaker. We are also pleased to be bringing in a speaker just for your office staff, Laurie Guest. 2) The Nebraska Mission of Mercy will be in Grand Island on April 7th and 8th. 3) David still has a pencil and paper waiting by his phone to write down the names of those of you that call and want to take a more active role in the leadership at the NDA. He is just waiting for that phone call as we still have open positions on different committees, so please let us know if you want to be more involved. As always, thank you for your support of me, the NDA and your profession. I hope to see many familiar faces in Denver.

Mark

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Find a Dentist

Don't Be a Green Box

Have you updated your Find-a-Dentist profile on ADA.org?

The green Find a Dentist box appears on **every page** of the NDA website.

This green box is what people will see when they search the "Find a Dentist" link on the ADA and NDA websites when that dentist has NOT uploaded a photo of themselves. You might be surprised that this link is the most widely used part of the NDA and ADA websites. For example, we randomly did a search for dentists in the 68516 zip code. On the first page that displayed, only ONE out of the ten dentists displayed, had a picture. Would you rather have someone searching for you see your bright smiling face, or this green box?

The goal of MouthHealthy.org is to provide patients with timely and credible oral health information on



prevention, care and treatment in a highly engaging user experience. Consumer research has indicated that patients value a tool that can help them find dentists.



As a benefit of membership in the American Dental Association, Find-a-Dentist is a great no-cost way for members to promote their practices to the public. Dentists can manage their own profiles, which include photos, practice information and a variety of other information (office address, map and hours; contact information, including practice website link; education; languages spoken; years in practice; insurance acceptance and payment options; and recognized-specialty affiliations).

Member profiles will still be available on ADA.org as part of the Member Directory, which can only be accessed by ADA members.

Each month we receive a listing of the number of people using Find A Dentist. Below are the numbers for September 2016

Zipcodes	Hits	Visits	Zipcodes	Hits	Visits
68701	15	7	68845	9	2
69301	17	6	68504	7	2
68506	11	5	68164	6	2
68114	10	5	68901	5	2
68116	7	5	68108	5	2
68521	15	4	68510	3	2
68005	5	4	68803	3	2
68134	10	3	68512	3	2
68104	5	3	68127	2	2
68144	4	3	68502	2	2
68123	16	2	68025	2	2
68138	14	2	68526	2	2
			TOTAL	246	107

A "Visit" is a unique individual searching for that zip code. In September, 7 individuals were looking for a dentist in Norfolk - zip code 68701. Twenty other zip codes each received one Visit.

NDA Endorsements

HealthFirst

HealthFirst system offers a disposal solution with no contracts, unscheduled pick-ups, unexpected fees and excess inventory to manage. Occupational Safety and Health Administration-approved sharps disposal containers of various sizes are filled and then shipped direct to the processing facility. The cost includes the prepaid return packaging, disposal and online waste tracking. Dental offices receive assistance from representatives, and customers are offered OnTraQ, a free online compliance management tool that provides compliance reporting and digital archiving of waste receipts.



Best Card is our endorsed credit card processing company. Email them or fax (866-717-7247) a recent credit card processing statement and see if you can save on your processing costs (the average dental practice is saving 22% on fees paid). Best Card will send you a \$5 gift card as their thanks!



Harold Diers & Company is your NDA Endorsed Insurance Agency for the Following Products

- Disability Income Insurance
- Business Overhead Insurance
- Term Life Insurance
- Professional Protector Plan for Dentists, (PPP)

Contact Jim Spitsen ; 800-444-1330



Turn your scrap metal into cash right away with 5% bonus from D-MMEX EasyRefine

NDA members can maximize scrap precious metal returns using scientific technology with the EasyRefine scrap metal recovery program offered through D-MMEX, endorsed by the Nebraska Dental Association. As an NDA member you will receive a 5 percent bonus on the total value of recovered precious metals.



The card that earns you unlimited points. Get the purchasing power of Visa® with the most rewarding credit card yet, the ADA Visa Signature® card. Put it to work and earn generous rewards with every purchase you make—for your practice or your personal life.* The more you use it, the more points you can earn—points you can redeem for free air travel, fine dining, gift certificates, cash back, and more.**

Apply today, get approved and receive 2,500 bonus points with your first purchase! usbank.com/ADAVisa 888.327.2265 ext. 70913 sign up



PBHS Inc. as the endorsed Secure E-Mail and Collaboration System for NDA members. This new endorsement will provide a comprehensive, compliant and affordable secure communication service, which will help member dentists, specialists, staff and patients easily communicate within a HIPAA compliant environment.



You may have patients out there putting off needed or cosmetic dental work because of the perceived cost. Now, the CareCredit credit card, with convenient special financing options* for dental care, gives your patients one less reason to delay getting a healthy and beautiful smile. More than 100,000 enrolled dental teams accept CareCredit, and more than 21 million accounts have been opened since CareCredit began helping patients to get the care they need and want.

By accepting CareCredit, you'll be listed on our online Provider Locator, which helps more than 9 million CareCredit cardholders find your practice when they are looking for a local doctor who accepts CareCredit. The Provider Locator is searched on average, 560,000 times every month!

Let Wells Fargo Practice Finance help you take your next step.



Whether you're transitioning to ownership, planning for growth, or building practice equity, Wells Fargo Practice Finance can help make it happen. With more than 25 years of experience helping dentists start, acquire, expand, and refinance their practices, Wells Fargo Practice Finance understands the business of dentistry.

Section 1557

Create Your Language Access Plan



David J. O'Doherty

One of the comments we have heard with the whole 1557 mess is, “did the ADA object to this when it was being proposed?”

Well, there wasn't much to object to at the time in 2010. Section 1557, reproduced below, basically says that an individual will not be discriminated against relating to a health program that receives Federal financial assistance. Pretty basic stuff.

SEC. 1557 - 42 U.S.C. 18116. NONDISCRIMINATION. (a) IN GENERAL.—Except as otherwise provided for in this title (or an amendment made by this title), an individual shall not, on the ground prohibited under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or under any program or activity that is administered by an Executive Agency or any entity established under this title (or amendments).

However, the **Regulations** that flesh out how the statute actually operates . . . that's when the fun begins. The Final Rule, 45 CFR 92, totalled only **eight pages of 8 point font**.

Department of Health and Human Services

Office of the Secretary

45 CFR Part 92

Nondiscrimination in Health Programs and Activities; Final Rule

The ADA, along with many other associations submitted comments to the Regulations. That totaled **90 pages of 8 point font** . . . you are currently reading 10 point font . . . this is 8 point font.

Now you know why my eyes hurt.

The ADA has put together a great resource for 1557 compliance at ada.org/1557

In reading the 90 pages of comments and responses from the Office of Civil Rights (ORC), a few things stood out.

Language Access Plan

The following comments appeared on page 31377:

OCR has changed § 92.201, addressing the obligation to take reasonable steps to provide meaningful access. That section now requires the Director to evaluate, and give substantial weight to, the nature and importance of the health program or activity and the particular communication at issue to the individual with limited English proficiency, and to take into account all other relevant factors, **including whether the entity has developed and implemented an effective language access plan**, appropriate to its particular circumstances. Federal Register, Vol. 81, No. 96, p. 31377

If a patient files a complaint with the Office of Civil Rights, one of the things they will look at is your language access plan. The ADA has one posted for your use at ada.org/1557

The second item that caught my eye is below:

Rules and Regulations 31413

their provision of language assistance services.¹⁷⁶

OCR encourages covered entities to work together to leverage their ability to provide language assistance services in the most cost-effective and efficient ways to meet their respective obligations under § 92.201(a) before using costs as a reason to limit language assistance services.¹⁷⁷ OCR also encourages professional associations and organizations to consider what role they can play in helping their members meet the requirements of § 92.201; we provided similar encouragement in the HIPAA Privacy Rule.¹⁷⁸

As you may have guessed, the ADA and the state associations are communicating, trying to find ways to comply with the regulations. However, “before using costs as a reason to limit language assistance services” apparently is a valid reason not to meet the obligations of 1557. The analysis of what are the available language access services and the respective cost is something that I would expect to see in an office's Language Access Plan.

Vote November 8th!

According to an ADPAC study, 68 percent of ADA members are registered to vote and 58 percent voted in the 2012 presidential election, of which the national turnout was 53.6 percent, based on U.S. election statistics.

“Health and well being are not partisan,” said Dr. Sara Cohen of Washington, D.C. “They affect everyone.”

1557 Notices

The Regulations for Section 1557 will require a covered dental practice to post two kinds of notices: (1) a notice of nondiscrimination, and (2) taglines in the top 15 non-English languages spoken in Nebraska indicating that language assistance services, free of charge, are available.

With the same tortured logic that the government used with Opt-in/Opt out, the government has taken the position that dentists who receive reimbursement from a Medicare Advantage plan (also called Medicare Part C plans) are considered covered entities.

Both notices must be posted in the dental office and on the dental practice's website, and in significant publications and communications, including communications with individuals.

The image at the top right is the bottom of the NDA homepage. The *Notice of Non-discrimination* was drafted by the ADA and can be customized to your office.

Below that, are the Taglines for the top 15 non-English languages in Nebraska. This is a PDF document created by the ADA that you can link to your website.

If you don't have a website, the only notice that you will need is the bottom [ADA 1557 Nebraska Taglines](#), shown on the right and also a Word document that you can download and display in your office "In conspicuous physical locations where the entity interacts with the public." This document is reproduced on page 8 that you can tear out and use.

In addition to websites and your office, smaller publications and communications, such as postcards and tri-fold brochures, a dental practice may use a shorter form of the nondiscrimination statement and taglines in the top two non-English languages spoken in Nebraska.

Covered dental practices are permitted to use up existing stock of pre-printed publications.

News Updates

[Read all NDA recent News Updates](#)

Notice of Non-discrimination

Español * Tiếng Việt * 中文 * العربية /kə'ra:n/ * français * δramou *Deutsche
한국어 * नेपाली * русский * ལྟན * Kurdi * فارسي * 日本語

ADA 1557 Nebraska Taglines (Word format)

We will take reasonable steps to provide free-of-charge language assistance services to people who speak languages we are likely to hear in our practice and who don't speak English well enough to talk to us about the dental care we are providing.

Spanish:
Tomaremos acciones razonables para proporcionar servicios de asistencia lingüística gratuitos a aquellas personas cuyo lenguaje escuchamos frecuentemente en nuestro consultorio y que no hablen un inglés lo suficientemente bueno como para hablar con nosotros sobre el servicio odontológico que suministramos.

Vietnamese:
Chúng tôi sẽ thực hiện các bước cần thiết để cung cấp dịch vụ hỗ trợ ngôn ngữ miễn phí cho những người giao tiếp bằng những ngôn ngữ mà chúng tôi có thể nghe thấy tại phòng khám của mình và cho những người không có đủ trình độ tiếng Anh để thảo luận về dịch vụ chăm sóc nha khoa mà chúng tôi đang cung cấp.

Chinese: 我们将有序地做到提供免费的 语言服务使我们听懂英语不好的人向我们咨询有关牙齿护理

Arabic:
إليها نستمع أن المرجح من أخرى لغات يتحدثون الذين للأشخاص تكلفة بدون اللغوية المساعدة خدمات توفير أجل من معقولة خطوات باتخاذ نقوم سوف نقدمها التي الأسنان برعاية يتعلق فيما إلينا التحدث من يمكنهم جيد بشكل الإنجليزية تحدث يتقنون لا والذين ممارستنا خلال

Karen:
ပတ်ဝန်းကျင်ထဲတွင် လူများတို့၏ ကျိတ်တို
တိစာပေးစောင့်ရှောက်ရန် ကျွန်ုပ်တို့ ဆောင်ရွက်
မည်ကဲ့သို့ အခမဲ့ ဘာသာပြန်ဝန်ထမ်းများဖြင့်
ကူညီပေးမည်ဖြစ်ပါသည်။

French:
Nous prendrons les mesures raisonnables pour fournir des services d'assistance linguistique gratuits pour les individus qui parlent des langues que nous sommes susceptibles d'entendre durant nos séances et qui ne parlent pas suffisamment bien l'anglais pour discuter avec nous concernant les soins dentaires que nous fournissons.

Cushite (Oromo):
Wayita hojji keenyatti Afaanota garaa garaagaraa namoota dubbatani fi tajaajila yaalaa nuti kenninuuf kan nu dandeessisu namoota dandeetii Aaan Ingiliffaa gahaa ta'e hin qabneef deeggarsa afaanii kanfaltii irraa bilisa ta'e kennuudhaaf tarkaanfii bu'a qabeessa ta'e ni fudhanna.

German:
Wir werden angemessene Schritte unternehmen, um denen eine gebührenfreie Sprachunterstützung zu bieten, die Sprachen sprechen, die wir möglicherweise in unserer Praxis hören, die aber kein Englisch sprechen, das gut genug ist, um mit uns über die Zahnpflege zu sprechen, die wir anbieten.

Korean:
저희는 적절한 조치를 통하여 언어 지원 서비스를 무료로 제공할 것입니다. 다만, 실제로 저희에게 관심이 있는 언어를 쓰지만 저희 치아 관리 서비스에 대해 의견을 줄 수 있을 만큼 영어로 의사소통이 원활하지 않는 경우로 한정합니다

Nepali:
हामीले उपलब्ध गराउनेदस्तावेजको बारेमा राम्रो सत अंग्रेजीमा कुरा गनर नसकेर हाम्रो अभ्यासमा हामीले सुन्नेभाषाको ला ग भाषासम्बन्धी सेवा नहुल्क उपलब्ध गराउन हामीले जरुर कदमहरू चाल्नेछे ।

Russian:
Мы принимаем необходимые меры, чтобы предоставить бесплатные услуги переводчика для общения на языках, с которыми мы сталкиваемся в нашей практике с клиентами, которые не владеют английским языком достаточно, чтобы обсудить с нами стоматологическое обслуживание, которое мы предоставляем.

Laotian:
ພວກເຮົາຈະໃຊ້ຂໍ້ນໍາເພື່ອນຳໃຫ້ບໍ່ມີຄ່າ
ຮັບ ສໍາລັບ ພົວພັນ ທີ່ມີຄວາມສາມາດ ບໍ່ສາມາດ ເຂົ້າມາພົວພັນ ພວກເຮົາຈຶ່ງຈະໃຊ້ ຮັບ ບໍ່ມີຄ່າ ໃນການຮັບ ອັດຕະໂນ ພວກເຮົາຈຶ່ງຈະໃຊ້ ຮັບ ບໍ່ມີຄ່າ ພວກເຮົາຈຶ່ງຈະໃຊ້ ຮັບ ບໍ່ມີຄ່າ ພວກເຮົາຈຶ່ງຈະໃຊ້ ຮັບ ບໍ່ມີຄ່າ

Kurdish:
بۆ نازان باش نینگیزی و دهکین قسه تر زمانی کسانیی نیو بۆ زمان یارمهتی بهخواری خزمهتگوزاری بینشکهرندی بۆ دهگربنیهر گرنجوا هینکوا دی دمهکین بینشکهنشی که ددان چاودنیری دهریارهی نیمه لهگیل قسهکردن

Persian (Farsi): حد در ما شده ارایه دندان از مراقب خدمات درباره ما با صحبت برای آنها انگلیسی زبان که افرادی به رایگان ترجمه خدمات ارائه برای ما؛ خواهیم بر را منطقی های گام کنیم می پیدا کار و سر آنها با کار هنگام در زیاد احتمال به ما که کنند می صحبت های زبان به و نیوده کافی داشت

Japanese: 實際に練習の中で耳にする可能性のある言語を話す人々で、弊社が提供している歯科治療について、英語がそれほど上手でない人々に、無償の言語支援サービスを提供するために合理的な措置を講じるつもりです。

We will take reasonable steps to provide free-of-charge language assistance services to people who speak languages we are likely to hear in our practice and who don't speak English well enough to talk to us about the dental care we are providing.

Spanish:

Tomaremos acciones razonables para proporcionar servicios de asistencia lingüística gratuitos a aquellas personas cuyo lenguaje escuchamos frecuentemente en nuestro consultorio y que no hablen un inglés lo suficientemente bueno como para hablar con nosotros sobre el servicio odontológico que suministramos.

Vietnamese:

Chúng tôi sẽ thực hiện các bước cần thiết để cung cấp dịch vụ hỗ trợ ngôn ngữ miễn phí cho những người giao tiếp bằng những ngôn ngữ mà chúng tôi có thể nghe thấy tại phòng khám của mình và cho những người không có đủ trình độ tiếng Anh để thảo luận về dịch vụ chăm sóc nha khoa mà chúng tôi đang cung cấp.

Chinese: 我们将有序地做到提供免费的言语服务使我们能听懂英语不好的人向我们咨询有关牙齿护理

Arabic:

إليها نستمتع أن المرجح من أخرى لغات يتحدثون الذين للأشخاص تكلفة بدون اللغوية المساعدة خدمات توفير أجل من معقولة خطوات باتخاذ نقوم سوف نقدمها التي الأسنان برعاية يتعلق فيما إلينا التحدث من يمكنهم جيد بشكل الإنجليزية تحدث يتقنون لا والذين ممارستنا خلال

Karen:

ပကဟံးန့တိအပတီလါအကြားဝဲဘဉ်ဝဲတဖဉ် လါကဟ့ဉ်လီ၊ ကျိတိ တိစါမေစါတိမေစါလါအကလီ ဆူပုလါအကတိကျိလါပအဲဉ်ဒီးနါ ဟူလါပတိဝဲးတိမေအပူ ဒီးပုလါကတိအဲကလံးကျိတဘဉ်ဂုဂုလါ ကတဲသကိးတဘဉ်ပးဒီးဝဲတိကွါထွဲလါပဟ့ဉ်လီအီတဖဉ်န့ဉ်လီ။

French:

Nous prendrons les mesures raisonnables pour fournir des services d'assistance linguistique gratuits pour les individus qui parlent des langues que nous sommes susceptibles d'entendre durant nos séances et qui ne parlent pas suffisamment bien l'anglais pour discuter avec nous concernant les soins dentaires que nous fournissons.

Cushite (Oromo):

Wayita hojii keenyatti Afaanota garaa garaagaraa namoota dubbatani fi tajaajila yaalaa nuti kenninuuf kan nu dandeessisu namoota dandeettii Aaan Ingilliffaa gahaa ta'e hin qabneef deeggarsa afaanii kanfaltii irraa bilisa ta'e kennuudhaaf tarkaanfii bu'a qabeessa ta'e ni fudhanna.

German:

Wir werden angemessene Schritte unternehmen, um denen eine gebührenfreie Sprachunterstützung zu bieten, die Sprachen sprechen, die wir möglicherweise in unserer Praxis hören, die aber kein Englisch sprechen, das gut genug ist, um mit uns über die Zahnpflege zu sprechen, die wir anbieten.

Korean:

저희는 적절한 조치를 통하여 언어 지원 서비스를 무료로 제공할 것입니다. 다만, 실제로 저희에게 관심이 있는 언어를 쓰지만 저희 치아 관리 서비스에 대해 의견을 줄 수 있을 만큼 영어로 의사소통이 원활하지 않는 경우로 한정합니다

Nepali:

हामीले उपलब्ध गराउनेदन्तसेवाको बारेमा राम्रो सत अंग्रेजीमा कुरा गर्न नसक्ने हाम्रो अभ्यासमा हामीले सुन्नेभाषाको ला ग भाषासम्बन्धी सेवा नशुल्क उपलब्ध गराउन हामीले जरुर कदमहरू चाल्नेछे ।

Russian:

Мы принимаем необходимые меры, чтобы предоставить бесплатные услуги переводчика для общения на языках, с которыми мы сталкиваемся в нашей практике с клиентами, которые не владеют английским языком достаточно, чтобы обсудить с нами стоматологическое обслуживание, которое мы предоставляем.

Laotian:

ພວກເຮົາຈະໃຊ້ຂໍ້ນັດອນທັງໝາະສົມ ເພື່ອໃຫ້ບໍລິການຊ່ວຍເຫຼືອດ້ານພາສາ ແລະ ສອບຖາມ ຄົນພູ້ນທີ່ເວົ້າພາສາທັງພວກເຮົາອາດຈະໄດ້ ອົບພູ້ນໃນການຮັບຮອງ ອມຂອງພວກເຮົາ ແລະ ພູ້ນທີ່ບໍ່ເວົ້າພາສາອັງກິດໄດ້ດີ ເພື່ອ ສອບຖາມ ພວກເຮົາກ່ຽວກັບການເປັນ າແຍງ ແລະ ຂ້ອນ ພວກເຮົາກ່ຽວກັບ ຈັດໃຫ້.

Kurdish:

بۆ نازانن باش نینگلیزی و دمهکن قسه تر زمانی کهسانی هه ئه بۆ زمان یارمهتی بهخوژیایی خزمهتگوزاری پێشکهرشی کردنی بۆ دمهگربههیر گونجاو ههنگاوی دمهگهین پێشکهرشی که ددان چاودیزی دهربارهی ئێمه لهگههل قسهکردن

Persian (Farsi):

حد در ما شده ارایه دندنان از مراقب خدمات درباره ما با صحبت برای آنها انگلیسی زبان که افرادی به رایگان ترجمه خدمات ارائه برای ما خواهیم بر را منطقی هایی گام کنیم می پیدا کار و سر آنها با کار هنگام در زیاد احتمال به ما که کنند می صحبت های زبان به و نبوده کافی داشت

Japanese: 實際に練習の中で耳にするく可能性がある言語を話す人々で、弊社が提供している歯科治療について、英語がそれほど上手でない人々に、無償の言語支援サービスを提供するために合理的な措置を講じるつもりです。

Annual Session Speakers

April 28, 2017 • La Vista

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- Learn new techniques for keeping your team focused and enthused- even when things go wrong
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- Enjoy a fast paced and humorous program packed with clinical and management insights and pearls you can use immediately to guide your practice into the world of lower stress- higher productivity dentistry.



Dr. Mark E. Hyman is a renowned, full-time practicing dentist in Greensboro, NC. He is a public speaker whose work is characterized by his warmth, enthusiasm, sense of humor and passion for dentistry.

As an accomplished seminar speaker, Dr. Hyman has lectured throughout North America and internationally receiving rave reviews. For the past fourteen years, Dentistry Today magazine has selected Dr. Hyman as one of the top 100 speakers in dentistry. He is an Adjunct Full Professor at the UNC School of Dentistry in Chapel Hill, NC, has taught at the Pankey Institute in Florida and at Spear Education in Arizona. Get ready to laugh and learn during a unique day that promises to transform your entire team!

Dr. Hyman will present an all day program on Friday, April 28, 2017.

Laurie Guest, CSP is well known for her imaginative ideas and entertaining style. This Chicago area native motivates and invigorates audiences in the Midwest and beyond with lively, empowering messages.



Laurie is a member of the National Speakers Association and is a Certified Speaking Professional, a designation held by less than 10% of speakers worldwide. To earn this distinguished honor, Laurie speaks to thousands of people and consistently receives stellar ratings. Her ability to blend real-life examples with proven action steps leads to encore appearances for over 75% of her audiences.

Twenty four years of experience in the healthcare industry and years as a business owner, give Laurie unique insights into the challenges facing businesses and the impact of an apathetic staff. She expounds on the lessons she's learned along the way to help others in their professional and personal lives, overcoming obstacles and increasing positive outlooks and productivity.

Laurie Guest will present a half day program on Friday, April 28, 2017.

Recent Practice Questions

Question:

Stericycle is a company that we have used for years for sharps and hazardous waste disposal. They pick up annually, usually one box, and this contains sharps, empty anesthetic carpules, and anything that has significant blood contamination. Suddenly they are telling us that we need to do a different box for the empty anesthetic carpules, and this adds over a thousand dollars a year. Is there a recommendation about this, as I really don't see why empty carpules are any more than just hazardous waste.

Answer:

Stericycle is telling many of their customers that. The short answer is no, you do not need a different box. Your question was asked of OSHA and they published a response in 2007. "Pharmaceutical containers, including anesthetics carpules used in dentistry, are generally not considered to be contaminated sharps unless they are broken and can penetrate the skin. Intact anesthetic carpules are not required by OSHA to be discarded in a sharps container." Click here to read their full response.

Below is a FAQ #8 from the Ohio EPA titled, The Disposal of Hazardous Pharmaceutical Waste FAQs Also see the linked EPA Memo that is referenced in the answer.

Question #8:

Am I correct in assuming that the empty or partially used vials of lidocaine + epinephrine, or bupivacaine + epinephrine that we use in the hospital would NOT be considered hazardous pharmaceutical waste because the epinephrine (P042) is not the sole active ingredient?

Correct. The empty or partially used vials would not be listed hazardous waste, P042, because the solutions contain two active ingredients. However, you do need to determine if the residual in non-empty vials meet the definition of a characteristic hazardous waste. Please note: Epinephrine salts do not meet the listing description for the P042 waste listing description and therefore, would not be a listed hazardous waste. Common forms of epinephrine are hydrochloride, bitartrate or borate salts. Please see, US EPA's memo.

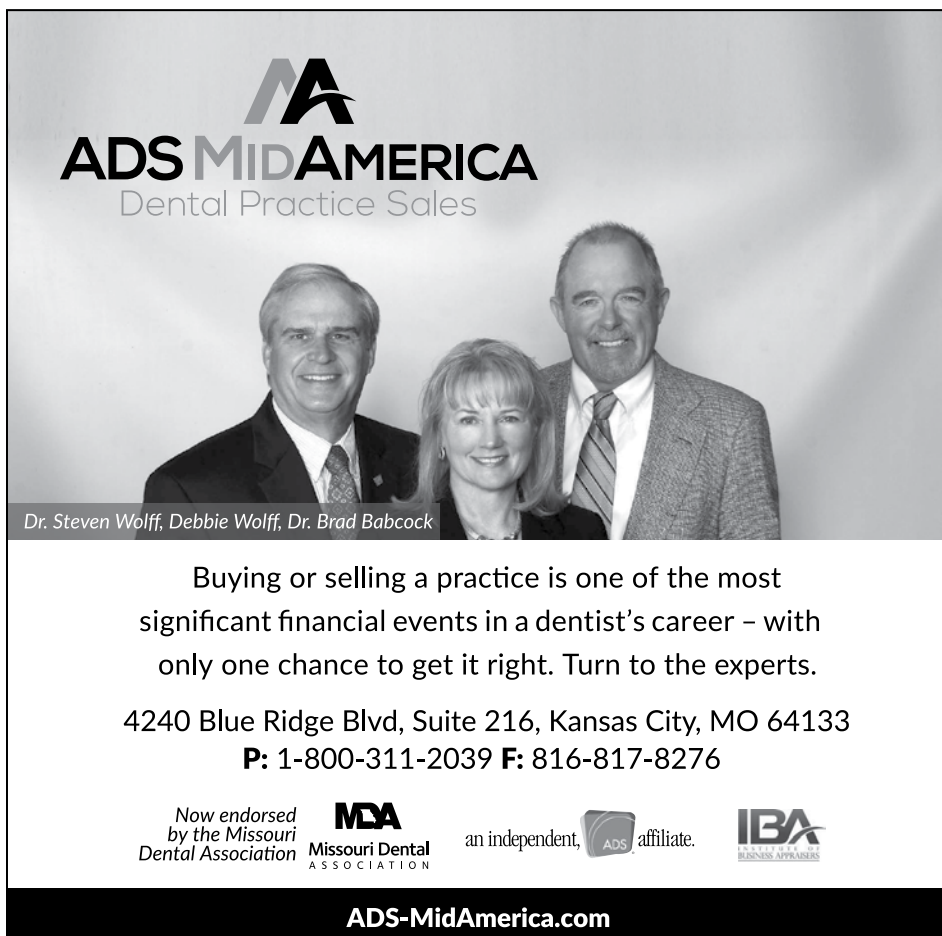
Please also note, that the law firm of Hagens Berman has filed a class-action lawsuit against Stericycle Inc. alleging that the medical waste disposal company misled its customers regarding pricing.

* * * * *

Non Covered Services

Yes, even after several years of our statute being in effect, insurance companies are still trying to get around this.

In the past, the EOB would specifically state that a particular service was not covered by the patient's plan and an alternate benefit was being provided.



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However, we recently received an EOB that looked like this:

The scheduled fee for a D2329 was \$109. The patient had a 80%/20% plan, so the insurance company should have paid 80% of \$109 or \$87.20.

The insurance company arrived at \$67.20 by paying 80% of the fee for a **two-surface Amalgam** filling of \$84.

There were no notations on the EOB. If the office had not done the math, they would have not seen that the insurance company downcoded the procedure to an "Alternate Benefit" or a non-covered service.

Because the insurance company did not pay based on a two-surface composite, but instead on a two-surfaced amalgam filling, the D2329 procedure is "not covered" by the plan.

Nebraska passed §44-7,105, which states that an insurance company "shall not include a provision, stipulation, or agreement establishing or limiting any fees charged for dental services that are not covered by the policy, certificate, contract, agreement, or plan."

Because the insurance company did not cover the D2329 procedure, §44-7,105 does not allow them to limit the fee of \$214 for a D2329 procedure, and the patient is responsible for the difference.

The **Patient Acknowledgement Form** that addresses this is on the NDA website, under Practice FAQs.



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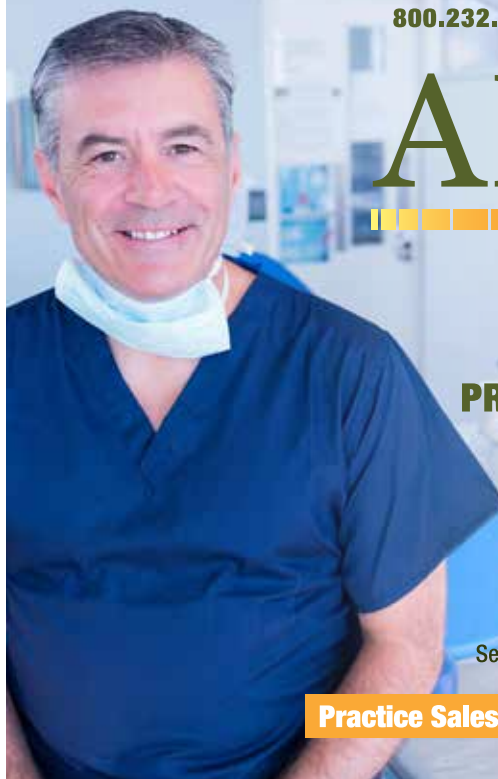
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HIPAA Compliance

Do you understand the rules?

Recently, the University of Mississippi Medical Center agreed to pay \$2.75 million to settle multiple alleged Health Insurance Portability and Accountability Act violations from an incident in which an employee's laptop, containing access to electronic protected health information, was stolen.

Make sure you are in compliance to avoid fines. These penalties can be assessed per violation per day.

The HIPAA security rule covers electronic protected health information (ePHI), but what is considered ePHI?

ePHI includes:

- Electronic health information that can identify an individual
- Information about a health condition (like a health history)
- Information about provision of health care (like a treatment plan)
- Information about payment for health care (like a bill)

Policies and safeguards must be implemented by all covered health care providers in order to be compliant.

The covered dental office is required to ensure confidentiality, integrity and availability of ePHI, identify and protect ePHI against threats to security, and ensure everyone in the practice complies with practice security policies and procedures.

The NDA endorsed **PBHS** to provide members with Secure Email, recommends that dental offices follow these five steps to help you avoid HIPAA penalties.

1. Determine your specific security requirements - Cover all electronic patient information, including email, in your risk assessment, identify threats and vulnerabilities that could lead to a data breach, and remember to specifically address encryption.
2. Identify types of data sent and set protocols - Determine who needs to

have access to send email messages that contain ePHI and set policies to be enforced regarding proper use of technologies to encrypt, transmit and archive messages.

3. Think about how data could be leaked or lost - Do patient files or referrals ever get left on the copier? Do staff always lock their computer screens when they step away? Are attachments containing patient charts or treatment plans being sent through regular email?
4. Implement secure communication practices by making technology upgrades if necessary - Secure your email system and secure any digital space where collaboration on patient ePHI occurs.
5. Educate staff on security policies - Educate all doctors and staff and implement proper security procedures.

Contact PBHS today at 855-932-4232 or pbhs.com/securemail to help you stay HIPAA compliant.



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Membership

New! NDA Newsletter Print or Digital Option

The NDA Board of Trustees and Hosue of Delegates strives to be a good steward of our dues dollars. During the fall BOT and HOD meetings, we are always looking at ways to cut our expenses.

A large amount is paid each year to print our newsletter, and we have found that many of our members do not even read it. As a result, in an effort to save printing costs, beginning with the January/February 2017 issue, you can choose whether to receive the NDA newsletter in a print version or a digital version. If you select the print version, your newsletter will continue being mailed to you. If you select the digital version, you will be able to access the newsletter on the NDA website. Since your membership dues are due on January 1, you will be asked to make your selection on the front of your 2017 membership dues invoice. For those of you that are participating in the prepaid dues program, we will do a separate mailing to you asking you to select an option.

We realize that this will take some time to implement, but we would encourage you to make your choice early so that we can begin implementing this with the January/February 2017 issue.

Welcome New Members!

Dr Taylor J Coffin

15359 Mason Plz
Omaha, NE, 68154 2861

Dr Meghan M Hungerford

3201 Pioneers Blvd Ste 308
Lincoln, NE, 68502 5963

Dr Peter C Longo

111 W 31st Street
Kearney, NE, 68845 4219

Dr Ward A Morris

4321 41St Ave
East Central District Health
Department
Columbus, NE, 68601 2131

Dr. Jesse A Murphy

713 N 132Nd St
Quality Dental Care
Omaha, NE, 68154 4000

Dr Kyle D Smith

1004 Lincoln Rd Ste 102
Bellevue, NE, 68005 2361

Dr. Chase Pruitt

5040 South 153rd Street
Omaha, NE 68137

2017 DUES

2017 membership dues invoices will be sent in mid-November and are due on January 1, 2017. We encourage you to go online to pay your dues at nedental.org using the link on the homepage. Membership dues not paid by January 1 will now result in the ADA changing your membership status to that of “member pending cut off”. Once dues are paid, this status will immediately be changed back to “tripartite member”.

When you go online to pay your dues, you will also have the option of paying your dues over a four month period by choosing the installment payment plan. We encourage you to select this option on or before January 1, 2017, to avoid a change in your membership status.

If you have any questions about your dues or your current membership status, please contact Jody at jody@nedental.org.

Upcoming Events

Mark Your Calendars

NMOM TRI-CITIES

Mark your calendar and plan to attend the NMOM event in Grand Island, Nebraska, on **April 6-8, 2017**. Registration is now open! For more information and to sign up to volunteer, visit their website at <http://nebraskamissionofmercy.com>



The New Dentist Council, representing dentists practicing ten years or less, would like you to mark your calendars for the New Dentist



Social to be held during the NDA Annual Session on **Thursday, April 27, 2017**, at **Nebraska Brewing Company**, just a short distance from the host hotel. Watch for more details in the coming months!



Attention all Greater Omaha, Council Bluffs, Papillion, Fremont & Norfolk Area Dentists:



Oral Surgery Associates Lecture Series 2016 – 2017

Dr. Karen Ann Baker

Friday, November 11, 2016, 12:30 - 5 pm

Ralston Arena & Convention Center, 7300 Q St, Ralston, NE 68127

Professor Karen Baker has been on the Dental College faculty at the University of Iowa for 35 years. She is a clinical pharmacist with a Master's degree in clinical pharmacology and therapeutics and is focused on patient-specific dental drug therapy.

Her dental education-based pharmacy and drug therapy consultation center is the only one in the United States. She has authored more than 50 articles and abstracts and lectures extensively in pre-doctoral and graduate courses at the University of Iowa.

We are grateful for the relationships we have with our referring offices - thank you for choosing us to help care for your patients. To show our gratitude, we would like to offer this course for FREE. While it was developed for dentists and hygienists, all staff are welcome. We are committed to providing the best care to our mutual patients and believe in supporting quality continuing education for our entire dental community.

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experience and NDA member. Please call 402-525-2972 or email drtoothster@gmail.com. Tom Martin, DDS.

Associate & Partnership Opportunities: Midlands Dental Group, Jeffrey T. Garvey, DDS, Seeking full time dentist to join our successful general dentistry practices. Opportunities in Omaha, Nebraska, Council Bluffs, Iowa and Missouri Valley, Iowa, 25 minutes North/East of Omaha. 1. Gain diagnostic, clinical and treatment planning proficiency without being burdened with management of your own business; 2. Tap 30 years experience from senior doctors; 3. Earn an income of \$150,000 to \$250,000; 4. Learn the business of dentistry. Some of our past associates have been graduates from Creighton University, University of Nebraska and University of Iowa. Some needing interim employment while waiting for spouses to graduate, and some have opened their own practices or have become partners within our group. For more information, please call Jean; 712-642-4136 or email at grover@qwestoffice.net.

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The Nebraska Dental Association
7160 South 29th, Suite 1, Lincoln, NE. 68516
(402) 476-1704 | 1-888-789-2614 | FAX (402) 476-2641
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