

# Dental News

DECEMBER 2011



## Community Calendar

**May 16, 2012**

### Delta Dental of New Jersey Golf Classic

Our 22<sup>nd</sup> Annual Golf Classic takes place on the Wild Turkey course at the Crystal Springs Resort in Hamburg, New Jersey. This event benefits Special Olympics New Jersey ([www.sonj.org](http://www.sonj.org)). The day includes events for golfers and non-golfers alike. We hope you'll join us to have fun and make a difference.



## Important News for Connecticut Participating Dentists

### New Contract Amendments and Revised Rules and Regulations Go into Effect January 1

As you may know, as of January 1, 2012, Connecticut law will not permit insurance companies writing dental coverage in Connecticut to limit fees for non-covered benefits where the dental coverage is insured and where none of the material terms of the dental coverage is incorporated in, derived from, or subject to a collective bargaining agreement.

That law appears as Section 19 of *Connecticut Public Act 11-58* (<http://cga.ct.gov/2011/ACT/PA/2011PA-00058-R00HB-06308-PA.htm>). That law also limits the fees dentists can charge for non-covered benefits subject to the law and requires dentists to post a specific notice relating to non-covered benefits in a conspicuous location in their office.

Delta Dental Insurance Company ("DDIC") writes insured dental coverage in Connecticut (which Delta Dental of New Jersey ["DDNJ"] administers). Although DDIC's existing participation agreements (Delta Dental Premier® and Delta Dental PPO<sup>SM</sup>) expressly state that governing law limits the application of the fee limitations in those agreements, and although DDNJ will administer the DDIC coverage and participating terms consistent with the new Connecticut law, in November 2011, DDNJ issued amend-

ments to the DDIC Participation Agreements and PPO Agreements as well as revisions to the DDIC Participating Dentist Rules and Regulations and PPO Dentist Rules and Regulations. These revisions include provisions to conform with the new Connecticut law as well as provisions relating to termination of the Agreement by DDIC.

The revised Participating Dentist Rules and Regulations and PPO Dentist Rules and Regulations are also accessible on our website at [www.deltadentalnj.com](http://www.deltadentalnj.com). Click "Login | Register," log in to Benefits Connection, and click "Participating Handbook" on the left navigation bar.

#### Reminder: Participating Dentist Handbook Available Online

This handbook contains everything your practice needs for participating with Delta Dental, including policies, diagnostic requirements, instructions for verifying patient eligibility, claim submission procedures, and much more.

Go to our website at [www.deltadentalnj.com](http://www.deltadentalnj.com). Click "Login | Register," log in to Benefits Connection, and click "Participating Handbook" on the left navigation bar.

## NADP, DDPA White Paper Helps States Design Insurance Exchanges

Policymakers and work groups charged with creating state insurance exchanges have been given a new tool to help them increase access to dental benefits. The National Association of Dental Plans (NADP) and the Delta Dental Plans Association (DDPA) have issued a white paper entitled “Offering Dental Benefits in Health Exchanges: A Roadmap for Federal and State Policymakers,” aimed at helping policymakers navigate issues unique to dental benefits.

“While there is disagreement about many of the details of health care reform, creating places where consumers can comparison shop for their health insurance is one idea with bipartisan support,” said Kim Volk, president and CEO of DDPA. “It makes sense that as policymakers work to establish exchanges, medical coverage has been the primary focus,” said Volk. “But, it’s important for states to address dental benefits as they craft exchange rules and shopping systems, otherwise people could end up with fewer choices, not more, or they may be forced to find a new dentist.”

The Affordable Care Act (ACA) includes “pediatric oral services” as part of the federally mandated Essential Health

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—Kim Volk, president and CEO of DDPA

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Benefits Program (EHBP) to be offered in the small group and individual markets both inside and outside exchanges. The law also ensures that consumers

will be able to shop for their children’s dental benefits from stand-alone dental benefits providers.

“The vast majority of people with dental coverage today purchase those benefits separately from their medical benefits,” said Evelyn Ireland, NADP’s executive director. “The ACA allows consumers purchasing through exchanges the option of purchasing separate dental coverage. It’s important that state exchanges plan for the offer of dental benefits from the outset, otherwise consumer choice will be limited and the very objective exchange planners sought to achieve will be thwarted,” said Ireland.

The timely paper examines issues relevant to the offering of separate dental policies by exchanges and highlights the fact that millions of individual and small-group consumers now have, and will maintain, dental coverage outside of the exchanges. Therefore, it will be critical for policymakers to follow the path outlined in the white paper and properly define state exchange processes to allow these consumers to keep their dental coverage and the dentists they now use for themselves and their children.

In addition, the white paper recommends processes for exchanges 1) to verify and accept current dental coverage and 2) to offer dental coverage to those consumers that don’t have it today. It provides background on the current dental marketplace and offers common-sense solutions for state and federal policymakers engaged in exchange design.

The white paper is available free of charge at [www.nadp.org](http://www.nadp.org).

## Dental News

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Delta Dental of New Jersey, Inc.

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*In Connecticut, Delta Dental Insurance Company writes dental coverage on an insured basis and Delta Dental of New Jersey administers self-funded dental benefit programs.*

## Connect with Us



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## Fun, Handy, and Informative: Delta Dental Videos on YouTube

Delta Dental has its own video channel on YouTube. You'll find a series of short programs—each chock-full of interesting and important information within a short, concise format.

The series covers a wide range of topics about the connection between the oral health and overall health of children and adults. Here are some samples.

- Dr. Suzy Press, a pediatric dentist, provides parents with guidance on their children's dental milestones and issues. She describes what to do—in addition to brushing, flossing, and regular checkups and cleanings—at different stages of development.

- In another episode, Dr. Press describes four simple steps that parents can take to prevent tooth decay, which is one of the most common diseases of childhood.
- Dr. Andrew Greenberger, a periodontist, discusses the importance of regular dental examinations for seniors, not only to protect oral health, but also to help identify broader health issues. As he points out, a dental exam can reveal signs of serious conditions such as anemia and diabetes.
- Dr. Mark Waltzer, a general dentist, talks about the 120 diseases that can be detected during a routine dental visit.



Dr. Andrew Greenberger

To view these and other videos, take a look at our YouTube channel. Visit our website at [www.deltadentalnj.com](http://www.deltadentalnj.com) and click the Video Library icon.

## Delta Dental Receives Readers' Choice Award from *Benefits Selling*

Delta Dental Plans Association (DDPA), the nation's largest dental benefits system, again received the Readers' Choice Award as the best dental carrier from *Benefits Selling* magazine. This is the third consecutive year (sixth overall) that Delta Dental was selected the "carrier that offers the best dental coverage."

"At a time when the number of Americans with dental insurance has decreased, Delta Dental's member base continues to grow," said Kim Volk, DDPA's president and CEO. "This is a testament to the value of our network and products, and we're thankful for the continued confidence the broker community has in our service."

Thank you for being part of our award-winning dental networks!

## Student Documentation Forms Available Online

Do you have college-age patients who receive Delta Dental benefits through their parents or guardians? Many of our group contracts require college-age dependents who are full-time students to submit a Student Documentation Verification Form to Delta Dental.

You can help avoid claim processing delays by reminding these patients to submit this form. To download the form, visit our website at [www.deltadentalnj.com](http://www.deltadentalnj.com) and click "Forms" on the left side of the screen.

*Please note that this is the standard that we follow for most groups and members of Delta Dental of New Jersey. There is the possibility that this information may not be required for your patient's particular group benefits.*

## Proposed Class Action Settlement with Delta Dental of New Jersey

Delta Dental of New Jersey (DDNJ) is mailing notices of a proposed class action settlement to dentists who were billing dentists on claims submitted to DDNJ or who received an explanation of benefits for a claim during the period November 17, 2000 and August 31, 2011. DDNJ is sending the notice to the most current W-9 name and address that DDNJ has on its systems. Where DDNJ does not have W-9 information on its systems for a dentist, DDNJ is sending the notice to the most current name and payment address it has available. If you do not receive the notice in the mail, you can obtain the notice and additional information relating to the settlement at [www.DDNJsettlement.com](http://www.DDNJsettlement.com) or please e-mail us at [settlement@deltadentalnj.com](mailto:settlement@deltadentalnj.com) and we will send you the notice.

A copy of the summary notice relating to the class action settlement, which will appear in the December 2011 issue of *Dental Economics Magazine*, appears on page 5 of this newsletter.

### Proposed Settlement of Putative Class Action Lawsuit

On September 14, 2011 Delta Dental of New Jersey, Inc. (“DDNJ”) signed a Class Settlement Agreement and Release (the “Agreement”) in order to resolve a putative class action lawsuit originally filed against DDNJ in 2006. The settlement is with DDNJ only and does not apply to other Delta Dental member companies or claims processed by them.

A copy of the mutual statement, which the parties agreed upon to describe the settlement, appears below. Elsewhere in this issue, you will find information relating to the notices DDNJ is sending to dentists relating to this proposed settlement and how you can obtain a copy of that notice if you do not receive it.

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#### JOINT STATEMENT OF THE PARTIES REGARDING SETTLEMENT OF *KIRSCH AND JUNGELS v. DELTA DENTAL OF NEW JERSEY*, CIV. ACTION NO. 07:186, A LITIGATION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

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On September 14, 2011, the Parties in a national class action litigation captioned *Michael H. Kirsch, D.D.S., and Dr. Bradford S. Jungels, D.M.D. v. Delta Dental of New Jersey*, Civ. Action No. 07:186 (United States District Court, Newark, NJ) signed a Class Settlement Agreement and Release (the “Agreement”) resolving the lawsuit on terms acceptable to both sides. While Defendant Delta Dental of New Jersey (“DDNJ”) vigorously denied the allegations in the lawsuit, which has been actively litigated since 2006 when it was initially filed, DDNJ and the Settlement Class Representative, Bradford S. Jungels, D.M.D., on behalf of the Class, agreed on a settlement eliminating the continuing costs of litigation and drain on resources while providing improvements to and/or committing to retain for five years a series of claims processing and provider relations practices that will significantly benefit not only dentists in the class but also persons for whom DDNJ provides or administers dental benefits.

These business commitments will provide dentists more efficient access to information and assurance that designated claims processing procedures aimed at reducing administrative time and overhead in the claims submission and follow-up processes will remain in place for five (5) years. Specifically, these business commitments include, but are not limited to, the following:

- Enhancing DDNJ’s Benefits Connection website to enable providers to more efficiently query

the status of pending and recently paid claims

- Providing electronic Explanations of Benefits (“EOBs”) to providers in lieu of paper EOBs
- Eliminating the requirement of submitting an EOB from a medical carrier under specified conditions in order to have claims processed
- Not adopting contractual provisions that in specified circumstances would prohibit dentists from collecting “up front” certain patient payments associated with primary coverage
- Providing detailed information on EOBs, where not currently provided, relating to changed procedure codes, including the codes originally submitted and actually benefited and an explanation of why the code was changed and/or why the benefit was based on a different code
- Eliminating the requirement, where it currently exists, that dental providers in certain instances submit diagnostics for services included in a treatment plan for which DDNJ has already issued a predetermination reflecting an anticipated payment by DDNJ
- Agreeing for a five-year period that a dentist employed or retained by DDNJ will review designated procedures prior to any determination to change the associated procedure codes to codes with lesser approved fees

Dr. Bradford S. Jungels and the Class are represented in this litigation and settlement by Eric D. Katz, a partner in the Roseland, New Jersey law firm of Mazie Slater Katz & Freeman, LLC. DDNJ is represented by Philip R. Sellinger, Managing Shareholder of Greenberg Traurig, LLP, 200 Park Avenue, Florham Park, NJ.

**SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT IN MICHAEL H. KIRSCH, D.D.S. AND  
BRADFORD S. JUNGELS, D.M.D. v. DELTA DENTAL OF NEW JERSEY, CASE NO. 07-186 (SRC)  
(UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY)**

**TO:** All dental providers and practices, regardless of specialty or network status, who were billing dentists on claims submitted to Delta Dental of New Jersey, Inc. (“DDNJ”) and/or who received claim payment(s) or determinations from DDNJ during the period November 17, 2000 to and through August 31, 2011 for services provided to any person who is or was a subscriber of, or who is or was insured by, DDNJ and/or was entitled to benefits under a plan for which DDNJ processed and/or paid claims for dental services.

**Purpose of this Notice/Where to Find Complete Information.** If you are among the persons described above, you belong to a proposed settlement class (“putative class members”) in a pending class action lawsuit (the “Jungels’ Lawsuit”). This Notice advises you of a proposed settlement, of the settlement’s benefits, and of your rights and options as a class member. This Notice is only a summary of the settlement. Detailed Notices are being mailed to putative class members, and you also may obtain details at [www.ddnjsettlement.com](http://www.ddnjsettlement.com) or by examining public records of the case on file with the Court.

**The Lawsuit.** The Jungels’ Lawsuit claims that DDNJ improperly processed claims for dental benefits by “bundling” or “downcoding” treatment codes, by improperly denying claims for “ancillary services,” and by failing to pay claims within statutory “prompt pay” deadlines during the period 2000 to present.<sup>1</sup> The Jungels’ Lawsuit also claims that DDNJ engaged in other conduct which resulted in delaying the payment of claims. DDNJ filed quarterly and annual prompt payment reports with the State of New Jersey throughout this period, and DDNJ strongly denies that any of its actions were in any way improper or illegal. DDNJ and the Settlement Class Representative, Bradford S. Jungels, D.M.D., on behalf of the Class, have agreed to a settlement to avoid further expense of litigation.

**What the Settlement Provides.** Among other things, DDNJ will institute and/or agree to keep in force for at least five years numerous protections and/or business changes which benefit dental providers and their patients. They include: claims processing and payment practices and procedures aimed at giving dental providers timely payment of claims and enhanced information about the status of claim submissions; in specified cases, use actively licensed dentists employed or retained by DDNJ to review claims; provide more detailed EOBs, and implement or refrain from implementing certain requirements for contracting and for obtaining payments. Counsel for the Class will ask the Court for attorneys’ fees and expenses up to \$575,000 to be paid by DDNJ. The Court may award less than that amount. Class Counsel also will ask the Court for an award of \$2,500 to Dr. Jungels, to be taken from the attorneys’ fees, as compensation for his role in the case.

**Your Options.** Putative class members do not need to do anything to remain in the Settlement Class and enjoy the benefits of the settlement. If you take no action, however, you will be included in the Release to be granted to DDNJ as part of the settlement, and you will lose any individual right to file a lawsuit. If you remain in the class, you may file an objection to the terms of the settlement, postmarked by January 3, 2012. If you do *not* want to be part of the settlement, you *must* file an exclusion request with the Court, postmarked by January 3, 2012. You may obtain information on how to object to or opt-out of the settlement in the mailed Notice, at [www.ddnjsettlement.com](http://www.ddnjsettlement.com), or by e-mailing Class Counsel, Eric D. Katz, at [ekatz@mskf.net](mailto:ekatz@mskf.net). Please do not contact the Court.

**The Fairness Hearing.** The Court will hold a Fairness Hearing to consider whether to approve the settlement and the attorneys’ fees at 10:00 a.m. on January 24, 2012, at the U.S. District Court for the District of New Jersey, Martin Luther King, Jr. Federal Building and Courthouse, 50 Walnut Street, Newark, New Jersey in Courtroom 08. Putative class members or their attorneys may appear at the Fairness Hearing by filing a Notice of Intent to Appear, postmarked by January 9, 2012, but an appearance at the hearing is not required.

***If you are within the settlement class and do not request exclusion postmarked by January 3, 2012, you will be bound by the settlement and Release as approved by the Court and will lose any right you may have to bring an individual legal action seeking damages or injunctive or other relief as respects the subject matter of this Lawsuit.***

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<sup>1</sup>This lawsuit relates to claims submitted to and/or processed by DDNJ only, and does not involve any other Delta Dental entities.

# Patient Flyers Promote Good Oral Health Practices

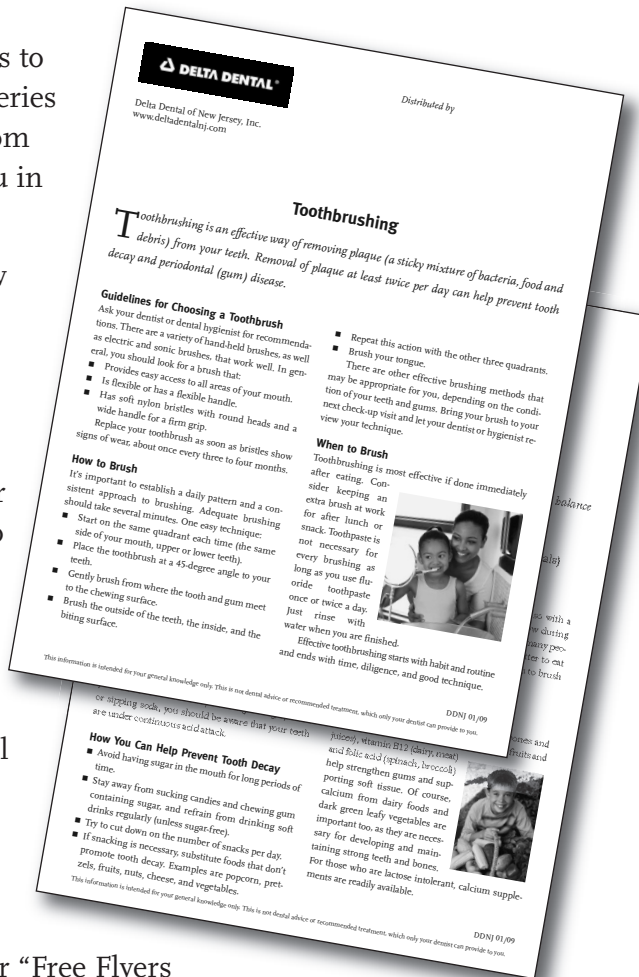
Are you looking for a way to reinforce oral health messages to patients? We've developed a series of flyers to build on the wisdom and advice they hear from you in the chair.

Each flyer shows patients how to care for their oral health through nutrition, flossing, and brushing.

Plus, the flyers include space to add contact information for your practice—another way to reinforce the vital relationship between you and your patients.

You can print the flyers to distribute in your office, email them, or post them on your website or Facebook page.

To download, go to [www.deltadentalnj.com](http://www.deltadentalnj.com), click "Dentists" and the links under "Free Flyers Promote Oral Health...and Your Practice."



## Join Us on Facebook

About 800 million users worldwide participate in Facebook. Whether you are a long-time enthusiast or just getting started, we hope that you will connect with us on our Delta Dental of New Jersey Facebook page.

It's easy to join us. Just visit our website at [www.deltadentalnj.com](http://www.deltadentalnj.com) and click the Facebook icon. You'll find a lot of interesting conversations, facts, and links to additional information. So take a few moments to join the conversation that is always in progress on our Delta Dental of New Jersey Facebook page.



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