Keeping It Together: Work-Life Balance

If you are just getting started in your dental career, you may be wondering how to go about balancing your personal and professional lives. Believe it or not, you can have both.

You just have to know how to blend the ingredients properly.

Linda Keating

Work-life balance is a huge issue for all young professionals, dentists included. The early years in practice are the ones where clinical skills are honed, a patient base is started, practice management skills learned, and you begin to develop your professional reputation. It's also the time when the foundations are established for your ongoing growth and contentment as a person, for the life partnerships that will nourish you, and for the social connections that will sustain you through adulthood.

Compared to all the practice issues, life skills can sound so simple, but that, as the dentists who've crashed in mid-life will tell you, is so deceptive.

What's deceptive about thinking that a balanced life will come easily to a professional is overlooking the complexity of developmental tasks and competing loyalties inherent in the early years of practice.

How do you shift gears from your dental school pace (think, frenetic activity, bursts of incredible intensity and single-minded focus) into something sustainable?

When you're been so totally focused on the tangible goal of completing training and passing boards, how do you deal with the open-endedness of "getting a life?"

If you were married or partnered during dental school, how will your expectations of each other change when dental school is over?

Do you have children, or are you planning to? How will you manage the parenting tasks?

How are you going to manage your debt? How much more will you take on?

With so much riding on income production, how can you even think about not working every hour that you can?

How can you take time to work out, watch a movie, snuggle up with your sweetie, or just hang out when there's so much to do?

These are tough questions, the kind of questions that can keep you up at night and challenge all your stress-management skills.

You probably didn't master work-life balance in dental school.

Taking the Hold Off Life

It's typical that new dentists have put the rest of their lives on "hold" for what feels like a long time. It's called deferred gratification, and it gets old. Friends from college have been making real money while you've been in school. They're buying their second houses when you're deferred gratification, and it gets old. Friends from college have been making real money while you've been in school. They're buying their second houses when you're still paying rent; maybe they have puppies or babies. Their college loans are nothing like your dental school debts—and if they're lucky, their employer is footing the bill for their part-time graduate programs. You might still be driving student wheels; all of your patients, and maybe most of your staff, are driving something better.

It is so very tempting to want to catch up as soon as possible. Tempting, but not a good investment. Wise and seasoned dentists will tell you the most important investments you can make at this point in your career are in your emotional, physical and spiritual health—and in your family. Those things you want will

*continued on page 2*
come in time, provided you've taken good care of your whole person so that you can effectively use your clinical skills. "Work-life balance" is a shorthand phrase for the tension of the needs and demands of the workplace and the needs and demands of family and personal life. It’s not a static concept, but rather more like the constant, often minute, adjustments in driving. Sometimes you can set the cruise control and pay minimal attention to the steering. Other times, safe driving requires the brake one second and the gas the next, quick reflexes and focused attention. The most carefully planned day can be undone by a child's fever as well as a patient's broken tooth. And, the most carefully planned year can change quickly with a broken wrist from a skiing accident, or a complicated pregnancy.

What do we know about young dentists and life-balance? The "2003 Dentist Well-Being Survey" (publication pending, American Dental Association) resulted in some interesting findings in this area:

- Dentists under 40 described themselves as "very satisfied" with their current primary practices less often than did dentists 40 or over; about 9% of female dentists under 40 described themselves as "somewhat unsatisfied."
- More than 30% of young female dentists think they work "far too much" or "too much" at home; about 13% of young male dentists selected those categories.
- About 71% of young dentists get seven or more hours of sleep a night; and about 90% engage in some form of exercise every week.
- About two-thirds of young dentists participate in religious or spiritual activities during a typical week.
- Dentists under 40 are much less likely than their 40-plus colleagues to think the people they work with respect them.
- Almost half the young dentists in the survey sample said it would be difficult to seek help, because they thought they should be able to solve their own problems.

**Take an Honest Look**

Work-life balance starts with honest, personal self-assessment by you and your spouse or partner.

- What do you want your family life to be about—or to use Stephen Covey's language, what would be your family mission statement?
- What priority would you assign to work, family, fitness, recreation, spirituality, etc?
- How does the distribution of your time and energy actually compare to what you say are your priorities?
- What do you personally need to enjoy life?
- Which situations are most stressful for you, and which are most comfortable?
- What do you need as a couple?

Since debt is such a large issue for so many new dentists, and money so closely tied to work, a separate financial assessment is appropriate.

- Are your debt-management plans realistic for your own personal situation?
- What are your needs and what are your wants?
- How can you plan your major expenses (home mortgage, practice purchase, office/equipment upgrades, having children) so they are manageable?
- How can you plan your major expenses (home mortgage, practice purchase, office/equipment upgrades, having children)?
- Have you protected yourself in case of emergency or illness? Do you have disability insurance?

Some provisions for practice coverage? Can you keep the bills paid if you break your wrist or a normal pregnancy becomes high-risk? Are you managing your debt, or is your debt managing you?

**You Can Have It All**

After having done these things, the questions are about how to get what you want.

- If family is your #1 priority, how will you make that real? If you’re in private practice, you have a high level of control over your schedule—you could, for example, schedule a day off on your pre-schooler’s birthday, or volunteer at school in the morning on days when you see patients in the evening.
- How can you keep your work from intruding too much into the rest of your life? Can you discipline yourself to do nothing practice-related at least one day a week—not even on your home computer? Can you develop an on-call arrangement with a colleague so that patient emergencies don’t take you away from family time?
- How can you manage the situations or tasks that are truly onerous, and make the most of what you thoroughly enjoy?
- How can you get the outside perspective and support you need?
- How do you want to develop hobbies and interests?
- What else do we learned in the “2003 Dentist Well-Being Survey” is that dentists who are most satisfied with their home lives are most satisfied with their work lives, and vice versa. We can’t tell from the numbers what’s the chicken and what’s the egg—or what is attributable to the dentist’s own personality and disposition—but this is nevertheless strong support for work-life balance.

As work-life balance is, after all, the most important investment you can make. 

Ms. Keating is manager of ADA Dentist Well-Being Activities. Her article appeared first in the ADA New Dentist Committee Network Update and is reprinted here with the permission of the ADA.

**References**

Legislative Proposal Could Help Increase Number of Certified Dental Assistants

NYSDA monitoring progress on this and other measures relevant to dental profession.

D ental assistants working in New York State would find the path to certification and, consequently, their ability to take on more responsibility in the dental office easier considerably if a bill now before the State Legislature is passed.

The measure, S3304, would make the assignment of duties to certified dental assistants much easier by specifying what it is assistants cannot do. It would replace the current law, which requires drawing up a lengthy “laundry list” of the duties certified assistants are allowed to perform in the dental office. Coming up with a list that is specific enough to be acceptable to all parties has proven to be difficult and may have prevented the law’s desired effect: an adequate number of specially trained and highly skilled dental assistants.

The measure now before the Senate was introduced at the request of NYSDA and is currently being considered by the Senate Committee on Higher Education. It overcomes the problem of the previous legislation by stating specifically that certified dental assistants would be allowed to perform dental support services authorized by the dentist “except diagnosing and/or performing surgical, irreversible or other procedures that would alter the hard or soft tissue of the oral and maxillo-facial area.”

The bill continues to make clear that such duties “must be done under the direct personal supervision of a licensed dentist.”

In a memo of support for the proposal, NYSDA Executive Director Roy Lasky noted, “To date, the number of assistants being certified has been small; this legislation would increase that number by making certification more desirable.” Mr. Lasky goes on to say, “While simplifying the definition of the practice of certified dental assisting, the bill protects the public by forbidding assistants from performing any procedure that is not reversible by the dentist.”

Also of Interest
While NYSDA is carefully monitoring progress of its dental assisting legislation, it is also keeping an eye on several other important pieces of legislation currently before the Legislature. All of the proposals listed below are supported by the State Dental Association.

S.2564a/A.385: Authorizes school district property to be used for not-for-profit dental clinics providing care to school-age and pre-school children.

S.2587/A.452: Expands the regents physicians loan forgiveness program to include dentists.

A.738: Prohibits use of live human subjects as surgical subjects as part of state dental professional licensing examination.

A.4012: Requires warning of hazards of early childhood decay upon sale of baby bottles and sippy cups.

A.4013/A.6640: Requires children entering public schools to present a dental health certificate.

For more information about specific bills and/or NYSDA’s legislative program, call the State Association at (800) 255-2100.
Whether you are considering creating a corporate entity for your practice structure or thinking about joining an existing corporate practice as a partner or associate, you need to be aware of legal principles relating to professional practice. In New York State, there are laws and regulations governing who can provide professional services and who can own or share in the fees from professional services and referrals. As a general rule, you should always understand the entire corporate structure of the professional business you are considering; and it's a good idea to enlist the help of your own attorney in reviewing corporate agreements. Not all attorneys are experienced in advising health care professionals and setting up professional corporations; therefore, it is incumbent upon you as the licensed professional to understand your responsibilities under New York law, the regulations of the Commissioner of Education and the rules of the Board of Regents.

The New York State Dental Practice Act, and specifically § 6601, defines the scope of the practice of dentistry, while § 6602 limits the practice of dentistry and the use of that title to people licensed by the New York State Education Department. Any unlicensed individual who engages in dental practice is guilty of a class E felony as defined in § 6512 of the Education Law. In addition, any unlicensed person who aids and abets another unlicensed individual in the unauthorized practice of the profession is guilty of a class E felony. Finally, any licensed dentist who aids and abets three or more unlicensed persons in the practice of dentistry is guilty of a class E felony.

Similarly, a dentist who aids and abets an individual in falsely using the title “dentist” is guilty of a class E felony. Therefore, it is important for all dentists witnessing the illegal practice of dentistry to report the matter to NYSDA or the New York State Department of Education. The Education Department’s Office of Professional Discipline and the State Attorney General have jurisdiction to act against unlicensed individuals.

YOU HAVE TO HAVE A LICENSE

Only licensed professionals or authorized professional organizations may offer professional services. In New York State, only an individual practitioner, professional partnership, professional corporation, professional limited liability partnership and professional limited liability company are authorized to offer professional services. Pursuant to the New York Business Corporation Law (Article 15), licensees of one profession who practice only that profession may form a professional service corporation.

New York Education Law § 6509(9) and Regents Rule 29.1(b)(4) prohibit professionals or professional corporations from sharing fees earned in providing professional services. Further, Education Law § 6509-a specifically pro-
hibits fee splitting by licensees in health professions, including dentistry. Licensed professionals may be guilty of professional misconduct if they share the profits of their own practices with individuals or entities outside their own firm. Exceptions to the fee-sharing rule are set forth in Rule 29.1:

“...permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to Article 28 of the Public Health Law or Article 13 of the Mental Hygiene Law.”

In New York State it is clear that a business corporation cannot hire a dentist to provide professional services. The reasoning behind this prohibition is to “protect the public from a business relationship that could place constraints upon professional judgment, unduly limit professional practice, invade the professional integrity of the professional, or permit the business corporation to make professional decisions.” (Regents Corporate Practice Report September 1998 at p. 3.)

**Use Proper Judgment**

Recently we have received inquiries from members who are associates in practices and want to know about their professional obligations when their “corporate boss” seems to be requiring action inconsistent with the member’s professional judgment. Always keep in mind that it is the dentist’s own judgment regarding the treatment of his or her patient that must trump any business decision. A business decision is not a legitimate defense to a charge of professional misconduct.

New York State continues to prohibit the corporate practice of dentistry, but dentists may arrange with a company to handle certain aspects of their practice that do not involve dental activities; however, such an arrangement may not be based on a percentage of a dentist’s fees.

Any person or corporate entity may provide marketing, financial and management services to a dental practice for a fee. Also, anyone can lease office space, lease equipment or lease supplies to a dental practice for a fee, but these arrangements cannot be based on a percentage of the dentist’s fee or revenues that would run afoul of the fee-splitting rules.

There are corporate arrangements that exist which do exercise a fair degree of control over the particular dental practice. If you are considering any such association, it is incumbent upon you to scrutinize the corporate structure to ensure that it meets the requirements of the law. Also, take steps to ensure that your professional judgment in treating your patients is not jeopardized by the organization.

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**The material contained in this column is informational only and does not constitute legal advice. For specific questions, dentists should contact their own attorney.**
Is Your Disability Insurance Policy in Need of Repair?

When a disability robs you of your ability to perform dentistry, the last thing you want to hear is that your insurance policy will not cover you for your loss of income. Know exactly what you are purchasing, and take steps to ensure that your policy is there when you need it.

David Jaroslawicz, J.D., L.L.M.

Dr. Shapiro assumed that if he became disabled, the policies would kick in, and he and his family would be protected. When he began to suffer from progressive skeletal illnesses, including osteoarthritis and spondylitis of the elbow, neck and other joints, which rendered him unable to perform chair dentistry, he filed a claim for total disability benefits with the insurance carrier.

At that point, the insurance carrier, which had accepted and deposited Dr. Shapiro’s substantial premiums for many years, took the position that since Dr. Shapiro’s occupation was, in large part, administering his dental practice in addition to performing chair dentistry, he was not totally disabled because he could still perform his duties as office administrator.

The lower court found for Dr. Shapiro without putting him through a trial. The federal appellate court likewise affirmed Dr. Shapiro, stating that in New York the law is clear that where administrative work is incidental to the material and substantial duties performed as a full-time dentist, the fact that he was still able to perform administrative work did not prevent him from collecting on his disability policy if he was unable to perform chair dentistry.

The federal appellate court also made it clear that where a dentist, such as Dr. Shapiro, had purchased a policy to protect him against not being able to work in his own occupation and proved that he was not able to work in his own occupation, he did not need to prove loss of income. In fact, in a case involving an orthopedist, the court found that even if the orthopedist was able to earn more money in a different occupation, he could still be entitled to recover for a disability from his own occupation.

THE LONG SETTLEMENT

In the Shapiro case it seems quite clear that Dr. Shapiro was entitled to his disability benefits—for which he had paid substantial premiums. Yet the insurance company required him to hire an attorney, go through a lengthy discovery process and spend years in court before finally paying him. Unfortunately, under New York law, as opposed to laws in other states, there is no provision for a disabled professional who successfully brings a claim to recover his attorney’s fees.

The largest insurance carrier for professionals such as dentists, physicians and lawyers is Unum Provident, which has acquired other large disability carriers, among them Paul Revere. Unum Provident trades on the New York Stock Exchange and is said to be the largest issuer of disability insurance in the United States.

According to recent publications, Unum Provident’s claim practices are the subject of major investigations by the insurance departments of some 45 states. Unum Provident has now agreed to change the manner in which it interprets its policies to avoid payment, pursuant to a consent decree in Georgia. In the Georgia case, Unum was also required to pay a fee of $250,000 for its improper claim practices.

For other successful cases involving dentists and disability claims see, Hofer v. Unum and Fields v. Mutual Benefit Life Insurance.

In other states, such as California and Florida, which permit punitive damages, juries have awarded substantial punitive damages against Unum Provident. In the case of Chapman v. Unum, the jury awarded $30 million where an ophthalmological surgeon was disabled from performing surgery because he had hand tremors and Unum Provident refused to pay his benefits.

In Hangarter v. Provident Life and Unum, where a chiropractor who was totally disabled was denied benefits, the jury awarded the plaintiff $5 million in punitive damages.

In McGregor v. Paul Revere (a Unum Provident subsidiary), a court reporter who was unable to use a steno-type machine was denied benefits by Unum on the grounds that she was still able to proofread what other people typed and therefore she was not disabled as a court reporter. The jury awarded her punitive damages; and she was also found to be entitled to

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his past January 15, an Air Jamaica flight from New York touched down on the runway of Norman Manley International Airport in Kingston, Jamaica. Aboard this flight was a contingent of faculty and students from New York University College of Dentistry. Unlike other North Americans landing in Jamaica that day, these travelers from NYU were not on winter holiday. Rather, they had come volunteers to provide dental care to the less visible and impoverished residents of Jamaica. It was my pleasure to join this group of dedicated dental students and faculty for the third consecutive year.

An outreach program such as this requires considerable planning and preparation by many people in advance of the actual trip. Healthcare International organized many of the logistics of the trip. Noel Brown, an NYU graduate practicing in Jamaica, was an invaluable resource on the ground. Also deserving much credit is Ralph Cunningham, a clinical associate professor at NYU and general dentist from Peekskill. He worked tirelessly on the many details that need attending to in putting an overseas mission together. Our group also consisted of dental students from Meharry, Columbia and Ohio State University, as well as other health care providers.

Our group was based in May Pen from Saturday through Wednesday. Starting on Monday morning, we divided into two or three groups, which proceeded to the outlying areas to treat the populations of Jamaica. We worked mainly in schoolrooms, where we saw both children and adults from the surrounding community. The group I was with screened approximately 1,100 patients on the first day, and about 800 on subsequent days. We provided various services to these patients, including oral hygiene instruction, cleanings, composite and amalgam restorations, and extractions. Colgate provided a van equipped with dental equipment for us to use.

Many of our patients traveled considerable distances to be seen. We worked closely with the May Pen Rotary Club, which hosted our group and provided food and entertainment.

On Thursday morning, we arose before dawn to embark on a bus trip to the northern coast of Jamaica. From Thursday through Sunday we were based in the Ocho Rios area. Saturday was a free day and a welcomed opportunity to enjoy the beaches and beautiful weather of Jamaica. As our plane took off from Montego Bay, headed toward the snow of New York, the group admitted to being pleased with the many services it had provided to the wonderful people of Jamaica. An important additional benefit was that the student members had gained practical learning experiences that would serve them well as they prepare for their careers in dentistry.

Dr. Maloney is clinical assistant professor at NYU College of Dentistry and a fellow of the Academy of Dentistry International, the Pierre Fauchard Academy and the Royal Society of Medicine. He is chairman of the Ninth District Dental Association Dental Practice Committee.
YOU MIGHT BE THE BEST DENTIST in the world, but if your office is mismanaged and misfiring, chances are you will have little opportunity to practice your clinical skills. Well-known New York City practitioner Larry Rosenthal puts it this way: “No matter how well a doctor can do the dentistry, without a well-managed practice, he or she doesn’t get to do the dentistry.”

Dr. Rosenthal is such a firm believer in quality instruction for the professional, he helped found a center at New York University College of Dentistry specifically for training clinicians and their managers. This fall, the Rosenthal Institute at NYU will host dental office managers when it offers the two-weekend Business Management Certification Course, created at the request of NYU by Jameson Management, Inc., of Davis, OK.

This is the third time the course has been offered at NYU. It was begun at the suggestion of NYU’s Director of Continuing Dental Education, Ken Beacham. Mr. Beacham explained, “Because of the growing sophistication of the dental profession and the increased demands for exceptional business management in a dental practice, we felt that NYU had a responsibility to the profession to ‘step up to the plate’ and respond, by not only offering some of the finest clinical courses in the world, but now by offering one of the best management courses as well.”

Business Management Certification provides advanced instruction in personnel, financial and business systems management for dental practices. The 2005 course will be in session October 29-31 and December 3-5. The first weekend is devoted to developing leadership and personnel management skills. When students return for the second weekend of instruction, they will delve into the matters of office procedures, business management and increasing office and patient production. The instructor is Cathy Jameson, Ph.D., president and CEO of Jameson Management, Inc., who also developed the curriculum.

Classes will meet from 9 a.m. to 5 p.m. Friday and Saturday, and from 9 a.m. to 2 p.m. on Sunday. For more information about course fees and registrations, contact Jameson Management, Inc., P.O. Box 488, Davis, OK 73030; (877) 369-5558; www.jamesonmanagement.com.
Who’s Looking Out for You in Congress?

ADA Grassroots Action teams keep their eyes trained on the nation’s capital, ready to respond whenever a threat to the dental profession is perceived.

Edward Feinberg, D.M.D.

Who is looking out for your professional interests in government? Did you know that almost every day, legislators are considering bills that could have a negative impact on your dental practice?

Fortunately, the ADA and NYSDA are looking out for you, sorting through the many pieces of legislation introduced each year, on the lookout especially for proposals that would be detrimental to the dental profession and which demand a forceful response. It’s not just staff members and lobbyists in the trenches. There are as well thousands of volunteers who apply their efforts as part of a nationwide grassroots network.

These volunteers, our dental colleagues, educate legislators about the issues and provide support in the form of campaign fund contributions made through political action committees—ADPAC on the national level, and EDPAC in New York State.

The funds don’t buy the legislators, but they do provide enough influence that legislators give serious consideration to dentistry’s point of view. The two best things you can do to ensure a bright future for your professional life are to contribute to ADPAC and EDPAC and to participate on a grassroots action team.

The ADA Grassroots Action Network consists of a team of volunteers for each of the 500-plus senators and representatives in Washington. At the head of each team is a person who leads the group in establishing a personal relationship with the legislator, communicating dentistry’s point of view and developing good will by assisting the legislator in activities such as campaign fund-raising.

New York State has approximately 31 teams on the national level.

The Grassroots Action Network has been meeting in Washington, D.C., annually for the past nine years. This year’s meeting took place in early March at the JW Marriott Hotel. More than 570 volunteers from all parts of the country came to learn about the “hot-button” issues on the docket in Congress and to deliver dentistry’s message to the members of Congress.

Team representatives from New York State included ADPAC Team Chair Roger Triffshauser; NYSDA President Larry Volland; ADA Trustee G. Kirk Gleason; ADA Treasurer Mark Feldman; former NYSDA President Bill Calnon; New York State Grassroots Coordinator Edward Feinberg; Richard Andolina, 7th District; BJ Mistry, Ninth District; and Morton Divack, Bob Raiber, Chester Redhead and Maryann Riondan, New York County.

During the conference, Dr. Mistry was selected from among the hundreds of participants to receive an award for outstanding performance as action team leader for the 108th Congressional District.

ISSUES AT HAND

While in Washington, Grassroots Action teams were briefed on items before Congress that warrant the most intense scrutiny. These issues are listed here.

Quality Care for American Indians and Alaska Natives. The Alaska Native Tribal Health Consortium is seeking to import non-dentists from New Zealand, known as dental health aide therapists, who would perform irreversible dental procedures on patients. The dental profession opposes this movement and believes acceptance of

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New Members

FRANK C. ANDOLINO, D.D.S., a New York City orthodontist, has been honored by the ADA Committee on International Programs and Development for his work overseas, providing dental care to disadvantaged populations. While Dr. Andolino has been involved in overseas health care missions for nearly a decade, he was cited in particular for his work last year in Vietnam, when he was project director for the orthodontics program sponsored by Healthcare Volunteers Overseas.

Dr. Andolino, who practices in Manhattan, is a 1986 graduate of Georgetown University School of Dentistry and a member of New York County Dental Society.

He made his first trip to Vietnam in 1997 and has been there four times since. He is involved as well with the humanitarian organization Miracle Corners of the World, participating in missions to Kenya, Tanzania and Rwanda. Dr. Andolino is founder of www.Kageno.org, a nonprofit organization working to improve the health care status of the people of Kenya.

### 1st Quarter 2005 New Members

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NYSDA News / May 2005
DOCTORS WHO HAD CLAIMS to the New York State Department of Health denied in recent months may be getting a reprieve of sorts, starting with a second look at those claims.

When the Department of Health implemented its new electronic claims processing system, eMedNY, to update its operations and become HIPAA compliant, it installed edits provided by the Federal Centers for Medicare and Medicaid Management. As a result, claims with the code 00152: “Bill primary carrier: Medicare” have been pended or denied. The reason is, Medicaid will not reimburse doctors for services that are covered by other payers, including Medicare, until the other payer has denied a claim for those services.

At the end of April, the Health Department removed the edits and began reprocessing the affected claims. Department officials said it would not be necessary for doctors who were denied payment to resubmit their claims.

Who’s Looking Out for You in Congress? continued from page 9

non-dentists to perform invasive procedures as a remedy to access problems is a dangerous precedent to set. The ADA and the Alaska Dental Society have devised a plan called Operation Backlog to address the access to dental care problem of the Inuit peoples.

**Medicaid and Access to Oral Health Care.** Federal law mandates that Medicaid cover dental care for children. However, reimbursement rates are generally inadequate, as most states tend cut funding as a way to contain costs. President Bush’s 2006 budget proposal outlines improvements in the fiscal integrity of Medicaid and the State Children’s Health Insurance Program (SCHIP). While the budget reforms would cut funding for Medicaid, it also calls for making Medicaid more flexible. The ADA plans to lobby hard against significant cuts to Medicaid and any reforms that do not include dental care as a core benefit for children or that restrict dental coverage for adults.

**The Economic Impact of Dental Offices.** A recent study conducted by the ADA concluded that dentistry’s impact on the economy exceeds $200 billion annually. The dental profession provides more than two million jobs, among them some 713,000 staff positions. The ADA hopes to impress on Congress that tax and other incentives to bring dentists to underserved areas make sense.

**Social Security Reform.** It’s possible that attempts at reforming social security could include raising payroll taxes. Dentists are especially concerned about lifting the payroll tax above the $90,000 cap, because so many of them are self-employed and such a move would force the dentist to pay twice the tax increase of a traditional employee. The ADA is monitoring the debates on social security reform and will lobby hard against measures that could result in hardships for its members.

When these issues reach critical junctures, the Grassroots Action teams will be busy contacting their representatives in Washington. The ADA Washington office is helpful in this regard by providing volunteers with information about the issues, talking points and sample letters. The concerted effort of thousands of dentists speaking to the same side of an issue carries enormous clout when the vote comes down. Every voice is needed. To join the New York State team, get in touch with Frank Ryan at the Washington office by calling (888) ADA-TEAM, or by e-mailing him ryanf@ada.org.

Dr. Feinberg of the Ninth District Dental Society is New York State Grassroots Coordinator.

Dr. Feinberg of the Ninth District Dental Society is New York State Grassroots Coordinator.
to recover legal fees under California law. For another successful case involving a disabled court reporter, see Mastroianni v. Unum.6

AVOID ACCIDENTAL MISTAKES

A dentist who purchases a policy must make certain that the policy is not an accident policy but, instead, an own-occupation disability policy that kicks in and provides coverage if the dentist is disabled for any reason whatsoever.

In Michigan, a dentist who was disabled with carpal tunnel syndrome was found not to be entitled to disability benefits under an accident policy because the disability had not arisen out of a sudden accidental event but, rather, had developed gradually over time. See Nehra v. Provident Life and Accident Co.10

It is therefore critical to know exactly what type of policy is being purchased. Practical tips on how to proceed are presented here.

1. Try to obtain a policy that protects you from being disabled from your own occupation rather than a general disability policy, because the insurance company will always find some job that you are allegedly able to do and may refuse payment.

2. If you have obtained your own-occupation policy and become disabled, make a claim as soon as reasonably possible, stating in simple terms why you believe you can no longer perform some or all of the duties of your own occupation.

3. Document medically the reason why you are unable to perform the duties of your own occupation.

4. Attempt to find a physician to document your claim who will not be afraid to come to court to testify on your behalf if the insurance carrier refuses to make payment.

5. Offer the insurance company a physical examination or examinations, and make yourself available to be examined by the insurance company doctor(s). If the company refuses to take advantage of that opportunity, that may be an indication that the carrier is acting in bad faith.

6. Provide the insurance carrier with whatever documentation it reasonably requests to support your claim.

7. Most policies permit the insurance carrier to obtain copies of all the claimant’s medical records; provide them with authorizations to do so. The failure to provide such authorizations will delay your claim.

8. Keep a careful record and make copies of whatever documents you send to the insurance carrier so that you are not later met with the excuse, “We never got that.” In one actual case, the Hartford Insurance Company representative denied a claim for long-term disability asserting that certain documents were not in Hartford’s file. When it turned out that the documents were in Hartford’s short-term disability files, the witness said under oath that those files were on a different floor and she was not obligated to go search for records on a different floor!

9. Send your documents to the insurance carrier by certified mail, return receipt requested, or some other manner, such as Federal Express, that provides proof that a delivery has been made. One insurance carrier denied receiving three certified letters for which the writer had receipts, and the matter was turned over to postal inspectors.

10. Give the insurance carrier a reasonable time to settle with you. Most policies require that the carrier be given a reasonable time to review materials after it has received them.

11. When making a claim to the insurance carrier, try to provide a report from a recognized expert in your field, explaining why you cannot perform the duties ordinarily required in your profession.

12. Never lie or misrepresent the facts to the insurance carrier. This will be used as an excuse not to pay you benefits, and if you go to court, it will affect your credibility before the judge and/or the jury.

13. Make certain that the amount of disability insurance is consistent with your needs and income since the carrier will accept your premiums but will have a limit on what it will pay if your income is far less than the amount set forth on your application.

14. Choose a reputable disability carrier and check with the New York State Insurance Department as to the number of claims made against the carrier that have been upheld; this should give you an indication as to whether the company is seeking to protect its insureds or not. Finally, pray that you never become disabled and need to make a claim.©

Mr. Jaroslawicz is the principal attorney of Jaroslawicz & Jaros in New York City. He is a graduate of Brooklyn Law School and received a Master of Law degree from New York University Law School. Mr. Jaroslawicz is a member of the bar of the states of New York, California and Florida. He has been involved in the practice of civil litigation, including personal injury, since 1971. He can be reached through his Web site, www.jaroslawiczandjaros.com.

REFERENCES

5. 5 Cr. New York County, 3844/95.
6. Superior Court, Marin County, San Rafael, California.
7. 373 F.3d 998 (9th Cir. 2004).
8. 92 Fed. Appx. 412 (9th Cir. 2004).
Hudson Valley: 15-year-old general practice with real estate. High-traffic location, excellent visibility. Rapidly growing, family oriented, good schools. Please reply to NYSDJ, Box #NY505.


South Central New York: Very busy general practice with 5 fully equipped operatories. Doctor will stay for transition period. For more information, call Professional Practice Transitions at (800) 730-8883.


Stamford, CT: High-end dental office. No Medicaid or HMO’s. Professional building in excellent location for 8 years with 4 operatory units and $750K gross. State-of-the-art facilities. Call (203) 223-0759; or e-mail: lyasst@lyasst.com.

Dix Hills, NY: Home and General Dentist Office for sale. Fully equipped, 3 rooms, 1.1 acres, professionally landscaped, in-ground pool and cabana, 2 patios, large circular driveway, new eat-in kitchen, baths, carpeting, mint condition. Two-room office, 2 fully-equipped and supplied operatories, present parking area. $975,000. Dr. McNerney, (631) 271-5751.


Lawrence, NY: Dental equipment from two complete operatories and lab. Dental hand instruments for operative and oral surgical procedures. Office facility equipped “as is” also for rent. Call 516-239-4544.

So. Saratoga County: Well-established, productive general practice, 4 operatories, great staff. Retiring, will stay to intro if desired. Flexible terms. Great opportunity for caring, compassionate dentist. Reply to NYSJD, Box #NY507.

NY, Capital District: Refined, IFS practice specializing in adult restorative/cosmetic dentistry. The dental facility reflects exceptional care, the business and high level of patient care. With outstanding hygiene program, practice consistently produces in excess of $1,000,000 annually. Contact Practice Transition Partners (888) 789-1085, contact@practicetransitions.com.

Dutchess County, NY: Dental practice and 1,800 square foot space for sale. Rapidly growing area; highly visible beautiful professional building. 3 hi-tech operatories, computer & digital X-ray. Fee-for-service upscale practice grossing $1 million, 1,800 active pts., 4/day workweek. Great opportunity! Please call The Snyder Group, 800-988-5674.

Albany: Exceptional opportunity in rapidly growing capital district. Successful, profitable, fee-for-service practice grossing $385,000. Spacious 4-operatory office with 5th plumbed, large, active patient base. Dental retiring and motivated to sell. Call Countrywide Practice Brokerage at 800-222-7648.


FOR SALE


FOR RENT

Midtown Manhattan: One or two fulltime or parttime dental offices in newly renovated office for rent. 24-hour doorman. Call (212) 581-5360.


Amityville, R. I.: Approximately 1,200 sq. ft. of professional space. Beautiful building, new use for basement for equipment. Excellent off-street parking. Call (631) 598-2368.

Manhattan: Corner 17th Street and 3rd Avenue. Shared use of 3-operatories. $1,100 sq. ft. Office. Street level entrance in 24-hour luxury doorman building. Call (212) 228-4580.

Rockville Centre: Prime location. Modern, fully equipped operatories for rent. Available 3 days/week as needed. Call (516) 679-0100, or HCUTTLERDDS@OPTONLINE.NET.

Manhattan, Madison Ave: Are you losing your lease? Do you want to retire or just reduce the hours you work? If you have freestanding patients and would like to concentrate only on practicing dentistry, please call us. Move to our newly constructed high tech office and let our efficient, experienced staff do it all for you. Services include scheduling appointments and recalls, hygiene, filing insurance, mailings, providing supplies, etc. Agreement tailored to fit your particular situation. For more information call (212) 697-1122.

Hewlett/Five Towns: Dental office for rent. 4 years old, state-of-the-art. Rent 1.5 operatories per diem or share long term. Great opportunity for young dentist or dentist planning to retire. Call (516) 593-1200, or fax (516) 593-3134.


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Carpal Tunnel Syndrome? Remarkably effective, minimal discomfort, no needles, drugs or surgery. Call now for obligation evaluation to see if you can be helped. You will know if we can help you in one visit. Paulson Physical Medicine, (718) 823-3900.


EQUIPMENT FOR SALE

Software: PerfectByte offers Complete Dental and Orthodontic Practice Management Software for $695. Unrivaled technical support and free maintenance for first year! For FREE TRIAL, surf to www.perfectbyte.net; or call (877) 767-7007.

WANTED TO BUY

We Need Your Teeth: Gold and Palladium. Usad or new material. Immediate high prices paid. No refining charges. GF Specialties, Ltd., PO Box 170216, Milwaukee, WI 53217, (800) 351-6926.

Opportunities Available

Liverpool, NY: Excellent opportunity for motivated general dentist to join established dental group. Located within fullservice medical facility in scenic Central New York. We offer competitive salary plus bonus. Excellent benefits, which include CDE allowance and up to four weeks paid vacation per year. Applicants with outstanding clinical and interpersonal skills or recent graduates, please forward CV to: NMC General Dentistry, 5100 Taft Rd., Ste. 3K, Liverpool, NY 13088, call (315) 452-2700, fax (315) 452-2705.
GENERAL DENTISTS: Full or part time to work in long-term care facilities and community clinics throughout New York State. Flexible days and hours. Call (914) 738-1144, ext. 29; fax (914) 738-6751; or see us on the Web at: www.dentserv.net.

BRONX, PELHAM PKY. AREA: Modern, fully equipped four-chair office that is underutilized. Looking for someone with nucleus to share space. Will consider all arrangements. Call (718) 824-4383.

ASSOCIATE/FUTURE PARTNER: We are located in Binghamton area of beautiful upstate NY. Due to retirement of partner, we are looking for associate in general practice. Our practice has three general dentists, one pedodontist, five hygienists and great professional staff. Contact Ms. Butler at (607) 754-3080; or e-mail: Sschiff@stny.rr.com.

PERIODONTIST: Long Island multi-doctor group practice seeking periodontist with experience in surgical, nonsurgical and laser treatment one day per week. Training and facility with basic implant placement a benefit. Call Jana at (516) 796-6588, x10.

MANHATTAN, MADISON AVE: Are you losing your lease? Do you want to retire or just reduce the hours you work? If you have nucleus of patients and would like to concentrate only on practicing dentistry, please call us. Move to our newly constructed high tech office and let our efficient, experienced staff do it all for you. Services include scheduling appointments and recalls, hygienist, filing insurance, mailings, providing supplies, etc. Agreement tailored to fit your particular situation. For more information call (212) 697-1122.

DENTISTS FOR VERMONT: Outstanding opportunities for practice acquisitions in Rutland, Montpelier, Burlington and Lake Champlain areas. Enjoy the splendor of the Green Mountains and Lake Champlain, all part of unbeatable Vermont lifestyle. Please call Lynn Harris for details: (800) 288-1730; fax (518) 266-9289; lynharris@harrisbrand.com.


NEW YORK CITY AREA: Seeking pedo dentist for specialty practice team in up-and-coming NYC neighborhood. Inspired, dedicated to quality care, fun loving, self-starter, eager to earn and grow a must. Reply to NYSDJ, Box #MY-509.

WATERTOWN, NY: Seeking highly motivated Dentist with excellent clinical and communication skills, desire to learn, strong commitment to continuing education and lifelong dedication to success. You will be joining growing private practice with very committed professional staff, up to date with operatory computers, digital radiography, intraoral camera, air abrasion and Cerec technology. Centrally located near Adirondack Mountains, Lake Ontario and St. Lawrence River (1000 Islands). Amazing opportunity for associate leading to partnership. Interested candidates please contact Robert D. Schonfield, DDS, at (315) 788-0805.

$300,000 ANNUAL SALARY: Guaranteed for fulltime, experienced general dentist in eastern Massachusetts. The $300,000 salary is the starting salary with definitive probability to be increased to $500,000 within 18 months of your start date. Must be proficient with endodontics, veneers, and crown and bridge. Call (401) 714-6490.

PEDIATRIC DENTIST: Wanted FT/PT for busy practice in Maryland; located 20 minutes from Annapolis and 15 minutes from Baltimore. This is the most beautiful and most ethically run practice you’ll find. New 5600 sq ft office and equipment. Partnership potential for right individual. Maryland license required. FAX resume to: (410) 823-9023; or e-mail questions to dbdll@comcast.net.

TOMPKINS COUNTY, NY: Finger Lakes. Beautifully appointed, busy and growing general dental practice in professional office building with 2 full-time hygienists. Grossing $540,000 on 3.5 short workdays while referring out 100% of endo, etc. $700,000 potential by on 3.5 short workdays while referring out 100% of endo, etc. $700,000 potential by 100% of endo, etc. $700,000 potential by keeping referrals in house! 3 operators (possibility of 4 more), 1, 200 active patients in stable college town, model NYS economy, and best location in town! Intraoral camera, waterlase and patient education system. All fee-for-service. Wonderful staff! Truly a great turnkey opportunity! Please call The Snyder Group at 1-800-988-5674.

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LONG BEACH, NY: 4 blocks from ocean. Modern, fully equipped, 3-chair office that is underutilized. Looking to lease facility when not in use. All arrangements considered. Call 516-432-2837.

DENTIST/ADMINISTRATOR/OFFICE MANAGER: Interesting and diverse position available for DDS or person capable of running large group practice (computer literate, knowledge of insurance, managed care). Minimum 5 years dental management exp. Resume to include salary reqts. Box #MY-510.

MID-HUDSON VALLEY, NY: Well-established group practice seeks GP with strong clinical/interpersonal skills to work with generalists and specialists. Residency or equivalent training required. Please send resume to Pine Street Dental Associates, P.C., 138 Pine St., Kingston, NY 12401; or e-mail resume to admin@pinestreetdental.com.

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ASSOCIATESHIPS AVAILABLE

LONG ISLAND: Oral-Maxillofacial Surgery practice seeks motivated, well-trained BC/BE surgeon to join active practice. Excellent opportunity for partnership. Respond with CV to NYSDJ, Box #MY-506.


ORTHODONTISTS: Queens. 30-year ortho practice needs orthodontist. Board qualified. $1,500 per day, minimum 2 flexible days per week. Will consider last year postgraduate student. E-mail: orthodontistqra@aol.com.

ASSOCIATE: Part-time position to start, leading to full time and partnership. Busy Bensonhurst, Brooklyn, office established for 40 years. Please fax resume to (718) 372-1090.

ORTHODONTIST/PARTNERSHIP: Due to retirement, excellent opportunity to join well-established, fun group with 3 GPs, 4 hygienists and great staff in Endicott, NY. Contact Karen Butler at: mkjbutter@yahoo.com.

EASTERN NASSAU CO.: Experienced dentist to start part-time in successful, quality family, general group practice. One partner is retiring soon. Opportunity available for caring, dedicated, talented person to step in and become future partner. Call (516) 249-4206.

MIDTOWN MANHATTAN: Great opportunity to join progressive, growth-oriented holistic practice delivering state-of-the-art, comprehensive care. Mondays to start; Fridays to follow. If you are driven communicator, thrive for growth and excellence and have long-term partnership/equity goals, fax resume: (212) 564-0345.

ASSOCIATE/FUTURE PARTNER: General dentist for FT/PT associate position with buy-in possibility. Buffalo suburban office in Kenmore, NY. Fax resume (716) 874-6700; or call Dr. Long or Dr. Caisse at (716) 874-3636.

DOWNTOWN BROOKLYN: Dental office looking for GP with two or more years experience. FT or PT. Please call: (212) 355-2540; fax: (212) 355-1623; or send resume to: slal@newdental.net.


LONG ISLAND, NY: Suffolk County. Seeking PT associate for general practice. Must be proficient in endodontics, including molar. Long-established practice with Partnership/buyout potential. Send CV to NYSDJ, Box #MY-504.

NORTHERN WESTCHESTER: Hiresch, newly renovated office seeking motivated, caring associate. Orthodontic experience a plus. Partnership potential for right person. Please fax CV to (914) 245-6510.

BUFFALO: Modern office seeks general dentist PT leading to FT. State-of-the-art office includes soft and hard tissue laser, digital Xray and much more. Leading to partnership if philosophy and human comfort. Office accepts most reasonable insurance plans. Call (646) 522-0318.

SUFFOLK COUNTY, NY: Seeking experienced general practitioner for career position in quality private practice on Long Island’s South Shore. Call Anne at (631) 581-5121.

MANHATTAN: Part-time associate needed for general dental practice. Excellent clinical and communication skills necessary. Fax resume to (212) 875-8852.

DENTIST: Unusually high income potential in rapidly growing modern office in upscale, uncrowded Southern Vermont. Buy-in possible. Vermont offers license reciprocity. Fax resume to (802) 442-7117; or call Salmo at (802) 442-7300.

ADIRONDACKS/LAKE GEORGE REGION: Join well-established dental group in Queensbury. Partnership/buyout in 3-4 years. Excellent team, environment, schools. Growth limited only by your energy and motivation. Fax CV (518) 812-0090; or email: docraja@gmail.com.

WESTCHESTER COUNTY: Looking for experienced peri- odontist to join prestigious periodontal practice. Excellent opportunity leading to immediate partnership. Reply to NYSDJ, Box #MY-508.

MIDTOWN MANHATTAN: Part-time associate with nucleus to join my established private dental practice. Call (212) 993-7722.

ASSOCIATE DENTIST: Experienced endodontist to start part-time in successful, quality family, general group practice. One partner is retiring soon. Opportunity available for caring, dedicated, talented person to step in and become future partner. Call (516) 249-4206.

BUFFALO: General dentist or specialist for FT/PT associate position. Busy, established practice in suburban/urban location. General dentistry experience preferred. Future partnership possible. Call (716) 823-2989; or email: pae@amlime.com.

ASSOCIATESHIP POSITION AVAILABLE: Busy general practice office in Orange County, NY. Residency or 1-2 yrs experience preferred. 3 days weeks to start, quickly leading to FT. Call 845-344-0004; or email: EWR1@frontiernet.net.


ASSOCIATESHIPS WANTED

NYC OR LI AREAS: Youthful, energetic dentist with good interpersonal skills, excellent credentials/references seeks association leading to buy-out. Interested in fee-for-service and minimal insurance practice. Email: dentista@hotmail.com; or call PO Box 235, Cedarhurst, NY 11516.

PERIODONTISTS: 15 years experience in all phases of surgical/non-surgical periodontics. Looking to work one day/week in your general or group practice. Long Island, Queens and Brooklyn only. Call (516) 255-8398, leave message.

CENTRAL NY: Hard working and dedicated G.P. seeks associ- ateship with high quality, caring dental team. Has excellent inter- personal skills, experience with children and adults, and enjoys general dentistry. (609) 610-7743.

P/T POSITION: Experienced GP (5 yrs) with GPR and military experience (Airforce) seek P/T position in Manhattan or southern Westchester County. Experienced in all aspects of general dentistry. Call (646) 269-0378 for CV, or email: rl10032@yahoo.com.

ASSOCIATESHIPS WANTED
NYSDA is looking for candidates for its Hallmarks of Excellence Award. The award, which is presented each year by the Council on Membership and Communications, honors the NYSDA component that has distinguished itself by its creative and effective membership programs. Award judges will be looking at entrants’ programs to see if they achieve the following goals:

- **Membership Enhancement:** Outreach programs that recruit or help retain existing members.
- **Education/Information:** Courses and publications that enhance membership and encourage an exchange of information among members.
- **Community Service:** Programs that put a "public face" on dentistry by providing education and/or services at schools, health fairs, libraries and other community locations.
- **New Dentist Outreach:** Initiatives that address the needs of dental students, residents and new dentists.

The winner of the Hallmarks of Excellence Award will be honored in November at the Board of Governors Annual Meeting.

The deadline for submitting nominations is August 1. All nominations must be typed and include commentary and supporting documents that cover the following areas:

- Need for the program
- How the program was implemented
- Groups/individuals involved in the program
- Budget
- Results and how they were measured
- Why organizers believe the program is innovative
- Obstacles faced
- Recommendations for improvements

Components are responsible for nominating their own programs, and a separate nomination form must accompany each entry. Mail nominations to: NYSDA, Hallmarks of Excellence, 121 State Street, 4th Floor, Albany, NY 12207. For further information and entry forms, contact Sandra DiNoto, NYSDA Director of Public Relations.

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**TRAINING SEMINARS Planned for Medicaid Providers**

COMPUTER SCIENCES Corp.’s Provider Relations Department will conduct statewide provider training sessions for eMedNY phase II changes. The seminars will be held on various dates in the months of May and June and will provide information about eMedNY changes to billing and remittance information (paper and electronic).

Registration for a seminar is required. It will be available shortly by logging onto www.emedny.org. Until online registration becomes available, providers may register by fax or mail. Registration materials, including locations, dates and times, can be obtained by fax by calling (800) 370-5809. This fax-back system will prompt providers through the document order process. The seminar registration information is document number 2008.

Providers with questions should call (800) 343-9000.