

## Medicaid Compliance for the Dental Professional

This resource guide is a list of sources that dental professionals may find useful regarding compliance with Medicaid requirements. This list is not all inclusive.

### American Academy of Pediatric Dentistry

- 2015–16 Definitions, Oral Health Policies, and Clinical Guidelines. [Online Reference Manual]. <http://www.aapd.org/policies/>
- Documenting to Support Medical Necessity for the Pediatric Dental Professional. <http://www.aapd.org/assets/1/7/MedicallyNecessaryCareBrochure.pdf>
- Guideline on Behavior Guidance for the Pediatric Dental Patient. (2015). [http://www.aapd.org/media/Policies\\_Guidelines/G\\_BehavGuide.pdf](http://www.aapd.org/media/Policies_Guidelines/G_BehavGuide.pdf)
- Guideline on Informed Consent. (2015). [http://www.aapd.org/media/Policies\\_Guidelines/G\\_InformedConsent.pdf](http://www.aapd.org/media/Policies_Guidelines/G_InformedConsent.pdf)
- Policy on Medically Necessary Care. (2015). [http://www.aapd.org/media/Policies\\_Guidelines/P\\_MedicallyNecessaryCare.pdf](http://www.aapd.org/media/Policies_Guidelines/P_MedicallyNecessaryCare.pdf)
- Policy on Third Party Payor Audits, Abuse, and Fraud. (2014). [http://www.aapd.org/media/Policies\\_Guidelines/P\\_ThirdPartyAudits.pdf](http://www.aapd.org/media/Policies_Guidelines/P_ThirdPartyAudits.pdf)
- Public Policy Advocate Tip Sheet on Medicaid Compliance and Audit Issues. (2014, December). [http://www.aapd.org/assets/1/7/POHRPC-Audit-10\\_14.pdf](http://www.aapd.org/assets/1/7/POHRPC-Audit-10_14.pdf)
- State Dental Periodicity Schedules. [http://www.aapd.org/policy\\_center/state\\_dental\\_periodicity\\_schedules/](http://www.aapd.org/policy_center/state_dental_periodicity_schedules/)
- Unique Considerations for Medicaid Audits of Pediatric Dental Practices. (2015, February). [http://www.aapd.org/assets/1/7/POHRPC\\_Audit\\_-\\_Feb2015\\_Final.pdf](http://www.aapd.org/assets/1/7/POHRPC_Audit_-_Feb2015_Final.pdf)



## American Dental Association

- Palmer, C. (2013, July 26). ADA Responds to Senate Report: Unnecessary Procedures Violate Ethical Codes. <http://www.ada.org/en/publications/ada-news/2013-archive/july/ada-responds-to-senate-report>
- CDT 2016: Dental Procedure Codes [available for purchase]. <http://www.ada.org/en/publications/ada-catalog/cdt-products>
- CDT: Code on Dental Procedures and Nomenclature. <http://www.ada.org/en/publications/cdt>
- Dental Radiographic Examinations: Recommendations for Patient Selection and Limiting Radiation Exposure. (2012). [http://www.ada.org/sections/professionalResources/pdfs/Dental\\_Radiographic\\_Examinations\\_2012.pdf](http://www.ada.org/sections/professionalResources/pdfs/Dental_Radiographic_Examinations_2012.pdf)
- Oral Health Topics: Medicaid and Medicare. <http://www.ada.org/en/member-center/oral-health-topics/medicaid-and-medicare>
- Medicaid RAC Audits: Will dentists simply opt out? (2014, July 15). <http://www.ada.org/en/publications/ada-news/2014-archive/july/medicaid-rac-audits>
- Medicaid Recovery Audit Contractor Program (RAC Audits). Priorities. <http://www.ada.org/en/advocacy/advocacy-issues/rac-audits>
- Williams, J. (2012, April 13). Experts Question X-ray Study: Association With Brain Tumors Based on Patient Recall of Radiographs. <http://www.ada.org/en/publications/ada-news/2012-archive/april/experts-question-x-ray-study>

## Centers for Medicare & Medicaid Services

- Bright Futures. <https://brightfutures.aap.org/materials-and-tools/guidelines-and-pocket-guide/Pages/default.aspx>
- Dental and Oral Health Services in Medicaid and CHIP. (2016, February). <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/benefits/downloads/2015-dental-and-oral-health-domain-specific-report.pdf>
- Frequently Asked Questions—Section 6411(a) of the Affordable Care Act. (2011, December 30). <http://oig.hhs.gov/compliance/provider-compliance-training/files/OperatinganEffectiveComplianceProgramFinalBR508.pdf>

- Keep Kids Smiling: Promoting Oral Health Through the Medicaid Benefit for Children & Adolescents. (2013, September). <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/benefits/downloads/keep-kids-smiling.pdf>
- Payment Error Rate Measurement (PERM): Overview. [https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/PERM/Downloads/PERM\\_Overview.pdf](https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/PERM/Downloads/PERM_Overview.pdf)
- State by State Fraud and Abuse Reporting Contacts. [https://www.cms.gov/medicare-medicaid-coordination/fraud-prevention/fraudabuseforconsumers/report\\_fraud\\_and\\_suspected\\_fraud.html](https://www.cms.gov/medicare-medicaid-coordination/fraud-prevention/fraudabuseforconsumers/report_fraud_and_suspected_fraud.html)
- Update on CMS Oral Health Initiative and Other Oral Health Related Items. (2014, July 10). <https://www.medicaid.gov/Federal-Policy-Guidance/downloads/CIB-07-10-2014.pdf>

## Code of Federal Regulations

- Dental Services, 42 C.F.R. § 440.100. [http://www.ecfr.gov/cgi-bin/text-idx?SID=016c48c25d82044059f9e788ae016f71&mc=true&node=se42.4.440\\_1100&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=016c48c25d82044059f9e788ae016f71&mc=true&node=se42.4.440_1100&rgn=div8)
- Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) of Individuals Under Age 21, 42 C.F.R. § 441 Subpart B. <http://www.ecfr.gov/cgi-bin/text-idx?SID=016c48c25d82044059f9e788ae016f71&mc=true&node=sp42.4.441.b&rgn=div6>
- Managed Care: Guidance [Click “Final Rule” for Summary of Key Provisions]. <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/delivery-systems/managed-care/managed-care-site.html>
- Medicaid and Children’s Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability; Final Rule, 42 C.F.R. § 431, 433, 438, et al. <https://www.gpo.gov/fdsys/pkg/FR-2016-05-06/pdf/2016-09581.pdf>
- Required Provider Agreement, 42 C.F.R. § 431.107. <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=d57664994019b22646cadbcc8cb43547&ty=HTML&h=L&r=SECTION&n=42y4.0.1.1.2.3.10.2>

## Dental Policies and Procedures

- New York State Medicaid Program. (2013). Policy and Procedure Code Manual. [https://www.emedny.org/ProviderManuals/Dental/PDFS/Dental\\_Policy\\_and\\_Procedure\\_Manual.pdf](https://www.emedny.org/ProviderManuals/Dental/PDFS/Dental_Policy_and_Procedure_Manual.pdf)
- Stony Brook School of Dental Medicine. (2013, July). Policies and Procedures Manual of the Dental Care Center. <http://dentistry.stonybrookmedicine.edu/sdmpubfiles/Policies%20and%20Procedures%20Manual2013.pdf>
- United South and Eastern Tribes, Inc. (2012). Dental Policy and Procedure Manual Template. <http://www.nappr.org/dental/policies-and-procedures>

## Social Security Act

- Civil Monetary Penalties. Social Security Act § 1128A. [https://www.ssa.gov/OP\\_Home/ssact/title11/1128A.htm](https://www.ssa.gov/OP_Home/ssact/title11/1128A.htm)
- Criminal Penalties for Acts Involving Federal Health Care Programs. Social Security Act § 1128B. [https://www.ssa.gov/OP\\_Home/ssact/title11/1128B.htm](https://www.ssa.gov/OP_Home/ssact/title11/1128B.htm)
- Definitions. Social Security Act § 1905. [https://www.ssa.gov/OP\\_Home/ssact/title19/1905.htm](https://www.ssa.gov/OP_Home/ssact/title19/1905.htm)
- Definitions of Services, Institutions, Etc. Social Security Act § 1861. [https://www.ssa.gov/OP\\_Home/ssact/title18/1861.htm](https://www.ssa.gov/OP_Home/ssact/title18/1861.htm)
- Exclusion of Certain Individuals and Entities From Participation in Medicare and State Health Care Programs. Social Security Act § 1128. [https://www.ssa.gov/OP\\_Home/ssact/title11/1128.htm](https://www.ssa.gov/OP_Home/ssact/title11/1128.htm)
- Patient Access and Medicare Protection Act. <https://www.congress.gov/114/plaws/publ115/PLAW-114publ115.pdf>
- State Plans for Medical Assistance. Social Security Act § 1902. [https://www.ssa.gov/OP\\_Home/ssact/title19/1902.htm](https://www.ssa.gov/OP_Home/ssact/title19/1902.htm)

## United States Code

- Civil Actions for False Claims, 31 U.S.C. § 3730. <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title31/pdf/USCODE-2013-title31-subtitleIII-chap37-subchapIII-sec3730.pdf>

- False Claims, 31 U.S.C. § 3729. <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title31/pdf/USCODE-2013-title31-subtitleIII-chap37-subchapIII-sec3729.pdf>
- False Claims and Statements; Liability, 31 U.S.C. § 3802. <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title31/pdf/USCODE-2013-title31-subtitleIII-chap38-sec3802.pdf>
- False, Fictitious or Fraudulent Claims, 18 U.S.C. § 287. <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title18/pdf/USCODE-2013-title18-partI-chap15-sec287.pdf>

## **U.S. Department of Health and Human Services**

- 2015 Annual Report on the Quality of Care for Children in Medicaid and CHIP. (2016, February). <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/quality-of-care/downloads/2015-child-sec-rept.pdf>

## **U.S. Department of Health and Human Services, Office of Inspector General**

- Exclusions FAQ. <http://oig.hhs.gov/faqs/exclusions-faq.asp>
- Health Care Compliance Program Tips. <http://oig.hhs.gov/compliance/provider-compliance-training/files/Compliance101tips508.pdf>
- Office of Evaluation and Inspections. Improper Payments for Medicaid Pediatric Dental Services. (2007, September). <http://oig.hhs.gov/oei/reports/oei-04-04-00210.pdf>
- OIG Excludes Pediatric Dental Management Chain From Participation in Federal Health Care Programs. (2014, April 3). <http://oig.hhs.gov/newsroom/news-releases/2014/cshm.asp>
- OIG Compliance Program for Individual and Small Group Physician Practices. (2000, October 5). 65 Fed. Reg. 59434. <http://oig.hhs.gov/authorities/docs/physician.pdf>
- Operating an Effective Compliance Program. <http://oig.hhs.gov/compliance/provider-compliance-training/files/OperatinganEffectiveComplianceProgramFinalBR508.pdf>

- Questionable Billing for Medicaid Pediatric Dental Services in California (2015, May). <http://oig.hhs.gov/oei/reports/oei-02-14-00480.pdf>
- Questionable Billing for Medicaid Pediatric Dental Services in Indiana. (2014, November). <http://oig.hhs.gov/oei/reports/oei-02-14-00250.pdf>
- Questionable Billing for Medicaid Pediatric Services in Louisiana. (2014, August). <http://oig.hhs.gov/oei/reports/oei-02-14-00120.pdf>
- Questionable Billing for Medicaid Pediatric Dental Services in New York. (2014, March). <http://oig.hhs.gov/oei/reports/oei-02-12-00330.pdf>
- Self-Disclosure Information. <http://oig.hhs.gov/compliance/self-disclosure-info>
- Updated Special Advisory Bulletin on the Effect of Exclusion From Participation in Federal Health Care Programs. (2013, May 8). <http://oig.hhs.gov/exclusions/files/sab-05092013.pdf>

## Other Sources

- Connecticut Health Foundation. Impact of Increased Dental Reimbursement Rates on HUSKY A-Insured Children: 2006–2011. (2013, February). <http://www.cthealth.org/wp-content/uploads/2013/02/impact-of-increased-dental-reimbursement-rates.pdf>
- Freedberg, S. (2012, May 16). Dental Abuse Seen Driven by Private Equity Investments. Bloomberg. <http://www.bloomberg.com/news/2012-05-17/dental-abuse-seen-driven-by-private-equity-investments.html>
- Galewitz, P. (2015, February 18). States Add Dental Coverage for Adults on Medicaid but Struggle to Meet Demand. Kaiser Health News. <http://kaiserhealthnews.org/news/states-add-dental-coverage-for-adults-on-medicaid-but-struggle-to-meet-demand/>
- Gould, D. (2013, June 12). Thomas Floyd Plea Agreement in Dentistry Child Abuse Case. WPTV News Channel 5. [http://www.wptv.com/dpp/news/region\\_c\\_palm\\_beach\\_county/west\\_palm\\_beach/thomas-floyd-plea-agreement-in-dentistry-child-abuse-case](http://www.wptv.com/dpp/news/region_c_palm_beach_county/west_palm_beach/thomas-floyd-plea-agreement-in-dentistry-child-abuse-case)
- Kaiser Family Foundation. (2012, June 1). Children and Oral Health: Assessing Needs, Coverage and Access. <https://kaiserfamilyfoundation.files.wordpress.com/2013/01/7681-04.pdf>

- Public Broadcasting System. (2012, June 26). Dollars and Dentists. [Transcript and video]. Frontline. <http://www.pbs.org/wgbh/pages/frontline/health-science-technology/dollars-and-dentists/transcript-23/> and <http://www.pbs.org/wgbh/pages/frontline/dollars-and-dentists/>
- U.S. Senate Committee on Finance. (2013, June 28). Joint Staff Report on the Corporate Practice of Dentistry in the Medicaid Program. [S. Rep. No. 113-16]. <http://www.finance.senate.gov/imo/media/doc/Report%20on%20Corporate%20Dentistry--0710.pdf>

## Prosecutions and Settlements Regarding Dental Compliance

Dental professions may find the following list of news releases on prosecutions and settlements related to dental compliance instructive when read in conjunction with the resources listed above.

### States' Attorneys General

- State of Connecticut. Office of the Attorney General. (2015, April 15). State Reaches Settlement with Second Defendant in Alleged Fraudulent Medicaid Billing Lawsuit. <http://www.ct.gov/ag/cwp/view.asp?A=2341&Q=564102>
- Attorney General of Massachusetts. (2016, January 28). Boston Dentist to Pay \$650,000 to MassHealth Over Improper Billing. <http://www.mass.gov/ago/news-and-updates/press-releases/2016/boston-dentist-to-pay-650000-to-masshealth.html>
- New York State Office of the Attorney General. (2015, June 18). A.G. Schneiderman Announces Settlement With Aspen Dental Management That Bars Company From Making Decisions About Patient Care In New York Clinics. <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-settlement-aspen-dental-management-bars-company-making>
- New York State Office of the Attorney General. (2012, January 9). A.G. Schneiderman Announces \$325,000 Medicaid Fraud Settlement With Erie County Dental Clinic. <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-325000-medicaid-fraud-settlement-erie-county-dental-clinic>
- Washington Attorney General's Office. (2015, January 16). Sea Mar Health Centers to Pay \$3.35 Million in Attorney General's Office Investigation of Improper Billing. <http://www.atg.wa.gov/news/news-releases/sea-mar-health-centers-pay-335-million-attorney-general-s-office-investigation>

## U.S. Department of Justice

- Eastern District of Texas. (2013, November 7). Beaumont Orthodontist Sentenced for Health Care Fraud Violations. <https://www.justice.gov/usao/txe/News/2013/edtx-hcf-syler-110713.html>
- National Dental Management Company Pays \$24 Million to Resolve Fraud Allegations. (2010, January 20). <https://www.justice.gov/opa/pr/2010/January/10-civ-052.html>
- Northern District of Texas. (2014, February 5). Abilene Dentist Sentenced to 18 Months in Federal Prison and Ordered to Pay Nearly \$58,000 in Restitution in Medicaid Fraud Scheme. <https://www.justice.gov/usao-ndtx/pr/abilene-dentist-sentenced-18-months-federal-prison-and-ordered-pay-nearly-58000>
- Western District of Missouri. (2016, February 11). Dentist Pleads Guilty to Medicaid Fraud Scheme. <https://www.justice.gov/usao-wdmo/pr/dentist-pleads-guilty-medicaid-fraud-scheme>

## Electronic Version

To see the electronic version of this resource guide and the other products included in the “Medicaid Compliance for the Dental Professional” Toolkit posted to the Medicaid Program Integrity Education page, visit <https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/Medicaid-Integrity-Education/edmic-landing.html> on the CMS website.

Follow us on Twitter  [#MedicaidIntegrity](https://twitter.com/MedicaidIntegrity)

## Disclaimer

This resource guide was current at the time it was published or uploaded onto the web. Medicaid and Medicare policies change frequently so links to the source documents have been provided within the document for your reference.

This resource guide was prepared as a service to the public and is not intended to grant rights or impose obligations. This resource guide may contain references or links to statutes, regulations, or other policy materials. The information provided is only intended to be a general summary. Use of this material is voluntary. Inclusion of a link does not constitute CMS endorsement of the material. We encourage readers to review the specific statutes, regulations, and other interpretive materials for a full and accurate statement of their contents.

July 2016

