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The Long Road Amending the McCarran-Ferguson Act

By Dr. Scott Cayouette, SCDA President



What is the McCarran-Ferguson Act and why is it important to the citizens of this United States of America and to health professionals, including dentists?! Let me walk you down "memory lane" and give you the necessary background. The McCarran-Ferguson Act was made into law by Congress in 1945. In 1944 the Supreme Court heard the case United States v. South-Eastern Underwriters Association and ruled that "an insurance company that conducted substantial business across state lines was engaged in interstate commerce and thus was subject to federal antitrust regulations." So, then Congress comes back in 1945 and passes into law the McCarran-Ferguson Act, which exempts the business of insurance from some of the federal anti-trust laws.

The ADA recognizes that the antitrust exemptions given to the health insurance companies through the McCarran-Ferguson Act have likely caused federal agencies to avoid enforcing even those federal antitrust provisions that do apply. The official ADA statement issued by Dr. Jeffrey M. Cole in February 2019 sums up why the repeal is necessary, "If health insurance companies had to follow all of the antitrust laws when setting rates and designing coverage, it would increase competition among the companies that insure both individual customers and purchasers of large group policies." It makes sense that this narrow repeal just applying to health insurance companies, including dental insurance, would inject greater consumer choice and more innovation through insurance company competition which probably would result in lower prices. The ADA has advocated on Capitol Hill for over 20 years to repeal the antitrust exemption for the health insurance industry. I can honestly tell you for the last 3 years the ADA with its lobbying team have worked tirelessly with members of Congress to make some headway to get McCarran-Ferguson Amended. In fact, in 2017 Rep. Paul Gosar (R-AZ) introduced a Bill that had overwhelming bipartisan support and passed the House of Representatives 416-7. However, the Senate would never take up the issue so it ended up going nowhere. Now as dentists this is our BEST CHANCE EVER with The Competitive Health Insurance Reform Act of 2019 (S. 350/H.R. 1418) being introduced February 6, 2019. In the Senate S. 350 was introduced by Sen. Daines (R-MT) and Sen. Leahy (D-VT) and in the House of Representatives H.R. 1418 was introduced by Rep. DeFazio (D-OR) and Rep. Gosar (R-AZ). This is the first Bipartisan and Bicameral Bill championed by the ADA Legislative Team. If this passes the Senate and the House of Representatives, it will repeal the antitrust exemption for health and dental insurance only. This repeal will help inject more competition into the health/dental insurance marketplace since the FTC and the Justice Department would be able to enforce the full range of federal antitrust laws against health/dental insurance companies that engage in anticompetitive conduct.

Here is a list of South Carolina's Senators and Representatives: Sen. Tim Scott, Sen. Lindsey Graham, Rep. Joe Wilson, Rep. Jeff Duncan, Rep. Ralph Norman, Rep. Tom Rice, Rep. William Timmons IV, Rep. Joe Cunningham, and Rep. James Clyburn. You may ask why am I giving you this information? Well it is time for you as grass roots members to make a difference and get involved, especially when this is an election year! I cannot stress enough the importance for your involvement as a grass roots ADA Member to contact the Senators and Representatives! Remember NUMBERS MATTER to Congress the more SCDA members we have CALL the better chance we have getting this done NOW! This

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repeal of McCarran-Ferguson for Health and Dental Insurance S.350 and H.R.1418 could be a game changer not only for dentists but also for every citizen in the United States by making health insurers play by the same rules as other businesses when it comes to the antitrust laws. Numbers Mean Everything on Capitol Hill Get Involved NOW CALL!!

Senators

Lindsey Graham: 202-224-5972

Tim Scott: 202-224-6121

Representatives

Joe Cunningham (1st District): 202-225-3176

James Clyburn (6th District): 202-225-3315

Jeff Duncan (3rd District): 202-225-5301

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DENTAL BILL BECOMES LAW—South Carolina dentists and members of the Charleston Legislative Delegation, watch Gov. James F. Byrnes sign a bill authorizing establishment of a four-year state dental school as a department of the South Carolina Medical College at Charleston. No money has been appropriated for the school, but dental and medical authorities believe instruction may be able to start in the near future. Left to right are Dr. E. F. Mickle, Columbia, chairman of the Legislative Committee; Dr. N. W. McCauley, Columbia, librarian; Rep. Tracy Gains, Spartanburg; Dr. Gordon Stine, Charleston; Rep. William M. Grimball Jr., Charleston; Dr. Henry M. Duke Jr., Charleston, vice president South Carolina Dental Association; Dr. William M. Draffin, Columbia; Sen. Edgar A. Brown, Barnwell; Sen. J. D. Parler, St. George; Dr. W. M. Cheatham Jr., Columbia; Dr. Kenneth M. Lynch, Charleston, president of the Medical College; Dr. W. D. McDowell, Charleston, past president S. C. Dental Association; Dr. C. E. Saunders, Columbia, president S. C. Dental Association; Gov. James E. Byrnes (seated); Sen. T. Allen Legare Jr., Charleston; Sen. James Leppard, Chesterfield; Rep. Frank Epps, Greenville; Sen. W. P. Baskin, Lee County; Dr. T. A. Pitts, Columbia, chairman of the Medical College board of trustees; Dr. A. F. Burnside, Columbia, member of the Medical College board; Dr. Carl L. Busbee, Conway, chairman, Dental School Committee; Dr. W. C. Hudson, Charleston; Dr. C. D. Falls, Woodruff; Dr. F. B. Hines, Hartsville, president-elect of the dental association, and Rep. Theodore Stoney of Charleston.

Legislation Establishing South Carolina's First Dental School, April 15, 1953

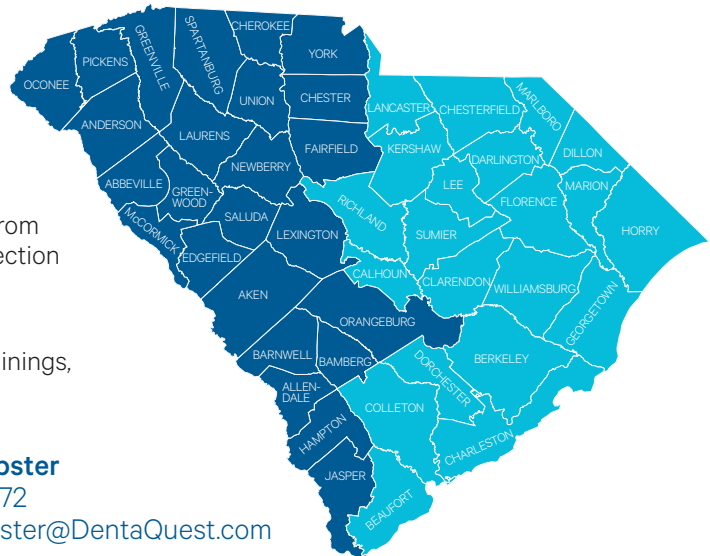
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16th District Trustee Report

By Dr. Kirk Norbo, 16th District Trustee

At this meeting, we were joined, as is our usual practice, with the chair of our New Dentist Committee. Dr. Jarvis' contributions are always valuable and appreciated. We were also joined by the president from ASDA, Mr. Craig McKenzie, who also provided valuable insights to us. Seeking out diverse viewpoints, especially from younger members, strengthens our deliberations.

This year, we took important and necessary action to assure the future viability of our Foundation. The Foundation will continue to exist and be a stronger, more focused Foundation. As we transition to a Foundation focused on scientific research, we examined how the transition is progressing. Some major philanthropic activities will shift to the ADA, although the endowed funds will remain housed in the Foundation. The ADA will manage Give Kids a Smile, Tiny Smiles and the charitable assistance grants through a service agreement between the ADA and the Foundation. The transition Board is working toward refocusing the Foundation and seeking to ascertain during the next year, what the financial commitment of the ADA will be in future years.

Our Science Institute will be moved into the recently refocused Foundation beginning next year. The Foundation will likely change its name to better reflect its new purpose. The change in focus of the Foundation will allow us to maximize our efforts in science both at our Chicago office and at the Foundation's research center in Maryland. Our Council on Scientific Affairs will continue as an agency of the ADA and it will now work closely with the new Board of the Foundation. The work to complete this transition is moving forward. The Foundation is currently being overseen by a transition Board made up of the ADA President, President-Elect, Executive Director and one trustee, Dr. Klemmedson. The plan is to have the new Board of Directors appointed by the ADA Board in the coming months when the bylaws are approved, with the goal to make them effective on January 1, 2020.

A responsibility of the Board is to monitor our progress under the strategic plan. A key tool used by the Board to fulfill this responsibility is the Quarterly Management Report. At this meeting, Dr. O'Loughlin presented the latest QMR to us for our review. We are expecting to finish the year and the term of our current strategic plan in a strong position. A challenge the ADA is facing is that a large cohort of our members is retiring. Despite this, our net membership numbers are improving. We now make state-specific membership data available to you and our state societies. The key effort is to better collaborate with the states, because we recognize that most membership decisions are made at the state and local levels. Of course, we have addressed decreasing dues revenues as an additional stressor. This is largely attributable to dues discounting. The dues streamlining proposal going to the House will help in this regard.

The issue of student debt has been an area of focus for us for quite some time. One key offering for students in debt is Laurel Road's refinancing services. This program began in 2015. We received an update on Laurel Road at this meeting. The ADA does not profit from this program. Rather, any potential profit is used to reduce the interest rate offered to our members. We remain committed to maintaining this program as a member benefit. Because of the importance of the student debt issue, the Laurel Road program strongly aligns with the membership goal of both our current and next strategic plan. It offers a concrete financial benefit to those who participate. With our contract with Laurel Road expiring next summer, we will be evaluating the program and considering Laurel Road and other finance companies for the future.

We approved a proposal to shift the refinancing program with Laurel Road, or some future provider, to ADABEI. ADABEI currently manages our corporate endorsement relationships and, for that reason, would be a good fit for this program. We have communicated our strong desire to the ADABEI board to maintain the program as a member benefit and not to generate profit.

The Board has the authority and responsibility to approve any new journal of the Association. At this meeting we approved the creation of JADA Open, a new open-access journal. Open access refers to a revenue model in which the cost of publication is borne by the authors or the funding agencies, who pay article-processing charges, rather than by readers and subscribing institutions. The articles themselves are freely available. More and more private, government and university funding sources are requiring that research results be published in open-access journals. JADA Open will allow us to focus on evolving areas of research, in addition to research which is required to be published in open access journals. It is



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SCDA Calendar of Events

Coastal District Fall Meeting
October 4, 2019

Pee Dee District Fall Meeting
October 11, 2019

Special Care Advocates in Dentistry Seminar
October 23, 2019

SCDA House of Delegates
December 6, 2019

151st SCDA Annual Session
April 23-April 25, 2020

152nd SCDA Annual Session
April 29-May 1, 2021

Mark Your Calendars!

Visit www.scda.org for more information on each event!



important to note that JADA Open will be rigorously peer reviewed, as JADA is. Further, JADA Open will be an additional journal and JADA itself will remain. Our next step will be to begin a search for an Editor in Chief and an Editorial Board.

For a number of years now, our annual meeting has been experiencing declines in attendance and exhibitor participation, although still being profitable. Recognizing this, the Board's Committee on Annual Meetings (CAM) has initiated a project to examine all aspects of our meeting to deliver new and more engaging experiences and to enhance profitability. This is necessary given the very competitive environment for dental meetings. This project will be a major undertaking and we look forward to new insights to be generated by it. The Board will closely monitor it as the work progresses.

Mr. McKenzie, president of ASDA, provided us a report on ASDA's strategic plan. ASDA is focusing on leadership development, financial stability, member value and increasing dental school support of student involvement with ASDA. A high percentage of ASDA members see value in their membership. Levels of engagement and recognition that ASDA promotes wellness were particularly high. ASDA's advocacy efforts align with ADA efforts. Priorities are licensure reform, student debt, mid-level providers and fluoride. The ADA and ASDA clearly share some common ground and we all look forward to working together.

We received an update on ADAPT. The ADAPT board is planning on aggressively pursuing expansion of the pilot. Currently, the pilot is operating in Wisconsin and Maine. When this expansion occurs, it will require changes to ADAPT's technology platform and additional staff support. ADAPT will return to us with updates as this work progresses. Talking points will be provided to you to assist in communicating about this program.

Mr. Graham provided his regular report on our advocacy efforts. He informed us that we will withdraw from the ad hoc coalition advocating for medically necessary dental treatment covered under Medicare. The coalition has taken positions outside of our policy. For that reason CGA recommended withdrawal from that coalition. On McCarran Ferguson repeal, work continues and we are hopeful of success in the House of Representatives this fall. Outreach continues on the Senate side. Mr. Graham did inform us that the American Hospital Association has joined our coalition in support of this effort.

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Special Care Advocates In Dentistry

By Dr. Mary Tepper



I'm very happy to announce that the [2019 SAID Annual Seminar](#) will be held in Charleston, South Carolina October 23-25 at the Embassy Suites on Meeting Street. We'll begin early Wednesday evening with the combination of dinner and the strategic planning/task force committee meeting.

The Embassy Suites is located in downtown Charleston in the historic district and is convenient to many sites you may want to visit. The Downtown Market, The Aquarium, Rainbow Row, The Battery and the Waterfront Park are among the many must see sites and venues in Charleston. Walking tours and carriage rides are available to tour this historic city. For attendees who want to venture further you can take the Arthur Ravenel Bridge over to Mt. Pleasant, Sullivan's Island and the Isle of Palms.

The Charleston area has so many exciting options, I guarantee you'll be able to plan some exciting outings.

Embassy Suites is providing block rates for SAID Monday, Tuesday, Wednesday, and Thursday the week of the SAID seminar. The rates will increase for Friday and Saturday due to the high demand for lodging in the historic district of downtown Charleston.

I made arrangements with several speakers who graciously gave me advanced commitments to present at the 2019 seminar. This week I was able to get a commitment from my first choice keynote speaker. I plan to provide an update when the agenda and schedule are closer to completion.

I'm looking forward to seeing y'all at the 2019 SAID Seminar.

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M. Lynn Wallace, DMD
SCDA Past President

EPA Amalgam Recycling Rule



NO SEPARATOR OR NEW OFFICE? MUST INSTALL

All non-exempt practitioners must install a compliant separator by July 14, 2020. Newly opened offices that begin operating on or after July 14, 2017 must be in compliance immediately.

Must file a One-Time Compliance Report within 90 days of installation.



SEPARATOR ALREADY INSTALLED?

Good until June 14, 2027 or unit needs to be replaced, whichever comes first.

Must file a One-Time Compliance Report by October 12, 2020 or 90 days after transfer of ownership.



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1) Dentists exclusively practicing in one of these specialties: oral pathology; oral + maxillofacial radiology; oral + maxillofacial surgery; orthodontics; periodontics; prosthodontics.

No further action required.

2) Wastewater discharges from a mobile dental unit or into a private septic system.

No further action required.

3) Dentists who do not place amalgam and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and who certify as such (estimated less than 5%).

Must file a One-Time Compliance Report by October 12, 2020 or 90 days after transfer of ownership. Keep on record for lifetime of practice ownership.

Installed amalgam separators must comply with the following best management practices:

1. File a One-Time Compliance Report. Keep on record for lifetime of ownership.
2. Monitor according to manufacturer's recommendation.
3. Replace/Repair if malfunctioning according to manufacturer's instructions within 10 business days of discovering defect.
4. Maintain by replacing amalgam retaining cartridge, separator canister or units as directed by manufacturer or when the collection unit reaches capacity, whichever comes first.
5. No use of oxidizing, acidic cleaners when flushing dental unit water lines, chair-side traps and vacuum lines. Therefore no bleach, chlorine, iodine and peroxide cleaning agents that have a pH of lower than 6 or greater than 8.

Must maintain records on site for 3 years of:

1. Any reports filed
2. A visual inspection log
3. Documentation of any repair or replacement
4. Disposal records
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Volunteer at the Helping Hands Dental Clinic (Georgetown). Th 5:00 pm. Tracy at 843-527-3424 or acct.hhands@gmail.com.

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Seeking **PT Oral Surgeon** for established, multi-specialty practices in the greater Greenville area. Full scope OMS treatment options for majority of PPO/FFS patients. Competitive compensation package with complete business and operational support team. Contact Whitney Schemmel at whitney.schemmel@dentalonepartners.com or visit dentalonejobs.com.

ISO experienced, **Associate Dentist** to work independently 1-3 days per week. 35 miles outside Charleston, SC. Looking for stable, reliable looking-term associate for small, rural beach town practice. Must be proficient in molar endo. seannamattison@gmail.com

Senior Dental Care is seeking a part-time, per diem, dentist for **Anderson, SC** and surrounding areas to provide on-site dental care to residents in nursing homes. Visit <https://jobs.lever.co/myseniordentalcare/82e34ca9-99-cc-4293-af2f-ee71ff4ca7e3> to apply.

We are looking for a General Dentist in Rock Hill, SC. This is a full time opportunity, earn, serve patients with highest standard, care in a state of the art facility. Many other benefits. 22 years at the same locations. Flexible timing options. Apex_dental@outlook.com.

Dentist/Associate- Midlands, FT position for busy established modern general office with potential to buy in and eventually take over. Must have excellent skills, be hard working, have experience with a busy pace and have a genuine concern for the patients with a kind but frank chairside manner. Send resume to sbuck8783@gmail.com or fax 803-790-0294

FT Associate Dentist needed for a well-established private practice in the Market Common district in Myrtle Beach. We're a family practice that provides IV/oral sedation, dental implants, grafting and surgical extractions. Fully trained & highly experienced team. Income potential is excellent. Email CV to lisa@marketcommondentistry.com.

We are a privately owned practice with an expanding orthodontic patient base. We need an **orthodontist** for 2-3 days per month to start. Daily base with bonus. matthew@mundodontistry.com.

Benevis is currently **seeking FT/PT Associate Dentists, Orthodontists, Endodontists, Pediatric Dentists, Oral Surgeons and Anesthesiologists**. Looking for talented dentists who are interested in making a difference in communities. Competitive compensation, student loan repayment, sign-on bonuses, relocation, 401K, paid time off, health insurance and more. Edolia Wright edwright@benevis.com.

FT or PT General Dentist needed around Orangeburg, SC. We offer a \$650 guarantee or 35% of production whichever is greater. If you are interested, please email me at jobs29003@gmail.com for more information.

Positions Available- Staff

We are looking for a **Hygienist** ready to create memorable patient experiences. Responsible for delivering direct dental care to patients under the general supervision of a Dentist. Ideal candidate will love working with kids (they make up 80% or more of our patient base). Contact rwhitlow@benevis.com.

Seeking **Dental Assistant in Irmo**, min. 3yrs experience. Patient-focused cohesive team. Lots of laughter. Either FT or 2-3 days, paid holidays, vacation, health insurance and 401K. 5 op 8 yr old growing practice. Dentrrix, Dexis, paperless, A-Dec equipment. 1 Dentist, 3 hygienist, 2 front, open M-Th 8-5. sherryrauchdds@gmail.com.

Seeking FT **pediatric dental assistant** in busy practice in Irmo/St. Andrews area. Doctor owned and focused on quality of patient care. Positive work environment with family feel. Must love working with children and be patient, compassionate and reliable. Must have training as a dental assistant. Experience with pediatric dentist will receive special consideration. Spencer.collins@gmail.com.

Practices/Office Space Available

Satellite dental office; 52 foot trailer. One operatory fully equipped white coastal chair. One operatory plumbed and ready. Lab, reception, business office, 1 full bathroom and HVAC included. Ready to move to your location. \$25,000 OBO call 803-617-8701.

Office for rent in **Surfside Beach**, for afternoon hours starting at 2:00 or 3:00, Monday-Saturday. 5 operatories, reception, waiting room, lab, lounge, fully equipped. Contact office@dunesdentalservices.com.

Pee Dee Region, SC- Well-established Orthodontic office located on prime real estate. Consistently producing \$830,000 per year, this spacious office has one private treatment room along with a large bay with 5 chairs. The real estate is valued at \$335,000. Contact Henry Schein Professional Practice Transition Sales Consultant Courtney Howell Robinson, 843-324-0703, courtney.robinson@henryschein.com. #SC117

General practice for sale in **Pee Dee Region**. Attractive, renovated facility, 3,500 sf with 8 ops (3 used for hygiene). Excellent streetside visibility. Steady new patient flow even with limited marketing. 2019 income projected to be \$1M+. Contact McGill & Hill transitions@mcgillhillgroup.com.

Spectacular GP for sale in SC. Real estate available for purchase separately. State of the art office. High profitable practice. Please contact Mike at mike@encompass-ihc.com for more information.

Perio Practice with exclusive patients and referral patients. The owner also completes some GP restorative work. The practice is grossing \$716K on a 4-day work week. The large facility has 6 ops and digital X-ray equipment. This could be a great mentorship opportunity. SC-5849 Contact: AFTCO 800.232.3826.

Profitable Metro Columbia opportunity This very profitable practice, generating \$635K on a 4-day week, is in a stand-alone building. The office is completely digital and modern with 3 ops and room for expansion. The practice is almost 100% FFS with a solid active patient base. SC-6000 Contact AFTCO 800-232-3826.

100% FFS in Clemson area. This well-established practice is in a highly desirable area. The office is in a stand-alone building that will allow for continued growth. The practice has gross collections of almost \$500K. The office has 7 modern ops with computers in each room. SC-6004 Contact: AFTCO 800-232-3826.

For Rent: 1,200 sq ft home for commercial rent in Chapin. Four rooms and able to add a fifth if needed with lease agreement. Great road frontage on very traveled road. Perfect for medical office with easy access on main road in a growing area. dueeasttransport@gmail.com.

For Sale

For Sale: Dental equipment chairs, units, lights, cabinetry, x-ray, vacuum, compressor, sterilizers and handpieces. Any and all things dental call 843-697-7567.

For Sale: I-CAT- 2008 Gendex GX-CB500. This unit is in good working condition and was recently pulled from service and professionally de-installed. \$35,000 contact charles@mstxs.com or 843-697-7567.

For sale: Dental equipment including but not limited to: Plan Meca ProMax 2D pan/ceph, Airtec Airstar-22 compressor, chairs, units and hand pieces. All items like new, used less than 6 months at satellite location. Call 864-585-8709 for complete list and details.

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