UPCOMING COURSES AND EVENTS
MARK YOUR CALENDARS NOW FOR FALL MEETINGS:

SEPTEMBER 12  
Dr. Susan Hollar

OCTOBER 10  
Dr. Steven Bender

NOVEMBER 14  
Dr. Likith Reddy

TCMS, 555 HEMPHILL ST. - DRINKS AND FOOD AT 6:00PM

Registration online @ fwdds.org is available and preferred
Did you know that if you come to just 5 Monthly Meetings, FWDDS OSHA Course each January, And the all day CE Course each year, you will have met more than your CE requirements for the year without any travel expense? Plus, it is a good chance to network with your colleagues. Mark your calendars and plan to come!

**SCHEDULE OF EVENTS & MEETINGS**

**September 12**  
Dr. Susan Hollar

**September 14**  
Southwest Dental Conference  
Dallas, TX

**September 30**  
Society Clay Shoot  
Alpine Shooting Range

**October 10**  
Dr. Steven Bender

**October 19**  
ADA Annual Meeting  
Atlanta, GA

**November 14**  
Dr. Likith Reddy

**November 14**  
Alliance Bake Sale

**December 14**  
Christmas Party  
Colonial Country Club

**CHECK THE WEBSITE FOR DETAILS AT FWDDS.ORG**

**ANNOUNCEMENT:**  
All Members of FWDDS

Effective September 2017 – Our FWDDS Newsletter, Twelfth Night, will now be published once every 2 months. – September issue will be for September/October 2017.
I recently attended the annual TDA Leadership Conference in Austin, Texas. This was a meeting for board members of the TDA and the local component societies to get together to discuss strategies and challenges that our organizations face at the local, state and national level. It is important to take a step back from our daily focus and obtain a broader perspective on the organization as a whole. One of the main challenges that our organizations face on each level is providing value to our members and helping them recognize the importance of membership. Communicating this message has required a refocusing on what dentists need and want from an organization, as well as how best to reach them. The ADA has invested heavily in their efforts to stay in contact with members and reach out to non-member dentists.

Stephanie Moritz, the Chief Communications Officer of the ADA, gave a very interesting presentation on communication strategies currently underway. She has a corporate background and spoke very knowledgeably on how organizations receive and relay information. She stressed the importance of outreach and understanding the needs and motivations of dentists. It’s not enough to point to our website and say, “look at all these resources and content that you have access to.” People don’t have time to navigate through and search out information buried in websites. We have to be more targeted in our approach of reaching dentists by going to them and reaching them where they receive their information. This is a more proactive and labor-intensive approach because it requires understanding how different groups of people consume content.

One consistent observation that Ms. Moritz made is that dentists are passionate people. Dentistry is made up of an increasingly diverse group that has worked hard to be where they are. Encouraging people to share their stories and including them in the conversation is a powerful way to connect with dentists. There will also be a push to provide more concise and visual content that shows up on social media channels. People are less inclined to read lengthy articles and need to be drawn in with snippets of information. One of the goals that I have for our newsletters and media outlets is to provide concise, practical information that is readily accessible to our members through our various outlets.

In closing, the ADA is strongly encouraging all of its members to update their personal profile on their Find-a-Dentist website. They are strongly promoting this member directory and hope to make it one of the primary resources for patients looking for dentists. Even adding a picture to your profile will significantly increase the chances of a patient clicking on your practice. Take a moment and update yours today!

**WHAT’S INSIDE?**

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*Drs. John Boyd, Ronald Lee, Scott Morse and Joe Laborde*
Ransomware Alert: International Crisis

By Jeanine Lehman, Attorney

An unprecedented ransomware attack has wreaked havoc on the world starting May 12, 2017. Ransomware is a type of malicious software that infects a computer and restricts users’ access to the computer's data until a ransom is paid to unlock it. News accounts indicate that the WannaCry ransomware was stolen from the National Security Agency, and then obtained by criminals, who distributed the ransomware via email to victims.

News accounts indicate that this ransomware targets a vulnerability in the Windows operating system. Microsoft released a patch to fix the problem in March, 2017. Computers, which do not have up-to-date security patches in place, particularly up-to-date Windows Updates, and computers that use old Windows operating systems that are no longer supported by Microsoft are at great risk. Victims of these attacks receive demands to pay $300 or more in Bitcoin to unlock their devices, with the ransom increasing over time.

Given this significant risk, dentists should immediately verify with their IT and HIPAA consultants that the following and other prudent measures are in place:

- Windows security patches are up-to-date on all computers, servers, and devices on their networks and that frequent automatic updates are occurring.
- Security patches for all software programs are up-to-date on all computers and are being updated.
- Anti-virus programs are installed, running, properly working, and being updated.
- Data is being regularly and safely backed up to a location other than the computer network. Encrypted backups are advisable.

Dentists should also work with their IT and HIPAA compliance consultants concerning updating their HIPAA risk assessment – to be sure that this risk is addressed and mitigated. A 2014 case is illustrative. On December 8, 2014, the US Department of Health and Human Services, Office of Civil Rights (OCR), released a bulletin entitled “HIPAA Settlement Underscores the Vulnerability of Unpatched and Unsupported Software”. In that case, an Alaska community mental health services organization agreed to pay $150,000 to the federal government due to a malware caused breach of electronic protected health information of 2,743 individuals, as a direct result of failure to regularly update with available patches and running outdated, unsupported software.

OCR gives this advice concerning prevention:

Ransomware can be delivered via email by attachments or links within the email (as well as other hacking methods not involving email). Attachments in emails can include documents, zip files, and executable applications. Malicious links in emails can link directly to a malicious website the attacker uses to place malware on a system. Be aware of the following (and train your staff):

- Only open up emails from people you know and that you are expecting. The attacker can impersonate the sender, or the computer belonging to someone you know may be infected without his or her knowledge.
- Don’t click on links in emails if you weren’t expecting them - the attacker could camouflage a malicious link to make it look like it is for your bank, for example.
- Keep your computer and antivirus up to date - this adds another layer of defense that could stop the malware.

Recently, an Austin medical practice was the victim of a ransomware attack. In that case,

Continued on page 6
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Ransomware continued from page 4

the medical practice indicated in its March 22, 2017 HIPAA breach report to the OCR that 279,663 individuals were affected by the breach.

Dentists should consider obtaining cybersecurity insurance.

If you are the victim of ransomware, immediately contact your IT consultant, your health law attorney, the police, and your insurance carrier. Also, OCR advises: If your organization is the victim of a ransomware attack, please contact law enforcement immediately. We recommend organizations contact their FBI Field Office Cyber Task Force at www.fbi.gov/contact-us/field/field-offices immediately to report a ransomware event and request assistance. These professionals work with state and local law enforcement and other federal and international partners to pursue cyber criminals globally and to assist victims of cybercrime. Victims are also encouraged to report cyber incidents to the United States Computer Emergency Readiness Team (US-CERT) via email to soc@us-cert.gov and the FBI’s Internet Crime Complaint Center at www.ic3.gov.

RESOURCES:

Cyber Newsletters - OIG:

Ransomware Guidance - OIG:
https://www.hhs.gov/sites/default/files/RansomwareFactSheet.pdf

US-Cert, 2016 Ransomware and Recent Variants Alert: https://www.us-cert.gov/ncas/alerts/TA16-091A

Jeanine Lehman is an Austin, Texas dental, health and business law attorney with a statewide practice – www.jeanine.com. She can be reached at (512) 918-3435 or Jeanine@jeanine.com. © Jeanine Lehman 2017. This article is not legal advice.
If you’ve gone fishing more than once you know that you are going to catch more fish if you fish where the fish are. If we are trying to attract more new patients to our practices we need to be visible where the potential patients are looking. That’s the strategy of the ADA and TDA in their marketing efforts to help members be busier in their practices than they currently are. 

At the TDA leadership conference we learned of a few things that the TDA and ADA are doing to help the membership and to help drive more patients to member’s offices. Ms. Stephanie Moritz, Chief Communications Officer at the ADA, presented several ideas that the ADA is doing to help our membership with better and more effective communication with the public. 

Ms. Moritz admitted right off the bat that our ADA is desperately in need of an upgrade to our messaging and visuals that go to the public on behalf of our members. It was refreshing to hear a very high energy, “with it”, kind of person such as Ms. Moritz telling us that the ADA is focusing on the new dentist and the mid-career dentist to find out what their needs are. There is an emphasis on helping member dentists in a new way – to help better prepare them for business and to drive more potential patients to them.

The biggest effort will be in the Find-A-Dentist program. A big digital placement by the ADA will start in July to target potential patients and to provide a “nudge” that they need to make a call to a member dentist. There will be a series of ads that don’t lecture to patients, but will gently motivate them with reasons to call a member dentist that appeals to the most likely potential patient.

The best thing that we can do as members is to go to the ADA website and update our member profiles. When a potential new patient looks to the newly revamped ADA website they will easily be able to find a member dentist in their area. One of the important points that was made was that we all need to be sure and add a photo to the profile.

Don’t look like “Dr. Creeper”. Be sure and add a photo to your profile. Also, when the dentists listed in the search area come up the ones with a photo are listed first. If a member completes the profile as thoroughly as possible it will be more likely to match what a patient is looking for in a dentist.

By actually going out to member dentist’s offices the ADA communication department is learning more about members and their needs. What they have found is that for some dentists dentistry is simply a means to an end. For others, serving their patients is their purpose. Membership is personal. Members and the public need information in small bites. So, the ADA is creating more “snackable content” and is communicating in new channels – such as YouTube and Instagram. Visuals drive the message and they show what a person is missing by not being a patient of a member dentist. It is encouraging that the ADA is proactively changing the approach in which it communicates and relates to members and to the public.
SURVEY: DENTISTS AMONG OCCUPATIONS WITH THE MOST OPTIMISTIC EMPLOYEES.

Forbes (7/24, Kauflin) reports PayScale polled US employees between July 2015 and July 2017 about “their salaries and their confidence in their employers’ businesses,” finding dentists are among the top five occupations with the most optimistic employees. The survey finds real estate brokers and postsecondary teachers are the most optimistic about their employers’ futures, followed by dentists. Forbes mentions that “the number of dentists per 100,000 U.S. residents has grown slightly over the past fifteen years, from 57 in 2001 to 61 last year, according to the American Dental Association.”

In addition, U.S. News & World Report (7/25, Snider) identifies “26 careers with the most job security.” Dentist tops the list, followed by orthodontist and prosthodontist. The list also includes oral and maxillofacial surgeon.

Preventive Dental Care Encouraged Among Back-To-School Health Tips.

Reporting that “over the next few weeks, students will be returning to their classrooms for another school year,” WJXT-TV Jacksonville, FL (7/25) shared tips from the Mayo Clinic on “how to make the transition back to school less stressful.”

Among the recommendations, a dental specialist with the Mayo Clinic recommends that “students practice healthy dental habits daily” and visit the dentist regularly.

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Magnitude of Prescription Narcotic Abuse in the US and its Epidemiology

This is a new requirement for writing Schedule II Prescriptions

DATE: January 9, 2018
PLACE: Tarrant County Medical Society
555 Hemphill St., FT Worth, 76104
TIME: 6:00 PM – 8:00 PM
COST: $30 for FWDDS Members
$95 for Non-Members

Reserve Online at www.fwdds.org or call 817-263-7177
Limited Seating Available!

2 CE

Dr. Jackie Plemons

is a board certified periodontist in Dallas, TX. Located in the Park Cities area, she is dedicated to providing the highest quality of periodontal and oral health care in a relaxed and comfortable environment.

Dr. Plemons attended Texas A&M University for her undergraduate training before graduating from Baylor College of Dentistry in 1986. She completed her periodontal residency in 1988 earning a Master of Science in Oral Biology and a Certificate in Periodontics. Dr. Plemons also completed a Fellowship in Oral Medicine and has advanced training in dental implants and dental anesthesiology.

LEARNING OBJECTIVES

Magnitude of Prescription narcotic abuse in the U.S. and its' epidemiology:

- The extent of prescription drugs across U.S.
- The effects of addiction on families & society
- Use of Texas Prescription Monitoring program
- Potential regulatory issues that will likely affect prescription writing in Texas
- How you can safely prescribe prescription narcotics in the dental office
Health care practices across Texas are being targeted for alleged violations of the federal Americans with Disabilities Act (ADA), based on the accessibility of their websites. Dentists are likely to receive demand letters or lawsuits alleging that their websites violate the ADA because the websites do not satisfy accessibility standards for the protection of the disabled – primarily visual impairments, but also including hearing impairments if sound is used on the website, and possibly mobility impairments that interfere with operation of the physical components of a computer, such as a mouse. Dentists’ offices are public accommodations under the ADA. Dentists’ offices are subject to the ADA including but not limited to wheelchair accessibility, tactile signage, and more. The question arises, are the websites of dentists public accommodations that must be accessible to the disabled?

The U.S. Department of Justice (DOJ) administers the public accommodations component of the ADA. The DOJ is considering rules for website accessibility for private businesses, but does not anticipate having those rules until 2018. In the meantime, there has been a change in U.S. President, which could affect rulemaking. See: https://www.reginfo.gov/public/jsp/eAgenda/StaticContent/201510/Statement_1100.html

But DOJ rules are not required for lawsuits to occur. The ADA statute alone can be the basis of lawsuits. Originally, the website accessibility lawsuits targeted large companies. Some of those companies settled major lawsuits and revised their websites. Now, small businesses, including Texas health care providers, are being targeted by these lawsuits. For a Texas story, see: http://kxan.com/2016/12/21/austin-ada-attorney-now-targeting-websites/ A lawsuit may also contain allegations that violation of the ADA is a violation of federal law for practices which accept federal money, i.e. Medicaid, Medicare, and CHIP, and that the money should be refunded to the government. These allegations may be a red herring. However, they raise the stakes and strike fear into the hearts of Texas health care providers.

Given the risk, dentists should consider meeting the Web Content Accessibility Guidelines (WCAG) 2.0 A or AA located at: https://www.w3.org/TR/WCAG20/#guidelines and https://www.w3.org/WAI/WCAG20/quickref/ or other appropriate accessibility standards. To do so, they will need a knowledgeable web developer.

If a dentist receives a demand letter from an attorney or an individual, or is named in a lawsuit or governmental notice, there are a number of options:

1. **Call your insurance carrier.** Check to see if your insurance policy has “disciplinary proceedings” coverage. See if ADA coverage is included. If there is an allegation of federal program violations, i.e. Medicaid, Medicare, and CHIP, or the threat of a qui tam action to have you refund federal health program collections, see if your policy provides coverage. If you have coverage, your insurance carrier will provide or reimburse your costs of defense – but talk to your insurance agent, read your policy, and get written confirmation. That said, be sure not to delay retaining an attorney.

2. **Do not ignore the letter or the lawsuit.** Be proactive. If you ignore the letter, you may be sued. If you ignore the lawsuit, you will automatically lose.

3. **Settlement.** The demand letters may request a sum like $2,000 to seek to get you to pay rather than take the risk of a lawsuit. However, paying the money does not stop someone else from making the same claim and suing you. Indeed, a dentist, who is an easy touch, may find his name shared with others. If you do want to settle, it is advisable to have your own attorney represent you for the settlement and release.
4. Retain an Attorney. Retain a knowledgeable attorney to represent you and respond to the demand letter and lawsuit. The lawsuit will be filed in federal court, so your attorney needs to be admitted to federal court. Be sure to act expeditiously so that you do not miss court deadlines.

In October 2016, two website accessibility lawsuits were filed in federal court in San Antonio against urgent care centers by the same Plaintiff. On February 13, 2017, U.S. District Court Judge Orlando Garcia ruled in favor of the urgent care center, Concentra Operating Corporation, granting a motion to dismiss the lawsuit on the basis that the Plaintiff lacked standing to bring suit because he failed to prove a concrete injury, i.e. that his disabilities (which did not include visual or hearing impairments) affected his access to the website. The Judge also evaluated and found that the Plaintiff failed the proximity test for standing, including due to the 60+ mile distance from the Plaintiff’s residence in Austin to the Defendant’s clinic, and no evidence that Plaintiff was or intended to be a patient, or traveled in the area of the clinic. Because the case was decided on standing, Judge Garcia did not rule on if the website, itself, was a public accommodation and indicated that issue was a matter of first impression in the federal Fifth Circuit (meaning the federal Fifth Circuit has not addressed that issue). Austin is also in the Fifth Circuit. On February 23, 2017, in the other case, the parties agreed to a joint stipulation of dismissal with prejudice – meaning the case was stipulated in favor of the Defendant urgent care center, Hill Country Health Management, LLC.

The Texas Medical Association in its February 27, 2017 posting “Practice Websites Targeted in ADA Shakedown” noted that at least two dozen inquiries about website accessibility have been made to the TMA. See: https://www.texmed.org/Template.aspx?id=43960

Jeanine Lehman is an Austin, Texas dental, health and business law attorney with a statewide practice – www.jeanine.com. She can be reached at (512) 918-3435 or Jeanine@Jeanine.com. © Jeanine Lehman 2017. This article is not legal advice.
Texas dentists must complete 12 hours of approved continuing education (CE) each year in order to renew their dental license. At least 8 hours of coursework must be either technical or scientific as related to clinical care. The terms “technical” and “scientific” as applied to continuing education mean that the courses have significant intellectual or practical content and are designed to directly enhance the dentist’s knowledge and skill in providing clinical care to the individual patient.

Up to 4 hours of coursework may be in risk management including general risk management, record-keeping and ethics.

Hours of coursework in the standards of the Occupational Safety and Health Administration (OSHA) annual update course or in cardiopulmonary resuscitation (CPR) basic life support training may not be considered in the 12-hour requirement. Hours of coursework in practice finance may not be considered in the 12-hour requirement. Six of the required 12 CE hours per year may be done through “self-study.” Examples of self-study courses include correspondence courses, video courses, audio courses, and reading courses.

Approved CE courses are available from a variety of sources, including dental schools, dental professional organizations, and local dental societies.
WANTED!

All Shooters Wanted

2nd Annual

FWDDS

EVERYONE WELCOME

Sporting Clay Shoot

Date:  Saturday, Sept 30, 2017

Where:  Alpine Shooting Range
         5482 Shelby Road
         Fort Worth, TX 76140
         817-484-0775

Cost:  $100 per shooter

REWARD

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Registration 8am/ Shooters start at 9am

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1-2 days per month. All supplies, staff and equipment (including microscopes) provided. We provide the managerial, the marketing, and the technical administrative expertise so you can do what you do best - practice dentistry. Please contact Elliott Cox for more details: 972-755-0862 or email Elliott.cox@dentalonepartners.com.

Place your classified advertising HERE! Contact Executive Director, Cindy Hood, at 817-263-7177 or email cindy@fwdds.org.
Staffing Solutions for Dental Practices

As a business owner, staffing needs can create a tremendous amount of stress. People move away, take maternity leave or medical leave, change jobs, call in sick, & take vacations; all of which can cause your entire team to be overwhelmed and the care of your patients to be compromised.

Allow us to eliminate that stress by assisting you with all of your temporary & permanent staffing needs so that your team can still function effectively, your patients still get the same consistent, excellent care they deserve, and you can focus on what you do best...... dentistry!

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1244 Southridge Court Suite 103
Hurst, TX 76053
817-285-8600 Fax 817-285-8680
www.dental-directions.com
“Dan and Aaron actively marketed my practice and screened the candidates who were best suited to carry on my legacy.”

– Gus Gates, DDS

“Dan and Aaron fulfilled their commitment in selling my practice and expertly providing a process for transitioning my life’s work.”

– Robert G. Vittetoe, DDS

NEED A PRACTICE TRANSITION PLAN?

Over the past 30+ years, Lewis Health Profession Services has specialized in dental practice sales, appraisals, and transition structuring. We pride ourselves on providing ethical, confidential and experienced assistance with a very “hands-on” approach.

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