

## Dr. Gehani Wraps Up Successful NYSDA Year

By Dr. Bijan Anvar

The New York State Dental Association's annual House of Delegates meeting, under the direction of NYSDA President Dr. Chad Gehani, was held Thursday, June 7 through Saturday June 9, at which time Dr. P. Deborah Weisfuse assumed the presidency—becoming the first female to hold the position. Dr. Gehani will continue to serve on the NYSDA Board in his capacity as Immediate Past President, until the conclusion of next year's House meeting.

The "Grand Dame" of Madison Avenue, the Roosevelt Hotel, served as the location for the meeting, as well as other events being held in conjunction with the meeting.

Speaker of the House Dr. Robert Pelskin called the first meeting of the House to order Thursday afternoon, followed by Reference Committee hearings which provided all with an opportunity to comment on the various resolutions being placed before the House.

The Reference Committees, chaired by Drs. Mark Bauman and Frank Barnashuk, then prepared their reports for distribution and discussion at the component caucus meetings beginning early Friday morning, allowing each component to make an informed decision as to whether or not the component delegates would vote in favor or in opposition to a particular resolution.

QCDS delegates Drs. Bijan Anvar, Mitchell Greenberg, Rekha Gehani, Viren Jhaveri, Prabha Krishnan, Jay Ledner, Robert Shpuntoff and Burton Wasserman were assisted by NYSDA Trustee Dr. Joseph Caruso and QCDS President Dr. Beatriz Vallejo in studying and discussing the Reference Committee reports and arrived at a consensus on the various resolutions.

The second and third sessions of the House were held on Friday afternoon and Saturday morning, with each resolution disposed of in an orderly manner.



Dr. Deborah Weisfuse and Dr. Mark Feldman present outgoing President Dr. Chad Gehani, left, with NYSDA testimonial

As is the custom, any resolution related to NYSDA dues is held until the final session, at which time a resolution proposing the active member dues rate of \$509 (a \$10.00 increase) effective January

1, 2013 was passed representing a two percent increase, which will be used to partially fund a deficit in the budget.

QCDS, in conjunction with the New

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## QCDS First: Regional Resident Night

By Dr. Bijan Anvar

In what is believed to be another first for a component dental society, QCDS hosted a regional resident night for all residency programs in the New York City metropolitan area—not just for those Queens based programs. The May event, held at Terrace on the Park, featured a delicious buffet dinner accompanied by adult beverages, and an array of speakers offering information regarding the "business" side of dentistry as well as information on the value of tripartite membership.

Residents from programs at New York Hospital Queens, Queens Hospi-



Drs. Gounardes, Vallejo, Maranga and Gehani greeted new dental residents

tal Center, St. Lukes Roosevelt, Jamaica Hospital, Mount Sinai, Lincoln Hospital, Kings County, Bronx Lebanon, North Shore, Brooklyn VA, Long Island Jewish, Wyckoff, Flushing, Interfaith and Saint Barnabas were in attendance.

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The Dental Society Is Our Union

By Charlene Berkman, D.M.D.

Just the other day, a conversation that I had with my oldest son got me thinking about what exactly the dental society is, why it's important, and why all dentists aren't members.

My 24-year-old son is an HVAC technician/mechanic, and he belongs to a union. His union assures responsible members with a degree of job security, health benefits, pension, 401(K), and regular pay reviews and COLA adjustments.

While neither my husband nor I have ever belonged to this type of union, my son, even after only 21 months in a union, already realizes that he can turn to the union if any dispute, grievance, or misunderstanding occurs.

Obviously, to a large part of the population, these protections and the safety net they cast are quite significant. We, as dentists, to a very large degree operating under far different circumstances than most, do not see or perceive our tripartite dental societies in any similar manner, as our union.

However, the dental society is our union. We can look to these societies for continuing education, legal issues, camaraderie of like-minded individuals, malpractice, insurance issues, etc. How exactly can a dentist who doesn't belong to the society get information, especially regarding relevant changes in the law, standards of practice, etc? I have been told that there are a number of alternative ways to get continuing education—and there are—but how much does it cost in terms of time and resources to track those mandated hours? When there are changes mandated by law, such as in recent years, regarding radiation, backflow filtration, sterilization, etc., it is far more challenging to find out about these on our own, no matter how computer and internet savvy we may be. When one uses the NYSDA participating malpractice carriers, the Dental Society, through committees such as our District Claims

Committee and Peer Review, reviews each claim and discusses them with the dentist involved, based on its merits, and makes recommendations to the carrier regarding the malpractice issues involved. How about political and policy issues that impact each dentist? Who represents our interests, if it isn't the dental society? Each constituent dental society has a Political Action Committee (PACs), so that our interests (and the true health needs of

Who represents our interests, if it isn't the dental society?

our patients) are protected from unwarranted or misguided political action by the governing bodies. The local QCDS PACs represent us on the local level, the NYSDA PAC on the state level, and the ADA PAC on the national level.

In all things, there is strength in numbers. Well organized and member oriented unions have their clout, and are able to protect their members, because of the large number of members they represent. If nearly every dentist belonged to organized dentistry, then think of the enhanced clout and influence we would enjoy. And, for those of us who feel we are professionals, and therefore, shouldn't behave like "mere" mortals, then why do we all refer to the dental societies as "organized dentistry?"

Is organized dentistry perfect? Of course not, and, of course, more and different things might be able to be done, and perhaps should be. But, without nearly unanimous support, the dental society cannot live up to its potential. Become more involved, and become a spokesperson for those changes you feel might be needed. Have discussions with others. What a wonderful opportunity it might be to network with others in the profession!

Let your dental society serve you and the interests and healthy needs of both the profession and the public. The best way to do so is to first be a member, and then get more involved. It's up to each and every one of us to be an active member of our "union"!

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From the President

beatrizvallejo@hotmail.com



The Future of Our Profession

By Beatriz Vallejo, D.D.S.

The American Dental Student Dental Association and its relationship with the American Dental Association is a lifelong story. ASDA, created in 1979, is a national student-run organization which helps protect and advance the rights, interests and well being of students pursuing careers in the field of dentistry. The association introduces lifelong involvement in organized dentistry to its members and promotes and influences changes for the benefit of the profession.

As one would expect, as the ASDA grows, issues and needs arise and the autonomy of the organization is strengthened, but it is because of these occurrences that membership fell in dental schools and in the number of recent graduates. In 1993, I remember, an attempt was made in the ADA House to make students members of ADA as well as ASDA. It was a surprise for all of us to see the outpouring of support for the students, but in the end the resolution failed.

From this experience a lesson was learned. It is that if we are to enhance our image and guarantee the growth of this profession, then we must work together to ensure it. ASDA

and ADA recognize this fact and the cooperation that is needed. Both organizations are making tremendous efforts to revitalize their relationship and strengthen their combined leadership. We must remember that membership is not just a

The next generation of dentists are not part of the profession, they are the profession.

statistic; it is an understanding of our commitment to help lead our profession, preserve the fee for service system as we know it and the continuance of our ability to provide the highest quality health,

This is the concept and message that I ask each of you to deliver: if we try to preserve all that we have worked for and have faith and certainty that our profession will grow, then we must reach out to the new generation. They understand that the future of dentistry is in their hands. Upon graduation, we must make them feel like they are not just graduating into a

profession, but rather into a beneficial lifelong commitment.

The next generation of dentists are not part of the profession, they are the profession. The ASDA is working diligently to help the membership grow and they need our help, encouragement, and support, so please take the time to spread the word to help better our profession.

Letter to the Editor:

The Passing of Dr. Bertram Blum

To the Editor:

I regret to inform the dental community of the loss of my dad, Dr. Bertram Blum, on May 14, 2012. My dad practiced oral surgery for 50+ years in Queens, New York and loved his profession. He attended the City College of New York and New York University Dental School and graduated in 1948. He then continued his training at Cumberland Hospital and eventually opened his office in Jamaica, New York, in 1960.

Dr. David Schwartz joined him in 1968 and they opened a second office in Forest Hills in 1984. I then joined the two of them in 1986.

He was an active member of QCDS for decades and once served as president

of the Queens County Dental Society. He served as chairman of the Greater Long Island Dental Meeting and president of the New York State Society of Oral and Maxillofacial Surgeons.

These are the facts, but the heart of my dad exists in most New York fledgling oral surgeons that passed through his office. He touched so many lives as a leader, an educator and a kind and compassionate man. He was one of the first attendings at the Queens Hospital Center Oral Surgery Division and then he later ran the Oral Surgery Department at Metropolitan Hospital.

In the 70s into the 90s, before the days of malpractice concerns, the office of Drs. Blum and Schwartz was the

place where residents spent their Saturdays—all welcome. He loved to teach. He offered advice freely about life, business and, of course, oral surgery. He was a consummate "Yes Man." He is survived by my mom, his wife of 60 years, Marcia Blum, and our family Ellen and Eric Cantos and Meg and Richard Cogan, and eight grandchildren Andrew, Michael, Josh and Emily Cantos; Jessica and Jake Cogan; and Jeremy and Dylan Koenig.

We ask that any donations in his name be made to the Port Washington Alzheimer's Foundation.

He was a giant in our field and will be terribly missed.

—Dr. Debra Blum



# May Membership Meeting Hears Speakers, Presents Continuing Education Certificates

QCDS's May general membership meeting was well attended, with over 60 QCDS members enjoying a complimentary buffet dinner accompanied by two interesting presentations.

Martin Schnee, New York State Certified CRESO and the former chief of the New York City Health Department's Radiation Equipment Division, made good use of his 35 years of experience in providing valuable information on all aspects of radiation equipment use and legal requirements.

His presentation was followed by Dr. David Hoexter, a prominent lecturer, who discussed methods of achieving a winning smile with cosmetic periodontal surgery.

QCDS President Dr. Beatriz Vallejo was joined by NYSDA President Dr. Chad Gehani in presenting Continuing Education Certificates to QCDS members who have accumulated many hours of continuing education credits. Drs. Joel Kronberg, David Schwartz, Sudhakar Shetty, Dolores Tiangco and Martin Valins all completed 1,000 hours while Alex Greenwald completed 1,500, trailing the QCDS leader, Dr. Tso Long Hsu who has completed 2,500 hours.

If you have suggestions for specific programs, contact QCDS Executive Director William Bayer. Upcoming events can be found at [www.qcde.org](http://www.qcde.org).



Drs. Beatriz Vallejo, left, and Chad Gehani, right congratulate the 1500 hour award recipients



Drs. Beatriz Vallejo, Chad Gehani and David Hoexter

Dr. Tso Long Hsu and William Bayer

# Facing the Consequences of an OPD Penalty: What Every Dentist Should Know About It

By Amy T. Kulb, Esq.

In our litigious society, complaints by patients and other sources to the Office of Professional Discipline are on the rise. The current reality is that a penalty imposed by OPD can have far reaching consequences upon other important privileges. Every dentist must be aware of these in developing effective risk management strategies in their daily practice and in the event that the dentist is faced with an investigation by OPD or an audit or a criminal matter.

If a dentist enters into a settlement with OPD or is found guilty of professional misconduct after a hearing or a penalty is imposed based upon a criminal conviction or disciplinary action by another State, an Order is issued by the Board of Regents. The Order is posted on OPD's website and is reported to the National Practitioner Data Bank. Disclosure of the Order is also required on most applications for privileges, credentialing and re-credentialing, such as hospitals and insurance networks.

All OPD Orders are reviewed by the NYS Office of the Medicaid Inspector General, regardless of whether or not the OPD matter is related to Medicaid or the dentist is a Medicaid provider. The OMIG has the authority to place the dentist on the Medicaid Disqualified Individuals List. This will bar the dentist from direct Medicaid participation as well as participation with privately administered Medicaid managed care entities. It as well bars the dentist from any employment by or affiliation with any other individual or entity, which participates in or receives funds from Medicaid. It may also impact other privileges that require "good standing" with Medicaid, such as a hospital or academic appointment.

OPD Orders are also reviewed by the U.S. Department of Health and Human Services, which oversees Medicare. If the matter involves an underlying conviction for healthcare fraud, HHS may be required to exclude the dentist for a mandatory minimum period of five years. Any actual suspension of the dentist's license can be a basis for exclusion by HHS. Exclusion by HHS bars the dentist from participation in any State's Medicaid Program and submission of any eligible claims for medical services to any Medicare carrier. The HHS exclusion extends to benefit programs for Federal employees and can affect participation with any insurance networks that administer such programs.

All insurance networks and plans can review OPD Orders. They can elect to terminate the contract with the dentist or submit the Order and the dentist's response

to a peer or credentialing committee.

Many other professional privileges can be impacted by an OPD Order. These can include hospital and academic appointments, DEA registration, licensure in another State or in another profession and continuation of professional liability coverage or the imposition of a premium surcharge. OPD Orders are a basis for proceedings by the Council on Ethics of the New York State Dental Association and can result in a censure, probation, suspension or expulsion of membership in NYSDA. In a malpractice case or other litigation, opposing counsel may seek to introduce the OPD Order.

In New York, all criminal convictions regardless of the level of the offense or the relationship or lack thereof to professional practice, are by definition professional misconduct and will result in proceedings by the Office of Professional Discipline. Convictions are reviewed by Medicaid and Medicare and, if related to healthcare fraud or controlled drugs, can mandate exclusion by the OMIG and HHS. All convictions can generally impact all of the privileges discussed above and may require disclosure in applying for privileges or in credentialing.

Suspension or termination for cause by a hospital or educational program or an insurance network can result in a report to the NPDB, OPD or in certain instances to law enforcement. The OMIG posts Medicaid Final Audit Reports, Sanctions and Decisions After Hearings on its website and this may further result in an investigation by OPD or law enforcement.

In conclusion, the imposition of a disciplinary penalty by OPD can have far reaching consequences upon many other privileges essential to dental practice. For that reason, it is never too early to seek guidance from experienced counsel, if faced with an investigation by OPD, an audit or in the unlikely event of a criminal matter.

Amy T. Kulb served as a prosecutor for the Office of Professional Discipline until she joined the firm of Jacobson Goldberg & Kulb, LLP in 1986. She concentrates her practice on the representation of dentists, physicians, pharmacists and other health professionals in the defense of professional discipline matters, as well as other law enforcement and regulatory matters. Ms. Kulb is a Risk Management instructor and Ethics and Jurisprudence instructor for the NYS Dental Association and frequently lectures to a variety of dental, medical, pharmacy and other professional groups on legal topics affecting the professions.

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QCDS Screens Many Schoolchildren At P.S. 29...

In the last school based dental screening program being conducted until after the summer break, Dr. Doran Kalman led a group of QCDS volunteer dentists to P.S. 29, located in College Point, where approximately 170 students from Pre-K to the fifth grade were screened in May. The screening program represents an ongoing collaboration with Colgate’s “Bright Smiles, Bright Futures” campaign.

To date, QCDS has screened several thousand students in schools throughout the borough, bringing this valuable service to children in the community, many of whom are experiencing a dental visit for the first time. Colgate’s Carla Johnson, the New York program coordinator, along with staff from Colgate assisted the QCDS volunteer dentists in providing educational instruction relative to maintaining good oral hygiene efforts.

The students seemed genuinely enthusiastic in participating in the screening program.

QCDS thanks the volunteer dentists who assisted Dr. Kalman, including Drs. Beatriz Vallejo, Mercedes Mota-Martinez, Tanya Vlacancich, Kenneth Criss and Flushing Hospital dental resident Sandra Song. QCDS also



Dr. Doran Kalman, fourth from right, with the screening volunteers

thanks Assistant Principal, Christine Milton and her staff for providing the logistics at the school, insuring that the program went smoothly.

QCDS will be continuing its screening outreach program in September, when school resumes. Your suggestions are welcome regarding possible screening sites. Volunteers are always welcome and needed, as the success of these programs is contingent on the generosity of QCDS members willing to volunteer their time in “giving back” to the community.

...And 150 Students At PS 209 in Whitestone

QCDS volunteer dentists screened 150 school children at Public School 209 in Whitestone in May.

The dentists screened the children in Colgate’s “Bright Smiles, Bright Futures” van, a school bus-sized truck containing two mobile dental operatories, which was parked outside the school for the event.

“The bad economy has prevented many people from going to the dentist for regular check-ups, as we’ve all seen in our dental practices,” said QCDS Past President Alan N. Queen, who led the team of dentists at the screening. “By doing outreach efforts like this, we can often find undiagnosed dental problems

and tell the kids’ parents that they need to have the problems tended to. They may not go in for a check-up, but they will usually go in when they know there’s a problem,” Dr. Queen explained.

Screenings such as this identify kids with everything from untreated dental caries, over-retained primary teeth and malocclusions in need of treatment to dental abscesses, he said. The kids screened also got a “goodie bag” from Colgate, containing a toothbrush and toothpaste, as well as oral hygiene instruction. A written “report card” is sent home with each child to inform the parents of any findings.

A number of teachers and other school staff visited the van during the screening, and were impressed with the program. “It’s a really great service to the community,” one teacher said. “And the kids are having a great time!”

The volunteer dentists who screened the children included Drs. Queen, Jay Ledner, Robert Shpuntoff, Ira Schwartz, Risa Samuels, Boris Arbitman, Dennis Piana, Mohamed Bhuyan, Shazia Ahktar, Heeyoung Kim and QCDS President Beatriz Vallejo. QCDS Executive Director Bill Bayer “directed traffic,” escorting the children between the school building and the Colgate van parked outside.



Dr. Dennis Piana examined students



Dr. Alan Queen, fifth from right, led a group of volunteers at PS 209

Questions Helpful in an IRA Conversion

By Lewis J. Altfest, Ph.D., CFA, CFP®

Several factors will determine whether converting traditional IRA assets to Roth IRA assets is the right decision for you. Chief among them is your tax rate in retirement compared with your rate today.

The Roth IRA works in the opposite way of a traditional IRA: instead of contributing before-tax dollars and paying taxes on the withdrawals, you contribute after-tax dollars and make tax-free withdrawals.

A rule change that has made conversion easier is that the opportunity to convert is no longer limited to those with \$100,000 or less in income.

You may wish to consult with a knowledgeable financial adviser or accountant because decisions in some cases can result in hundreds of thousands of dollars of difference. Some questions to ponder:

- Do you expect your tax rate to be lower in retirement than it is today? If your answer is yes, then you may wish to stay with a traditional IRA. If you expect your tax rate to be higher in retirement, then you may wish to select a Roth IRA.
- Do you expect to accumulate large pension assets in retirement? If your answer is yes, then the large mandatory withdrawals from a traditional IRA in those years will make the Roth IRA look more appealing. The conversion itself could increase your current tax rate, however, for that one year.
- Do you have high net worth, little need for retirement withdrawals, and a strong desire to leave money to the next generation? If your answer is yes, then the Roth IRA conversion may be a good choice for you because distributions are not required during your lifetime and your heirs can stretch the tax-free distributions over theirs.
- Are your assets modest, and will they continue to be modest? Do you lack the resources in taxable accounts to pay the conversion tax? Will your tax rate decline significantly in retirement even if overall rates rise? If your answers are yes, then you may wish to stay with a traditional IRA.
- Are you skeptical of government taxation pledges? If your answer is yes, then the Roth IRA will not be as appealing.
- Are you put off by the fact that the payment of significant taxes up front can result in a material drop in current net worth? In my experience, many people who would answer yes to this question don't convert to a Roth IRA, even when doing so seems the favorable plan.

If you decide to make the conversion to a Roth IRA, generally, you will do significantly better if you deposit the entire sum allowed in the Roth IRA, paying the taxes due out of a personal account, not an IRA.

For example, if you have \$150,000 in a traditional IRA, wish to convert, and will owe 33 percent in income taxes, then you will do better if you pay the \$50,000 with personal monies and place the full \$150,000 in the Roth IRA instead of using the pension money to pay the taxes and placing only the net sum of \$100,000 in.

If your tax rate in retirement turns out to be the same as it is now, and if you pay the conversion taxes out of the IRA, then converting will leave you in the same position, neither better nor worse off. If you pay the taxes out of a personal account, then you'll be better off with the Roth IRA.

The benefit of paying the taxes out of a personal account assumes that your investments actually increase in value between the time of conversion and time of withdrawal. If they increase sufficiently, then the conversion can work out even if your tax rate is a bit lower in retirement.

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*Altfest Personal Wealth Management(SM) is the nationally recognized, fee-only investment management and financial planning firm that is endorsed by NYSDA Support Services for NYSDA and the Queens County Dental Society. Altfest contributes articles to help members of the Queens County Dental Society plan and think intelligently about their finances. If you would like to reach Altfest, call Walter Primoff at 212-406-0850 or wprimoff@altfest.com.*

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# 2012 Is the Right Time for Estate Plan Gifting

By Manish Majithia, CPA

Estate planning is done by different individuals for many different reasons. Some do it just so that their wishes are executed as they want them to be, others for asset protection, estate and gift tax savings, or to avoid the hectic and costly probate process. Whatever the reason, it's smart to take optimum advantage of the various estate planning tools that are legitimately available. And, as discussed in the previous Bulletin, it's even smarter to do it in 2012. It's just a matter of doing the right thing at the right time.

Let's discuss some of the estate planning tools. But first, let's emphasize that it is very important to have the will, durable power of attorney and healthcare proxy in place, current and properly executed, at all times. The importance of these tools cannot be emphasized enough.

Each year, you can gift up to \$13,000 per donee, before the gift is considered taxable. Married couples can gift a total of \$26,000 per annum per donee. If you expect to owe estate taxes at your death, practicing regular annual gifting is one of the most easiest and cost effective way to transfer wealth to your loved ones without paying a gift tax. Even though the amount seems to be meager, its cumulative effect over the years could be monstrous—each gift you make reduces the amount of your taxable estate. In addition, when you make a gift of property that may increase in value, any future appreciation and income from the same is excluded from your estate, increasing your tax savings even further.

In addition to annual exclusion gifts, as discussed in detail in the previous Bulletin, in 2012 an individual can make lifetime gifts totaling \$5,000 (\$10,000 for a couple) before incurring the gift tax. So far, 2012 has not been a good year for the economy, the depressed values in the stock and the real estate market, and record low interest rates compounded with the relaxed lifetime exclusion make this an ideal time to make gifts.

By transferring your assets through an Irrevocable Trust, you will no longer 'own' them. If you don't own any assets,

the likelihood of anyone bringing a lawsuit against you is very minimal. This will be your best defense against any malpractice lawsuits. You will, however, have to give up complete control over the assets to a true independent trustee. You can still use the assets, but no longer own or control them. An irrevocable trust is a trust that cannot be changed or altered after it is created. The few benefits to an irrevocable trust are asset protection, exclusion from your gross estate, hence no estate tax, no probate, easy charity donations, and peace of mind.

In order to avoid incurring estate taxes on life insurance proceeds, you can place your policies in an irrevocable life insurance trust. By doing this, not only will the life insurance proceeds be excluded from your estate, your heirs will receive the insurance proceeds right away, which will help them pay the heavy estate taxes and funeral costs. However, if you die within three years of setting up the trust, your insurance will be included in your taxable estate.

If you are charitably inclined, you can set up a charitable remainder trust. You place the property you want to donate into an irrevocable trust. The income from this trust is distributed to anyone you choose, say, for life. Once the last income recipient dies, the property in the trust is given to a charity you named. The charity could be your own charity or foundation if it has been approved by the IRS under section 501.

A Qualified Personal Residence Trust (QPRT) is a special type of irrevocable trust that is designed to remove the value of your primary or secondary residence, and all appreciation, from your taxable estate at cents on the dollar for federal gift and estate tax purposes. Further, it allows continued use of the residence and tax benefits, and hedges against possible decreases in lifetime gift and/or estate tax exemption. In the future, when the estate tax exemption drops from its temporary \$5 million limit, you would have locked in the value of your residence for gift and estate tax purposes. However, selling a home owned by a QPRT could be.

There are a variety of possible benefits in establishing a revocable trust, too. For one, assets placed in a revocable trust will not be subject to the delays and inconvenience caused by probate. This assures the payment to beneficiaries of proceeds from life insurance, pension, and profit-sharing plans, and other benefit plans without going through probate. A "living trust" can be revocable, into which you can transfer all your assets while you're alive, thus, leaving no need to transfer anything through a will. A revocable trust also reduces vulnerability to post death contest among heirs and reduces access of creditors and claimants to the decedent's estate. Moreover, since the trust is revocable, it permits you to alter it as necessary or desired. But unlike an irrevocable trust, a revocable trust provides you with no tax savings.

Manish Majithia is a C.P.A. with a practice in Garden City. He is available for any questions, suggestions or comments. He can be reached at [manish@kkmehtacpa.com](mailto:manish@kkmehtacpa.com).

## TAX TIPS FOR DENTISTS

**There are exceptions to the 10% penalty for early distributions (before age 59.5) from qualified pension plans and IRAs.**

1. Medical expenses that are in excess of 7.5% of adjusted gross income.
2. Up to \$10,000 for first time homebuyer expenses
3. Higher education expenses for taxpayer, spouse, child or grandchild.
4. Direct rollover to a new retirement account.
5. You were permanently totally disabled.
6. You were unemployed and used the money for health insurance.

### Stuart A. Sinclair CPA

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## QCDS Returns To Citifield On August 21st

QCDS has scheduled its annual trip to CitiField for Tuesday, August 21, when the society will participate with the METS in their annual Health Fair. The Mets have offered QCDS group tickets for only \$5 each for Promenade Outfield seats, usually priced at \$20. The Mets will be playing the Colorado Rockies.

Tickets make excellent gifts for friends, patients, and family. All are invited at this group rate. To order tickets call the QCDS office at 718-454-8344 as soon as possible.



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# Successfully Handling Qualified Plan Audits

By *Ira Langer, Esq. and Irwin Rubin, Esq.*

There has been a recent increase in the volume of audits of qualified retirement plans by the Internal Revenue Service ("IRS"), the Department of Labor ("DOL") and the Pension Benefit Guaranty Corporation ("PBGC"). The penalties for non-compliant plans include the imposition of taxes, interest, plan disqualification, and/or penalization of the plan fiduciary.

A dentist who receives notification of a qualified plan audit should immediately contact his or her plan service provider for assistance. It is never advisable to try to handle an audit on your own. Innocent remarks or incomplete answers can be misinterpreted by the government auditor, resulting in a more difficult audit process, including possible disruption of the dentist's business operations with unnecessary time and effort devoted to responding to the agent's growing list of questions. An experienced pension professional will know the aim of the agent's questions and can give clear and concise answers that will limit the scope of the audit, thus saving the dentist time and expense. Because the audit is held at the dentist's office, there is an increased risk of misinterpretation; it is therefore best if the pension professional is present during the audit.

The audit notice will list the information and documents requested by the auditing agent. By gathering all of the information well in advance of the scheduled audit date, the dentist and the Plan professional can review the data, put it in logical order to expedite the agent's review, and develop responses to issues that might be raised.

Some issues that have been targeted in recent audits are:

- **Improper Loans**—Plan loans are generally the first item that agents examine. Be certain that you have all documentation for each loan and that the loan repayments are made properly.
- **Improperly Including or Excluding Employees**—Incorrect application of Plan eligibility provisions can cause Plan disqualification. Careful review of the practice's employee census (e.g., age, hire date, hours worked, etc.) is a very important part of preparing data for a Plan audit.
- **Failure to Deposit 401(k) Contributions Timely**—Plans with fewer than 100 participants must deposit the 401(k) contributions within seven business days from the date of the deferral. Larger plans face an even stricter rule. The safest approach is to adopt procedures so that the 401(k) deposit is made at the same time that employee's tax withholding is forwarded to the IRS.
- **Improper Investment of Plan Assets**—Prohibited Transactions. Non-publicly traded investments (e.g., mortgages, real estate, LLCs, collectibles, etc.) can involve the risk of prohibited transactions. Plan investments should always be carefully reviewed before presenting the information to the auditor to ensure that problematic items have reasonable explanations.

*Ira Langer, Esq., is a partner and Irwin Rubin, Esq., is of counsel at the White Plains, New York law firm of Danziger & Markhoff LLP. Contact Mr. Langer at (914) 948-1556 or at [ilanger@dm-lawyers.com](mailto:ilanger@dm-lawyers.com) with any questions.*

# Students Screened at Jamaica Learning Center

QCDS member Dr. Stuart Kesner and Assistant Principal Catherine Grechkosey of the Jamaica Learning Center collaborated in scheduling "Oral Health Day 2012" on May 15.

Dr. Kesner was accompanied by three residents from the Jamaica Hospital Dental Department, Drs. Joseph Panteleo, Sumit Tinna and Alevtina Yadgarova, who screened 100 GED students for oral cancer and other oral diseases while distributing dental literature, toothbrushes and floss to the participants. The general observation was that there was a high prevalence of smoking and poor oral hygiene.

Michele Brown, a guidance counselor at the school, explained the Learning Centers program's uniqueness in that 45 countries are represented and many of the students, ages 17-21, do not speak English. Some students had never seen a dentist before this screening and some have been in the country for less than a week.

Denise Santiago and her seven students from the GED Plus



Dr. Stuart Kesner, second from left, led a group of volunteers at the Jamaica Learning Center

- Chair Side Dental Assisting Program at the Jamaica Dental Health Center also participated. These aspiring assistants were a great help assisting the dentists with the exams and translating, in addition to teaching their fellow classmates proper oral hygiene instruction.

The event was a great success. Ms. Grechkosey and staff expressed their thanks by providing each teacher, dentist and dental assistant that participated with a certificate of appreciation.



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## ADA Find-a-Dentist Website is Moving to MouthHealthy.org

ADA Find-a-Dentist, with nearly 20,000 unique searches per month, will be moving from ADA.org to MouthHealthy.org, the ADA's new consumer-oriented website launched in June 25. The new ADA Find-a-Dentist profile page on MouthHealthy.org features an enhanced view of member credentials and contact information, including social media.

ADA conducted consumer research related to MouthHealthy.org and learned that finding a dentist was one of the top three most requested features. Consumer traffic is projected to grow exponentially on the new site. This is a great opportunity to help build practice visibility, so members need to make sure their profiles are up to date.

If you are an ADA active licensed member, be sure to access ADA.org/memberprofile to customize the information you want to share with members as part of the Member Directory on ADA.org, and the information you wish to share with potential patients as part of ADA Find-a-Dentist on the ADA's consumer website MouthHealthy.org. Read more about MouthHealthy.org in the ADA News.



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# Dr. Chad Gehani Concludes A Successful Year as New York State Dental Association President

—Continued from page 1

York State Association of Endodontists, hosted a “welcome cocktail reception” on Thursday evening in the Palm Room of the hotel, providing all an opportunity to interact with fellow delegates and guests in a social setting. Judging from the attendance, virtually everyone dropped by in a show of friendship, respect and gratitude to Dr. Gehani, and to meet and greet their colleagues from across the state. Meeting Chair Dr. Joseph Caruso welcomed the many guests, insuring a good time was had by all.

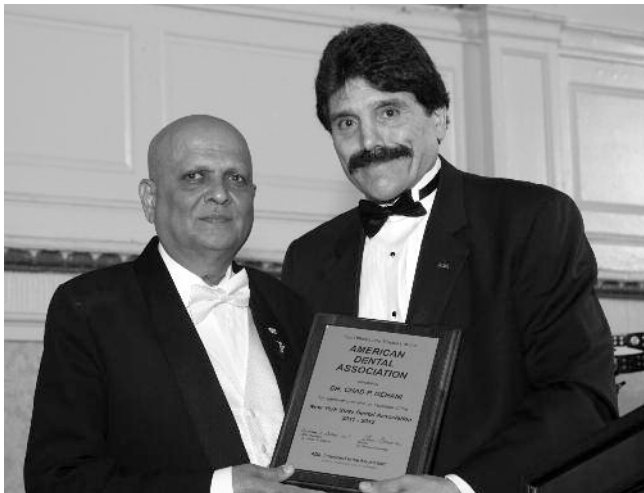
Among other events, a well-attended full day New Dentist Conference was held on Friday. The annual New York State Dental Foundation Awards Luncheon honored Dr. Charles Bertolami, the recipient of this year’s Foundation of Excellence in Academics Award, while the Pierre Fauchard Academy held its reception later in the day. Dr. Bertolami has been a friend to QCDS and has lectured in conjunction with the Continuing Education Program.

Culminating the day’s activities, Drs. Chad and Rekha Gehani were guests of honor at the President’s Dinner Dance, with over 300 guests in attendance, showing their support of Dr. Chad Gehani as he completes his year as NYSDA president. Guests at the gala banquet were entertained by a band that kept everyone up and on the dance floor, while providing a fine dinner in an exquisite setting. Dr. Gehani gave a short speech recognizing his family for their contributions towards his success as well as a recounting of his life experiences that have shaped his values today. He honored his good friends, Tony Volpe and Stanley Bergman, and acknowledged their support towards goals of promoting oral health and inclusion. He also received several awards and recognitions from incoming NYSDA President Weisfuse, ADA Trustee Steve Gounardes and NYSDA Executive Director Mark Feldman.

Everyone returned to the business of the House Saturday morning, looking none the worse from Friday’s festivities. Dr. Rekha Gehani, continuing the Gehani tradition of making their guests comfortable and appreciated, hosted a well attended spousal breakfast as the House concluded its business at its third session and adjourned, marking the end of a successful year by Dr. Gehani as president.

Immediate Past President Dr. Robert Doherty installed the officers assuming their new positions at the meeting conclusion, including Dr. Weisfuse as president, Dr. Joel Friedman as president elect, Dr. John Liang as vice president and Dr. Richard Andolina as treasurer.

Although his year as president ended on Saturday, Dr. Gehani had organized a full day Continuing Education Program, held at NYU on Sunday, which was attended by more than 200 dentists exploring “Implant Techniques” as well as “Legal Issues in Dentistry.” The conclusion of this



ADA Trustee Dr. Steven Gounardes presents ADA Commendation to Dr. Gehani



QCDS is well represented at the President's Dinner Dance



QCDS members supporting NYSDF Awards luncheon



Dr. Charles Bertolami, center, and QCDS members



Drs. Stephen Quarcoo, Alvin Orlian, Chad Gehani and Mrs. Edith Orlian



Dr. Chad Gehani with NYSDA staff

program on Sunday afternoon finally brought an end to a hectic few days and left much to be remembered. It is noteworthy that the QCDS team, headed by Dr. Gehani and the meeting chair, Dr. Joseph Caruso, raised more than \$100,000 for NYSDA’s use at this House.

## Dr. Wasserman Receives Burkhart Award

In addition to the accolades for Dr. Gehani, QCDS was equally proud of Dr. Burton Wasserman, who was presented with the Jarvie Burkhart Award. NYSDA’s highest honor recognizes outstanding services rendered to mankind through dentistry. Noted were his contributions to education, literature and research. Dr. Wasserman becomes the first QCDS member to have been so honored. Earlier in the year, Dr. Wasserman had received the QCDS Emil Lentchner Distinguished Service Award, making it quite a year for him.

Throughout the meetings of the House, Dr. Gehani reiterated his efforts to fight for those values held dear to him: his passion that “all patients should have access to the same level of dental care and that no one in our State should suffer with poor oral health.” Dr. Gehani made many trips to Albany educating legislators that there is a strong connection between one’s oral health and one’s overall health, thus enabling New York to retain its adult Medicaid program in these times of government cutbacks of many worthwhile programs. Working with NYSDA staff and leaders, he championed action to limit managed care companies’ administrative fees, kept an ill conceived expansion of the scope of practice of dental hygiene from Medicaid reform legislation, established a relationship with the Office of the Medicaid Inspector General assuring that members receive due process in audit proceedings, redefined the scope of practice to include smoking cessation and obtained a loan forgiveness program for those new dentists choosing to practice in designated underserved areas.

He continues to believe that the strength of the dental profession is derived from unity, collaboration and in numbers, as demonstrated by a simple equation: no members equals no strength, which equals no influence. New dentists joining organized dentistry provide the lifeblood of the organization and he said he challenges all members to encourage those who have not yet joined “to join with us.”

Dr. Gehani has readily demonstrated his credentials as an effective leader within organized dentistry and the end of his time as NYSDA president hopefully just marks the beginning of new opportunities for him to serve the profession. While NYSDA has lost a president whose record of accomplishments will be hard to match, the QCDS membership welcome him back in his role as an elder statesman and mentor to future QCDS leaders.



# Dr. Gehani Concludes Term as NYSDA President With Address at House of Delegates Meeting

*EDITOR'S NOTE: Dr. Chad Gehani said goodbye to friends and colleagues as he concluded his term as president of the New York State Dental Association at the recent meeting of the House of Delegates. Following are excerpts from his address.*

I find it hard to believe that a year has passed and I am standing here delivering my year-end address to you as your president. I remember it as though it were yesterday, when I stood before you and took my oath of office. I pledged to you that I would work hard to guide us through the year, doing my duty as prescribed in our by-laws—which all officers do—but more importantly to me, I promised to lead us based on my principles and values, values based on inclusion and family values such as fairness, respect and unity. I have always welcomed all as I would welcome a member of my own family and more importantly, you have made me feel like a member of your family. For this I can only say “thank you, thank you, thank you.”

It was a warm and wonderful year, a year that could not have happened without the love and support of my family and my extended family, the Queens County Dental Society. May I ask every member of the Queens County Dental Society to rise. And, of course, my wife Rekha, not just my wife but my dear friend and advisor: her wise guidance has never sent me the wrong way and I am blessed to have her right by my side through the entire year. And what a year it has been!

I pledged to you that we would preserve our professional values, where care for our patients come first—those who cannot afford dental care should have access. Nobody in our great state should suffer with poor oral health. This was a difficult promise to keep.

In these challenging times, we worked hard to preserve care for adult dentistry provided by Medicaid in our state. New York, as you know, is one of the very few to continue to provide dental care to all patients. So, here it is, a year later and yes, we have managed to keep this most valuable benefit for our patients. I made many trips to Albany to strongly argue that good general health begins with good oral health. I explained the adverse effects eliminating dental care coverage would ultimately create. We have fought to keep fees as high as possible, while at the same time accomplishing one of our prime objectives: to limit the administrative fees a managed care company can charge to 20 percent. In fact, the governor went one better, and the cap will eventually be only 15 percent. At the same time, we kept an ill-conceived expansion of the scope of practice of dental hygiene out of Medicaid reform and put in a loan forgiveness program for those new dentists who choose to practice in a designated underserved area. Finally, we have also established a relationship with the Office of the Medicaid Inspector General to be certain our members are given due process in any audit proceedings. And this is all in just the Medicaid arena.

We also redefined the scope of dental practice to include smoking cessation, and for this I want to acknowledge Dr. Ed Miller, who brought this to our attention, and Dr. Dolores Cottrell Carson, the executive secretary of the State Board of Dentistry, for her support



Dr. Chad Gehani received a presentation from Dr. Mark Feldman



Dr. and Mrs. Wasserman with Dr. Gehani



Dr. Burton Wasserman, center, with Drs. Beatriz Vallejo and Sudhakar Shetty



Meeting Chair Dr. Joseph Caruso with Dr. Rekha Gehani



Dr. Gehani at the New Dentist meeting



QCDS delegates, from left to right, Drs. Jay Ledner, Mitchell Greenberg, Robert Shpuntoff and Burton Wasserman



Dr. Charles Bertolami with QCDS delegates



Jarvie Burkhardt Award

of this initiative. We are also working hard to expand the scope of practice for our oral and maxillofacial surgeons, making sure any prescription reform legislation is fair and not punitive, and keeping up-to-date on what is happening with electronic health records. In addition the Board has developed a new Strategic Plan, a living plan that will guide us in the years ahead to be certain we stick to our priorities. You all have a copy of this and I hope you look it over. It will be sent to all of our councils, as they also are asked to prioritize and use our member's precious dues dollars wisely. All in all, a very busy and productive year.

None of these successes would be possible if we did not speak for our profession in one united voice.

All of you know that membership has always been one of my passions. Well, on that issue we have also had much success. We are reaching out to our members in new ways all the time and I hope all of you have friended us on Facebook and checked our website frequently to see all we offer. Our membership numbers are running ahead of last year—proof that we are doing things right.

We have the strongest programs we have ever had in our dental Schools and postgraduate programs. If you pass the recommendations of the Council on Membership, we will have the ability to sign up all the pre and post-doctoral students in New York at both State and component levels and show them the many benefits we provide. This will clearly provide advantages for us all in the years ahead. As I have always said: “We must invest in our Future.”

So I stand here a proud leader. None of this happened in a vacuum. I will now tell you all something you already know. Your Board of Trustees and officers are an excellent team. The Board has acted like all good boards should, with very active debate and careful study of the issues, and while total agreement is rare, the atmosphere is always one of respect and trying to do what is best for our profession and members.

I have truly enjoyed working with Deborah Weisfuse and Joel Friedman, both very dedicated officers who have worked very hard as they move up to the NYSDA presidency. Deborah has initiated many of the membership and IT initiatives for this year and Joel is very actively looking at the various challenges our postgraduate programs face ahead. Their support and guidance has made my job much easier and my deep thanks go to both.

And, finally, there is our wonderful NYSDA staff. NYSDA is our staff and they and we are very proud of all they do.

Thank you for your hard work, dedication and, above all, loyalty, to our profession and our association.

On a personal note, thanks must go to my good friend and our executive director, Dr. Mark Feldman. Thank you for answering my e-mails 24 /7.

So, I do not think of this as goodbye, but rather a thank you for the privilege and honor you have given me to be your leader. I will never forget the friends I have made along the way.

I wish you a good meeting with wise debate as you put in place the policies that will guide us in the future. Thank you all very much.



# QCDS Hosts First Successful New York City Area Hospital Residency Night Dinner Program

—Continued from page 1

Dental directors or program directors, including Burton Wasserman, Bernard Shakter, Naeema Bhuiya, Deborah Pasquale and Stephen Quarcoo, accompanied residents from their respective hospitals. Mark Bauman, ADA vice chair of the Council on Membership, who also serves as the unofficial QCDS photographer, made the trip from Saratoga Springs, joining Maria Maranga, immediate past president of the Suffolk County Dental Society, who is a member of the NYSDA Council on Membership.

Following a welcome by QCDS President Dr. Beatriz Vallejo, ADA Trustee Dr. Steven Gounardes, NYSDA Executive Director Dr. Mark Feldman, who is also an ADA and NYSDA past president, and NYSDA President Dr. Chad Gehani addressed the attendees, stressing that all the residents about to begin their professional careers in private

practice consider the wide range of benefits available to tripartite members.

Topics discussed included peer review, insurance benefits, advocacy efforts, the CE registry, updates on important issues confronting the profession, dues reduction program, loan forgiveness for practice in underserved areas, networking, mentoring, use of the “Find A Dentist” ADA webpage and, most importantly, the observation that the residents are the future of dentistry and urging them to become active members of their component. Dr. Rekha Gehani, former chair and member of the State Board for Dentistry, provided an overview of the role of the State Board and the Office of Professional Discipline.

Presentations on professional liability insurance, practice financing and health and disability insurance concerns were provided, as well as a number of raffles for dinner certificates.



Hospital residents are all smiles at the QCDS program



Residency Night drew a large turnout



Drs. Schirmer, Gehani, Vallejo and Maranga



Dr. Deborah Pasquale, top row right, with residents



QCDS Executive Director William Bayer



Dr. Kathryn Schirmer addresses residents



Residents enjoying the program

Although residency programs provide an excellent clinical foundation for new dentists, the business aspects of the profession can be equally important. Dr. Kathryn Schirmer, the newest QCDS Board member and a new dentist herself, provided insights on matters she has experienced in beginning her career that will be similar to the resident attendees.

Amy Kulb, a law partner in a firm specializing in defending health professionals before regulatory and criminal agencies, discussed regulatory agencies such as the Office of Professional Discipline and Medicaid, detailing their processes and advising that a dentist should consider seeking legal counsel before providing information to such entities. Jennifer Kirschenbaum, whose firm also specializes in matters related to health professionals, discussed associateship contracts, restrictive covenants and other employ-

ment issues that new dentists will likely be encountering.

Attendees were encouraged to submit information to QCDS on employment opportunities they are seeking for publication in the QCDS Bulletin as well as website posting. One QCDS member attended the program specifically seeking an associate and judging from the conversations, he may have found a new employee. Talk about being in the right place at the right time!

Dr. Vallejo expressed her thanks to the ADA for providing financial support, making this program possible, as well as to NYSDA and the tripartite leaders and residents who took the time from their schedules to attend this program. Financial support was also provided by Henry Schein Co., MLMIC, David Lerner, Susan Mason Associates and Bank of America.





Dear Colleague:

The dental profession had a major scare this year when Governor Cuomo's Medicaid Redesign Team recommended that dental hygienists should be allowed to work independently of the supervision of a dentist. As you know, throughout the country battles are raging over expanded scope issues, including the possible creation of "midlevel providers," the professional equivalent of nurse practitioners in medicine. Fortunately, NYSDA was able to convince the Governor not to include any scope expansion for dental hygienists in his budget proposal and to ignore the recommendations of the MRT Committee. But the issue is still on the table and we must remain vigilant because this matter is not going away and it is but one of many legislative and regulatory battles we face.

Fortunately for you, EDPAC isn't going away either. We are getting stronger and we are getting more aggressive in our defense of the traditional practice of dentistry. We will not let our guard down and we promise to serve you faithfully in Albany where the practice of dentistry is defined and controlled. However, our efforts rely upon your support, for without you contributing to EDPAC, our profession would simply be a paper tiger and vulnerable to assaults from every political direction. You have generously contributed to EDPAC as part of your 2012 dues, and for that, we thank you.

However, we are asking you to do more, to take that extra step to ensure the viability of our profession in the years to come. Please take this opportunity to join the Capitol Club, the elite group of dentists in this state who contribute an additional \$100, or secure a place on EDPAC's Honor Roll by contributing \$200. Please consider making this extra sacrifice for the cause. Your money will be used wisely in defense of your profession, and your generosity will ultimately be rewarded with the peace of mind you will have knowing that you did your duty to yourself, to your colleagues and to your patients.

Thank you very much for your support.

Sincerely,

Bijan Anvar, DDS, District Chair  
Queens County Dental Society

Joseph R. Caruso, DDS  
EDPAC Vice Chair

Chad P. Gehani, DDS  
NYSDA President

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(Signature) \_\_\_\_\_

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# QCDS Continuing Education Awards

QCDS congratulates its members who have completed the CE hours noted below from their first day of membership to December 31, 2011. NYSDA certificates of recognition are being mailed to each member. A special

recognition is extended to Dr. Tso Long Hsu who has now completed 2,500 hours. QCDS aims to provide CE programs which enhance the clinical proficiency of members and welcomes suggestions for programs of interest.

## 2,500 HOURS

Tso Long Hsu

## 1,500 HOURS

Alex Greenwald

## 1,000 HOURS

Joel E. Kronberg

David Schwartz

Sudhakar Y. Shetty

Dolores R. Tiangco

Martin J. Valins

## 500 HOURS

Ismael Batista  
Donald A. Bellick

Milton Bloch  
Ki C. Choi  
Bruce W. Corbin

Richard A. Friedman  
Doron Kalman

Jonathan B. Kameros  
Rakesh Khilwani

Michael R. Margiloff  
Edward M. Portnoy  
David S. Roit

Alan J. Schwartz  
Leonard M. Stieglitz

## 300 HOURS

John Ahn  
Bijan Anvar  
Harry L. Aristidou  
Bruce M. Bieber  
Alan Block  
Jerome Bogin

Mark A. Castagna  
Steward M. Chodosch  
Fabio G. Cordero  
Rose Mary K. Cuasui  
Arnold M. Dornberg  
Walter B. Feldman

Kevin Friedman  
Jack H. Gingold  
David M. Goldberg  
Lawrence S. Golub  
Bernard P. Huang  
Ezbieta Kopacz

Kamrooz Korori  
David A. Levenson  
Santa Locascio  
Michael A. Love  
Juan J. Pesantes  
Daniel G. Pompa

Robert W. Quinton  
Isaac Seinuk  
Felipe S. Vargas  
Nicolae Veresmortean  
Sheldon E. Winik  
Paul S. Yeung

## 100 HOURS

Risa L. Beck  
Martin Bennett

Grace A. D'Oria  
Mysore S. Ganga  
Sandra A. Genao

Farid Hakimzadeh  
Konstantinos T. Kiamos  
Wayne Kye

Jacob E. Orbach  
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# Fact SHEET

## New York State Department of Labor WAGE THEFT PREVENTION ACT

A law passed in 2010 gives more protection to workers in New York State. This law, the Wage Theft Prevention Act (WTPA), took effect on April 9, 2011. Here are some key provisions of the new law that employers need to know.

### What is New?

#### Public Notice of Violations

If an employer breaks certain parts of the law, the Labor Department (DOL) may post the violation in a place where employees can see it for up to a year.

For a willful failure to pay all wages under this law, DOL may post a summary of violations in a place where the public can see it, for up to 90 days. *It is a misdemeanor to remove or tamper with this notice without permission.*

### What Are Changes to Existing Law?

#### Enhanced Rules against Retaliation

The WTPA extends the protections under Labor Law 215. It also gives DOL more power to enforce this law.

- It was always illegal to discharge, penalize and/or discriminate against an employee who makes a complaint. **Threats are now included as a form of retaliation.**
- In the past, we could only cite employers for retaliation. **Now, it is illegal for any person to retaliate.**
- In the past, penalties for breaking this rule meant we could fine an employer up to \$10,000. **Now, DOL can order the employer or the person who acted against the employee to pay liquidated damages. The payment can be up to \$10,000.**
- DOL may order the employer to reinstate the worker's job. **Or the employer may have to pay the person for lost salary or pay a lump sum in lieu of reinstatement.**
- Retaliation carries criminal penalties for employee complaints about any section of the Labor Law.**
- The protection applies to any worker who alleges that

the employer has done something that *the employee thinks breaks a Labor Law or an Order issued by the Commissioner. This applies even if the employee is mistaken about the law, if they acted in good faith. It applies even if the employee does not cite a specific part of the Labor Law.*

- This law protects employees even if the employer incorrectly believes they made a complaint.**

### Written Notice

- The Law already required employers to give notice to employees of their wage rates at the time of hire. **Now, the WTPA requires employers to give a written notice to each new hire and to all employees by February 1 each year.** The notice must include:
  - Rate or rates of pay, including overtime rate of pay (if it applies)
  - How the employee is paid:** by the hour, shift, day, week, commission, etc.
  - Regular payday
  - Official name of the employer and any other names used for business (DBA)**
  - Address and phone number of the employer's main office or principal location
  - Allowances taken as part of the minimum wage (tip, meal and lodging deductions)**
- In the past, the notices were in English. **Now, the notice must appear both in English and in the employee's primary language (if the Labor Department offers a translation).**
- Employers must have each employee sign and date the completed notice. Employers must provide a copy to each employee.

- If any data in the notice changes, the employer must tell employees at least a week before it happens unless they issue a new paystub that carries the notice. The employer must notify an employee in writing before they reduce the employee's wage rate. Employers in the hospitality industry must give notice every time a wage rate changes.
- Employers that do not give notice may have to pay damages of up to \$50 per week, per employee, unless they paid employees all wages required by law. (This stops at \$2,500 per employee in civil lawsuits filed by workers.)

### Payroll Records

Under prior law, some of the recordkeeping requirements were in the statute, while others were in the regulations. Now, the requirements are part of the law, which makes it easier for employers to understand their obligations. However, industry-specific regulations will still have some additional requirements. Employers must:

- Keep records for six years. Records include the new notice and acknowledgment and payroll records.
- Keep accurate records of hours worked by employees and wages paid. **Now, the law clarifies the employers must keep the records on an ongoing basis. The employer may not make up the records after the fact at the end of the week, month or year.**
- For each week an employee works, the payroll records must contain:
  - Hours worked - (regular and overtime)
  - Rate or rates of pay (regular/overtime)
  - How the employee is paid:** by the hour, shift, day, week, commission, etc.
  - Pay at the piece rate must show what rates apply and the number of pieces at each rate**
  - Employee's gross and net wages
  - Itemized deductions
  - Itemized allowances and credits claimed by the employer, if any (tip, meal and lodging allowances or credits)

### Wage Statements

Under the new law, employers must:

- Give each employee a wage statement or pay stub each payday that lists all of the above payroll data plus:
  - Employee's name
  - Employer's name, address and phone number
  - Dates covered by the payment

- Give any employee who asks a written explanation of how they computed wages

Employers that do not give wage statements may have to pay damages of up to \$100 per week, per employee, unless they paid employees all wages required by law. (This stops at \$2,500 per employee in civil lawsuits filed by employees.)

### Damages and Other Penalties

The WTPA provides for higher penalties when an employer fails to pay the wages required by law.

- Under prior law, liquidated damages only covered up to 25% of the unpaid wages. **Now, the law provides for liquidated damages on up to 100% of the unpaid wages. Once DOL issues an Order to Comply, it includes 100% liquidated damages, as well as other civil penalties and interest.**
- If the violation is for other than wages, benefits or wage supplements, DOL may assess civil penalties for *each* violation. This means up to \$1,000 for a first violation, \$2,000 for a second, and \$3,000 for third and subsequent violations.
- If the Labor Commissioner has issued an Order to Comply against an employer who does not pay the money owed, then 10 days after the appeal period ends, DOL can require them to post a bond and/or **provide a list of their assets.** If employers fail to do so, the Commissioner may bring a court case against them. **For failure to provide the list of assets, DOL may impose a penalty of up to \$10,000.**
- The WTPA permits DOL to add 15% in damages to a judgment if the employer fails to pay in full within 90 days of the final Order to Comply.**

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# CE Courses August - September

Pre-registration is required for all continuing education courses, except General Membership Meetings

Friday, August 3 9:00 a.m.

**Topic:** "Implantology – Difficult Case 3 C.E. Credits  
**Instructor:** Dr. Jorge M. Cervantes Grundy  
Tuition: ADA member: \$20 Non-ADA member: \$35

Sunday, September 9 9:00 a.m.

**CPR - Certification 4 C.E. Credits**  
**Topic:** "Basic Cardiac Life Support"  
Certification will cover 1 and 2 rescuer CPR, Heimlich Maneuver, child CPR and AED. The ability to recognize the signals of a heart attack and provide stabilization of the victim at the scene of a cardiac arrest is a priceless commodity. Life over death may some day become a reality to someone you know or care for. Be prepared to help save a life. Registration at 8:30 a.m. Class begins promptly at 9:00 a.m.  
**Instructor:** Eric Zalewski, BLS Instructor  
**Tuition:** ADA member/staff: \$105 Non-ADA member: \$260

Friday, September 14 9:00 a.m.

**Topic: Infection Control 4 C.E. Credits**  
In the past this course has had an overwhelming positive response from those clinicians and their staffs who earnestly want to stay informed of the latest infection control recommendations and does so through the eyes and thoughts of a speaker/clinician who well understands the nature and demand of everyday dental practice. There's more...bring your entire staff and satisfy OSHA's annual staff training requirements. Course qualifies for relicensure.  
**Instructor:** Safety Compliance Services  
**Tuition:** ADA member/staff: \$85/\$70. Non-ADA member: \$260

Friday, September 28 9:00 a.m.

**Topic: Risk Management 4 C.E. Credits**  
Areas discussed include professional liability, record keeping, patient history, informed consent, patient access to records, patient relations, confidentiality, peer review and more. Objective is to provide licensee with knowledge of laws and regulations, as well as methods to avoid or resolve patient conflicts.  
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**Instructor:** Dr. Kenneth Treitel  
**Tuition:** ADA member/staff: \$135. Non-ADA member: \$260

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# Study Clubs July - August

Dr. Fialkoff Study Club

CONTACT DR. FIALKOFF (718) 229-3838

**July 8 8:00 a.m. -12:30 p.m.**  
**Topic:** "Hands-on Delivering and Finishing an Implant Case On a Patient"  
1:00 p.m. -5:00 p.m.  
**Topic:** "How to Overcome the I can't Afford It Mentality"  
Course questions and answers.

**Speakers:** Dr. Bernard Fialkoff, D.D.S.  
Dr. Edward Portnoy, D.M.D.  
**Location:** 56-03 214th Street, Bayside

**July 11 7:00 a.m. -10:00 p.m.**  
**Topic:** "From C to Shining C - Cosmetics, Comprehensive Examinations and Case Presentation"

**Speakers:** Dr. Fier  
**Location:** 56-03 214th Street, Bayside

**August 14 7:00 a.m. -10:00 p.m.**  
**Topic:** "Mandatory Licensing Oral Cancer Screening Course: Oral Cancer -Early Detection and Prevention"

**Speakers:** Dr. Ross Kerr  
**Location:** 56-03 214th Street, Bayside

Kalman Oral Surgery and Implant Study Club

CONTACT DORIS REYHAN (718) 897-6400

**July 11 6:30-9:00 p.m.**  
**Topic:** "Oral Cancer and Premalignant Lesions"  
**Speaker:** Dr. Robert Kelsch  
**Location:** 60-70 Woodhaven Blvd., Unit C-2  
Rego Park

NYC Interdisciplinary Study Club

CONTACT CARLY (917) 675-0109

**Sept 12 6:30-9:00 p.m.**  
**Topic:** "Medical Conditions Masquerading"  
**Speaker:** Donald Tanenbaum D.D.S.  
**Location:** Dopo Teatro  
West 44th Street, New York, NY

## Dietary Concerns

Please note that QCDS wishes to accommodate the dietary needs of attendees at our meetings and programs. It is requested that anyone requiring kosher or other specialized foods notify the QCDS office at the time of your registration so that proper plans can be made.

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As a courtesy to members, QCDS will offer listings at no cost in our bi-monthly Bulletin publication to dentists seeking positions as an associate, as well as to QCDS members who might be looking to employ an associate. Direct all submissions via a Word document attachment to an e-mail addressed to [execdirqcds@aol.com](mailto:execdirqcds@aol.com) and limit your submission to a maximum of 40 words. All listings placed in the Bulletin must be renewed for each issue or they will be removed. In addition, such postings will be placed on the QCDS website for 90 days, unless requested to be removed.

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