

APEX

BULLETIN OF THE STANISLAUS DENTAL SOCIETY

Upcoming Events

Mark Your Calendars!

APRIL 2010

- 23 Friday**
CPR- Memorial Education Center
- 30 Friday**
SDS CE -Online Marketing: Harnessing the Internet to Promote your Practice- Lorne Lavine DMD

MAY 2010

- 6 Thursday**
SDS Board Meeting
- 7 Friday**
CPR- Memorial Education Center
- 14-16 Friday-Sunday**
CDA Presents -Anaheim
- 20 Thursday**
General Membership Meeting
Jacob's Fine Dining
- 31 Monday**
Memorial Day

JUNE 2010

- 4 Friday**
CPR- Memorial Education Center
- 11 Friday**
SDS Field Day!

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President's Message

by Dr. Michael E. Cadra, MD, DMD, 2010 SDS President

Needed: a few volunteers!

It is hard to believe that the year is a quarter over. This is the point in time that the Nominating Committee of SDS begins the task of finding doctors to fill leadership positions for the future. I encourage any of you that have an interest in becoming involved in leadership to contact Dr. Clarke Filippi, or any of the current board members, as soon as possible.

In the past we have had a disproportionate number of specialists in leadership positions and that trend continues with our current board. Review of our directory shows that since 1990 there have been thirteen specialists to ascend through the chairs to the most esteemed office of "Immediate Past President". Thus the majority over the past twenty years have been specialists, while the membership is predominately composed of general dentists. We are nearly out of specialists that have not previously served so now is the time to have the GP population step up and lead.

I have heard several objections to service. A common one is the "time commitment". Over the time that I have been a member of SDS we have seen the number of years to progress through the chairs decrease. The board meetings have become more efficient as much of the discussion is conducted via email. The time commitment is certainly manageable. Another one is that, "I don't know how to be a leader". This is probably the weakest excuse of those offered. For those that truly believe this, there are a number of leadership training sessions available through CDA. In reality, anyone that runs a dental practice is already a well-seasoned veteran in leadership. Don't worry about Robert's Rules, we use Sturgis, you will have ample time to learn the basics of leading a meeting prior to having to lead one.

In order to become an effective board member one must consider, in addition to the time commitment, the expectation for term of service and the skills that you currently have or may need to develop. Prior to volunteering, I would recommend that you come visit a board meeting or two. Meet the other volunteers and our executive director. Understand the mission of SDS and become familiar with our strategic plan.

We have a strong dental society with 210 active members, 46 retired members and represent 82.4% of the dentists practicing in Stanislaus County (one of the highest percentages in CDA). In order to continue our success we need YOU to come forward to help in committees, community outreach or as a member of the Board of Directors.

Editor's Note

Within an arms reach are a bundle of things I could read right now; dental journals, mail, newspapers, and email. So why is the APEX so important? The purpose of this bulletin is to keep us informed of what is happening in our local dental "world" and provide tidbits of what is going on outside our county. Past editors have worked hard to ensure that the APEX is meaningful on a local level and I hope to continue in that direction. Because of Brad Pezoldt and Robin's diligent work, website ideas are becoming reality and soon we can publish the APEX online. This will allow members to view the current bulletin, and also access previous issues and articles. (As this is the last hard copy issue, you may want to have it preserved for future collectors' value!)

Remember, we are members of a small, but powerful dental society and it has become quite evident to me that there are many good people in our profession working toward a common goal. Through SDS, I have gained insights that motivate and inspire me about our profession and I look forward to this year as APEX editor. As always, please do not hesitate to contact me with ideas or suggestions.

Jodi Sceville

SIX STEPS TO SETTING UP AN ALTERNATIVE WORKWEEK SCHEDULE

Many offices have implemented alternative workweeks and some of you may be considering an alternative workweek schedule for your team. Keep in mind there are several steps that you must take before you implement an alternative workweek schedule, or if you already have one in place, ensure you have covered all of your bases so that you will be in compliance with the requirements of the State of California.

Step 1 - Propose a Schedule

You must present a written proposal for an alternative workweek schedule to employees in the affected work unit. Employees cannot create an alternative workweek without your proposal or approval. The proposed agreement must designate a regularly scheduled alternative workweek in which the specified number of work days and work hours are regularly recurring.

The actual days worked within that alternative workweek schedule do not need to be specified. The schedule must provide no fewer than two consecutive days off within each workweek. For example, you propose a workweek of Monday through Thursday. Employees will work four 10-hour shifts each workweek. The proposed alternative workweek schedule may not schedule more than 10 hours per day within a 40-hour workweek.

Step 2 - Distribute a Written Disclosure and Hold at Least One Meeting

When proposing an alternative workweek schedule, you must provide a written disclosure of the effects of the proposed schedule on the employees' wages, hours, and benefits. Failure to comply with this requirement invalidates the alternative workweek schedule election.

The written disclosure must be in a non-English language, as well as in English, if at least five percent of the affected employees primarily speak that non-English language.

Employees who did not attend the meeting to discuss the alternative workweek must receive a mailed copy of the written disclosure.

You must hold a meeting at least 14 days prior to voting, for the specific purpose of discussing the effects of the alternative workweek schedule. Give employees advance notice of the meeting date and time. You may need to hold more than one meeting if it is not practical or possible for all affected employees to attend at the same time, such as where an employee works remotely or employees are in other geographic areas.

You may express your position concerning the alternative workweek to the affected employees. However, you may not intimidate or coerce employees to vote either in support of or in opposition to a proposed alternative workweek. You cannot discharge or discriminate against employees for expressing opinions concerning the alternative workweek election or for opposing or supporting its adoption or repeal.

Step 3 - Hold a Secret Ballot Election

All affected employees in the work unit are entitled to vote to approve or reject the proposed schedule in a secret ballot election. A two-thirds vote is required for the schedule to become effective. Do not require employees to put their name or other identifying information on their ballots. You must hold the election during regular working hours at the worksite of the affected employees, and you must pay all the costs. The vote must take place before the employees begin working the alternative workweek schedule. A retroactive vote is not effective. Only those employees affected by the alternative workweek schedule may vote. Exempt employees in the unit do not vote.

Upon receiving a complaint by an affected employee, the Labor Commissioner must investigate, and may require you to select a neutral third party to conduct the election.

Do not require employees to work the alternative workweek schedule for at least 30 days after announcing the final election results.

Step 4 - File Election Results with the Division of Labor Statistics and Research

File the results of the election with the Division of Labor Statistics and Research (DLSR) within 30 days of the final election. After, the results become a public document.

Do not send the actual ballots. Election results must be sent to:

Division of Labor Statistics and Research
Attention: Alternative Workweek Election Results
P. O. Box 420603
San Francisco, CA 94142

In addition to the election results, you must submit several items to the DLSR. To view an entire list of required documents, visit their website at <http://www.dir.ca.gov/iwc/alternativeworkweek.htm>.

Step 5 - Create the Schedule

You do not need to specify the actual days worked within the alternative workweek schedule before employees vote. However, in advance of beginning to work the schedule, you must schedule the actual workdays and the starting and ending time of the shifts.

Occasional changes to the schedule are acceptable as long as you provide employees with reasonable notice. However, you may not create a system of "on-call" employment in which the days and hours of work are subject to continual changes, depriving employees of a predictable work schedule.

You have three obligations when it comes to accommodating employees who cannot or will not work an alternative workweek schedule:

- Accommodation of employee's religion. You must explore any available reasonable alternative means of accommodating the religious belief or observance of an affected employee that conflicts with an adopted alternative workweek schedule.
- Employees who were eligible to vote in the election. You must make a reasonable effort to find a work schedule of no more than eight hours in a workday, in order to accommodate any affected employee who was eligible to vote in the election and who is unable to work the alternative workweek schedule hours. You must make a reasonable effort to accommodate the employee regardless of whether that employee actually voted in the election, as long as the employee was eligible to vote. The regulations do not define what it means to be "unable" to work an alternative workweek schedule. It seems fairly certain that an employee would be unable to work the long hours of an alternative workweek schedule based on a medical restriction. But less clear would be a situation where an employee's child day care situation or college schedule makes it difficult for him/her to work longer hours; and
- Employees hired after the election. You are permitted to provide a work schedule of no more than eight hours in a workday to accommodate any employee who was hired after the election and who is unable to work the alternative schedule established as the result of that election.

Step 6 - Meal and Rest Periods and Paying Overtime

Employees on alternative workweek schedules are generally entitled to the same meal and rest periods as employees on traditional schedules. An employee who works ten hours or more in a shift is normally entitled to two half-hour meal periods. However, you and your employee may waive the second with mutual consent, as long as the first meal period was not waived.

On an alternative workweek schedule, overtime is paid as follows:

- Time-and-one-half -- all work performed in any workday beyond the schedule established by the alternative workweek agreement, up to 12 hours a day; and all work performed beyond 40 hours per week.
- Double-time -- all work performed in excess of 12 hours per day; and any work in excess of eight hours on those days other than those regularly scheduled by the alternative workweek agreement.

Only hours worked at straight time apply to the weekly 40-hour limit. This prevents "pyramiding" of overtime, where an employee earns overtime on top of overtime already paid. Once an employee is paid daily overtime for hours over those scheduled in the alternative workweek agreement, those overtime hours do not count toward the weekly 40-hour limit.

What Can Go Wrong

You must follow the steps outlined above before you implement your new schedule. Once a schedule is in place and approved, alternative workweeks can be invalidated by the Labor Commissioner for many reasons. Some of the most common are: the alternative workweek schedule was improperly implemented, not paying overtime properly for the alternative workweek schedule and employees consistently working outside the regular schedule without proper overtime compensation.

Follow the six steps detailed above and you can successfully set up an alternative workweek schedule for your office too!

Robin's Relevant (yet brief) Remarks

Happy Spring! I see sun, sometimes, so it must be so!

Good news! Attendance at the SDS's General Membership meeting has increased since the move to the new venue, which is more centrally located for our members. The meetings are now held at Jacob's Fine Dining, 2501 McHenry Blvd. How can you go wrong with a better parking area, a great meal, a warm and inviting atmosphere, the opportunity to socialize and network with your peers, and a free CE unit!! Remember, it's a member benefit that your dues help provide. And as always, I greatly appreciate a three day notice if you are unable to attend so we won't be frivolous with membership funds. (Humungous hint!) Plus, we're going to talk about you if you don't show up, so beware!

Tree hugger alert! This will be the last hardcopy APEX you will receive and soon to follow will be the last hardcopy of the SDS directory. In an effort to save our society money, as well as reduce the amount of paper that members have to contend with, both will be included in the new SDS website which will be up and running in April. So far, about 30% of our members have returned email addresses to me. To those who haven't, please do so as quickly as possible so you can stay informed and up to date about SDS events! You can email me @ sdsdent@thevision.net and save yourself a stamp!

SDS community volunteers! Please contact me if you perform screenings or any kind of dental volunteer work. I will be tracking the good work many of our members perform in the community, or even outside the community! The CDA is interested in the amount of time and how many people our members help. In the future there will be an easy way to provide this information on our upcoming website. In the meantime, send me an email or call me with the information. Pictures would be very welcome!

We have the best SDS members; saving the dental health of the earth's population, one patient at a time!

*We gratefully thank the following for their generous support
to the Stanislaus Dental Foundation Cuzenza/Rowe Scholarship Fund
In Memory Of:*

Ernest W. Allen DDS
Dee Rowe DDS

John Hynes
Dee Rowe DDS

Valmore Johnson
John Sulak DDS and Staff

George Payne
John Sulak DDS and Staff

Corinne Rowe
Michael Gerber DDS
Stanislaus Dental Foundation
Stanislaus Medical/Dental Foundation

William Rowe
Stanislaus Dental Society

Bette Bell Smith
John Sulak DDS and Staff



Dr. Santa (aka Garry Found DDS) and his trusty..... wait that's not Rudolph!



Dr. Santa dispensing hugs freely!

Pacifica Senior Living is an assisted living community that specializes solely in Memory Care ~ Mild Cognitive Impairment- Hospice care for individuals with Alzheimer's.

Dr. Found joined them at their annual family Christmas party on Thursday Dec 17, 2009.

Staff members related that they had never or rarely seen some of the residents smile. It was truly touching to see how the presence of Santa stirred some deep seated memories of the "magic" of Christmases past!



Welcome to future SDS member, Andrew Michael Bartlett, Born to Kristen and Larry Bartlett on February 22, 8:44 pm, all of 7lbs., 5 oz. Congratulations!



Dr. John Swearingen speaks about Peer Review issues at the February General Membership meeting.



Dr. Michael Shaw welcomes new SDS member, Dr. Tannaz Ahmadi at the February General Membership Meeting.



Art Tharpe, director of the California Employee Association, speaks about Labor Law Compliance at the March General Membership meeting.

SDS Welcomes its Newest Members!

General Practice

Jong Yook DDS

Pediatric

Barbara Cretan DDS

Practice Management tools right at your fingertips!

Have you been using the valuable resources on the CDA Compass? Sample forms, legislative updates, questions, answers, blogs, tips, forums, etc.; the Compass was developed for you to provide you with the important tools you need to maintain an efficient and compliant practice. And better yet...It's free! Go to cdacompass.com and complete a simple registration process (have your license # handy) and you're ready to go! You can also designate one member of your office staff to have access to the Compass. Following is an example of some of the latest information provided for download.

Practice management

Designing Your Practice's Schedule

- *Improving your practice's schedule can reduce stress levels and produce a positive experience for you, your staff and your patients.*

Creating Your Practice Vision Statement Checklist

- *This form will help you and your staff in effectively brainstorming and prioritizing factors in developing your practice vision statement.*

Monthly Production Goal Calculator

- *This Excel tool will allow you to calculate your practices monthly production goal.*

Employment Practices

Alternative Workweek Checklist

- *If an alternative workweek is not properly implemented, the employer could face fines related to overtime pay. Use this checklist to ensure all details are met prior to implementing the schedule.*

Sample Employee Manual

- *This Employee Manual template was designed to be used specifically in a dental office. An employee manual is one of the most important reference and communication tools between an employer and employees. It clearly describes expectations and office policies. Download this manual and customize it for your own practice.*

New Employee Checklist

- *Use this checklist to ensure all new employees are given the correct forms and provided the proper training.*

Dental Benefit Plans

Benefit Breakdown Form

- *In order to provide your patients the best possible treatment estimate; utilize this form as an aid in verifying their dental benefits.*

Plan Dispute Resolution Forms and Processes

- *There are two levels for appealing payment disputes: the first level is with the plan itself, and then if a dispute is not resolved there, with the appropriate regulatory agency. The following links are available to assist you in filing an appeal on a payment dispute with a particular dental benefit plan.*

Regulatory Compliance

CDA Regulatory Compliance Manual Table of Contents

- *Use the Download button below for a printer-friendly version of this table of contents to include in your dental practice's regulatory compliance manual.*

Guide to Dental Practice Act Compliance

- *This guide, updated March 2010, summarizes portions of the Dental Practice Act (DPA) and organizes information in alphabetical order by subject.*

Sales and Use Tax

- *This is an overview of the sales tax and use tax dental practices are required to collect and pay. New in 2009 is a requirement for certain purchasers to register to pay use tax.*

" New Strategies to Protect Yourself when Negotiating or Renewing Your Dental Office Lease-Part 2"

by Law Offices of Barry H. Josselson, A Professional Law Corporation*
(This is the second of a three-part series)

In last month's first installment in this three-part series, we saw that *during challenging economic times (such as that which the dental profession is currently confronting)*, the terms and provisions of your dental office lease *contribute significantly to the financial success* of your dental practice. All office leases deal with issues such as (i) annual rent increases, (ii) the right to sublease or assign your dental office lease to another dentist who purchases your practice, (iii) the right to exercise an option to renew to remain in your premises at your election, (iv) the allocation of responsibility between you and the landlord for making and paying for repairs, and (v) the landlord's right to recapture or take back your premises should you decide to sell your dental practice.

Your or your dental real estate attorney's *discovering these hidden provisions* in the lease, negotiating fairly these critical terms of your lease with the landlord, and being proactive in structuring your lease to address your long term professional and financial needs are a prerequisite for securing a fair lease and establishing a satisfactory landlord-tenant relationship.

2. Your right to assign or sublet your dental office. Many dentists contemplate bringing in an associate dentist, entering into space sharing or solo group relationships to reduce costs, or assigning or subletting their premises to another dentist when they sell their practice. *Leases prohibit professionals other than you* from occupying and utilizing the premises. Most leases also provide that any rent payments, money, or "other

consideration" earned by you from the space sharing relationship *must be paid* to the landlord. Leases also provide that any "value" attributed to your office lease in your practice purchase agreement upon the sale of your practice *must be paid* to the landlord. Be cognizant of lease clauses permitting the landlord to raise the office rent, to increase substantially the security deposit, or to withhold arbitrarily the landlord's consent to any requested assignment of your lease to another dentist. All of these provisions can work a financial hardship on you because the landlord has reserved the right (i) to change the economic provisions of your lease or (ii) to derive some or all of the economic benefit from your space sharing or practice sale transaction. *A careful perusal* of this part of your lease by your dental real estate attorney and the deletion of this onerous provision before you sign your lease will save you much stress in years to come.

3. Options to renew. Options to renew your lease give you *the right to stay* for an additional period of time (e.g., 3 years) in your premises *without having to obligate* yourself if you later wish to relocate. Make sure your lease permits your options to renew to be *exercisable by any subsequent dentist to whom you assign your office lease* and not just you as the original tenant. Second, make provisions for determining the rent in the option to renew. (For example, the option period rent being the last year's rent increased by the CPI or the rent being the "fair market rent" for other dental space similarly situated in comparable buildings for that area). Lastly, make sure that you are given ample time before the end of your lease term to exercise your option to renew (e.g., a period of six months to notify the landlord of your intent).

The next issue will address pass-through of operating expenses to the tenant and recapture of premises by the landlord.

* Barry H. Josselson's law firm is devoted exclusively to the representation of dentists and advises more than 3,200 dentists regarding their dental legal and business matters. His law offices are located in the cities of Orange, San Diego, Walnut Creek, and Sacramento, California. Mr. Josselson currently serves as an instructor in the UCLA School of Dentistry Graduate Practice Residency program and guest lectures at the UCSF, USC, and Loma Linda Schools of Dentistry and the UNLV School of Dental Medicine. Mr. Josselson may be reached at 800-300-3525, via e-mail at bhjlaw@sbcglobal.net, or via website at www.josselson.com or www.dentallawfirm.com.

Upcoming SDS Continuing Education course *Online Marketing: Harnessing the Internet to Promote your Practice*

Dr. Lorne Lavine, founder and president of Dental Technology Consultants, has over 24 years invested in the dental and dental technology fields and has vast experience with dental technology systems. Dr. Lavine will focus on Reputational Marketing, website designing, and how to best utilize social media to benefit your practice. This topic is a great member benefit with 5 units, peer interaction, and a full breakfast included!
Friday, April 30 8:00am-1:30pm at Jacob's Fine Dining-2501 McHenry Blvd, Modesto.

CDA Presents The Art and Science of Dentistry...

....will be held in Anaheim, May 14-16. With workshops, free lectures and other C.E. opportunities, CDA Presents is the most convenient way for you to meet your license renewal requirements. If you are unable to attend the Anaheim event you can attend the one in San Francisco Thursday-Saturday, September 9-11, 2010. To register, go to <http://www.cdapresents.com/Attendees.aspx> and click on the Register Now link on the left.

RADIATION PERSONNEL MONITORS (DOSIMETERS)

(provided by the CDA compass – cdacompass.com)

If a dental practice can show that each employee is not exposed to more than 10% of 5 rems (0.05Sv) on an annual basis, personnel dosimeters are not required. However, in order to show that radiation exposure does not exceed this level, dosimeters need to be worn for a period. For example, employees can wear dosimeters for one year, skip monitoring the next two or three years, then have another year of monitoring. Restart monitoring when new x-ray equipment is introduced. Be sure to follow recordkeeping requirements. Dental practices that utilize portable dental x-ray systems must ensure individuals who operate the system wear monitoring devices. The portable systems must be evaluated on a monthly basis. Monitoring records must be available to the Department of Public Health upon request. Declared pregnant employees who operate x-ray machinery must wear personal x-ray monitoring devices for the entire duration of pregnancy, or for as long as the employer knew about the pregnancy.

SDS Membership Status Update

256 Total members

200 Active Members

4 Permanent Disability

9 Lifetime Active

36 Lifetime Retired

4 Retired

3 Affiliates

2 Pending

CDA Market Share – 79.6%



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Your contributions in the form of articles, photos and/or ideas are greatly appreciated. The APEX Staff is currently accepting articles of general membership interest. This can include an accomplishment, interesting hobby, innovative idea, volunteer effort, etc. Please feel free to submit an article or call for an interview. All articles are subject to editorial review. Requests for donations may be made by members but must be limited to 50 words or less.

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APEX assumes no responsibility for those expressions of opinion or supposed facts published herein. They are not regarded as expressing the view of the SDS unless so stated. Acceptance of advertising is in no way professional approval or endorsement.

Important Member Announcements

- ❖ Welcome to Cherie & Dr. Matt Uyeyama's newest gift, baby girl Mieko born on January 21. Congratulations!
- ❖ It is with great sadness I announce that Dr. Dee Rowe's wife, Corinne passed away on March 15th. Sadly, Dr. Rowe's son, William lost his life to cancer in January. Please keep him in your thoughts.

Dental Office Space for Lease in Modesto

Fully stocked, turnkey operation located in the prime location of McHenry Village. If interested, please contact (209) 968-4328

Family Dentistry Practice Opportunity in Turlock

Successful, newly decorated, six ops, family practice serving the community for over 30 years is seeking someone to join the team with the intention of transitioning to owner. Our tenured team is looking forward to supporting your success. Please email jcswearin@att.net or www.TurlockDentalTeam.com



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Well Being – **Lee Mettler**

APEX

BULLETIN OF THE STANISLAUS DENTAL SOCIETY

Ethical Implications of Noncompliance with Peer Review

In keeping with its obligation of service to the public, the California Dental Association (CDA) has established a statewide peer review system to resolve disputes that may arise in the delivery of dental services to the public by CDA member dentists. The peer review process is in place as a membership benefit to assist members in resolving disputes with their patients in a fair and equitable manner outside of the legal system. The procedures used in the peer review process for the management of disputes between dentists, patients, and carriers are designed to be consistent to assure that all parties concerned are treated fairly.

When a peer review decision is made in favor of the patient, it is understandable that the member dentist may feel frustrated and betrayed by his or her peers. But membership in CDA requires agreement by the dentist to comply with the association's Code of Ethics, which obligates the dentist to cooperate with the peer review committee and abide by their findings. So what happens if you decide to just disregard the committee's decision and the instructions provided in the resolution letter?

Failure to cooperate with any component committee or council could result in charges being brought forth against a member for violating Section 3 of the CDA Code of Ethics. Approximately half a dozen member dentists are referred to the Judicial Council each year for failing to comply with a peer review committee's decision. The Judicial Council has ultimate authority to take disciplinary action against a member for any Code of Ethics violation.

Disciplinary action can range from probation or censure to expulsion from the organization. Disciplinary action against your membership due to non-compliance with peer review may also result in an adverse action report filing with the National Practitioner Data Bank and the Dental Board of California. But rather than considering your options from a disciplinary standpoint, as a CDA member it's more important to consider the ethical implications of non-compliance with a peer review decision.

Please remember that your peers volunteer a significant amount of their time to participate on the peer review committee with the goal of helping you prevent incurring the substantial emotional and financial costs that are associated with litigation. To disregard their decision, and refuse to comply with the resolution, is not only unethical, but disrespectful of the efforts of your peers.

For additional information on this or any other ethical issue, or for a hard copy of the CDA Code of Ethics, please contact Brooke Vanderlinde at (916) 554-5948.