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Changes Are Necessary on the Path to Diversity



By Alayna Schoblaske

IN THE APRIL 2021 ISSUE OF
THE *Journal of the American Dental Association*, Drs. J Tim Wright, Marko Vujicic, and Sylvia Fraser-Bowers wrote that “We must cultivate diversity [...] to enable dentistry to flourish by being representative of, representing, and serving the people we vowed to care for. [...] Promoting, developing, and celebrating diversity in the dental work force will help dental groups be more vibrant and resilient and will make for a more effective health care delivery system.”¹ The *JADA* editorial examines demographic changes among dentists between 2005 and 2020 and highlights that “the dentist workforce does not mimic the US population overall in terms of racial distribution. The dentist workforce consistently skews more Asian and White and is underrepresented significantly by Hispanic and Black dentists.”¹ Oregon dentists follow a similar trend. According to the Health Care Workforce report published by Oregon Health Authority in February 2021, 77.5% of Oregon dentists identify as White (compared to 76% of Oregonians overall), 14.4% identify as Asian (compared to 4.2% of Oregonians), 3.7% identify as Hispanic/Latino (compared to 12.8% of Oregonians), and 0.5% identify as Black or African American (compared to 1.8% of Oregonians).²

How do we better align our dentist workforce with the racial identification and socioeconomic backgrounds of the population of patients we serve in Oregon and across the country? I believe that we must think much earlier and longer term than we traditionally have. By focusing on middle and high school education as well as standardized test reform, we can look forward to seeing a more diverse dental workforce in the future.

When did you first decide you wanted to become a dentist? I was 10 years old — a wide-eyed 5th grader. At that point, I was privileged enough to regularly see my family dentist and was smack dab in the middle of orthodontic treatment. I shared my interest in dentistry with Dr. Bowers and Dr. Dischinger, and they both excitedly answered my questions and provided encouragement, including the opportunity to shadow in their offices. Those opportunities started a trajectory of other opportunities — from IB classes to the OHSU Dental Explorers mentorship program to FAFSA advice — that ultimately prepared me to start dental school 13 years later. I know that we each have our own story; many stories do start in elementary or middle school, and it is important that we are reaching students in schools with Black and Latino students to let them know that dentistry is an excellent career choice (as long as we can manage that student debt issue I talked about last month). From there, we must also create systems to support academic progression toward dental school, and ease financial burdens along the way. A model of one such system is Indians

Into Medicine (INMED), a program at the University of North Dakota focused on graduating American Indian/Alaska Native physicians. The program starts its focus in middle school, where they offer 7th-12th graders a “6-week academic enrichment session [called Summer Institute] for students who are interested in exploring careers and fields of study in health care.”³ INMED also works to support middle school STEM teachers in tribal communities so that students receive high-quality STEM education year-round and not just at Summer Institute.⁴ INMED continues its support through college application counseling, free MCAT test prep courses, cultural and academic support in medical school (including tutors, dedicated study space, and community rituals), and more. By partnering with Indigenous communities and making long-term investments in student recruitment, INMED has successfully graduated 250 American Indian physicians since 1973. It is important for our profession to adopt a similar model and long-term commitment to recruit, support, and train more Black and Hispanic dentists.

Part of INMED’s success, as I mentioned above, has been their MCAT test prep courses. These courses are important because the MCAT — and other standardized admissions tests — have historically been a barrier for American Indian applicants and fellow applicants that identify as Black, Indigenous, or People of Color (BIPOC). While evidence is unclear in showing a clear racial bias in standardized tests such as the MCAT, SAT, and DAT, BIPOC students have traditionally received lower scores on these tests than their white counterparts,

especially when those white students are from wealthier socioeconomic status. This could be due to a variety of factors, including access to quality education and access to (and money to pay for) test preparation courses (hence the importance of the free offering from INMED).⁵

Many undergraduate colleges and universities were forced into an experiment last spring when COVID closed many testing centers and most high school-based SAT and ACT testing sites. About 13% of colleges — including many Ivy League schools — decided to go test blind or test optional, exempting applicants from submitting their ACT or SAT scores. (About half of colleges had already made this change prior to the pandemic.) One of those schools — Georgia Tech — admitted 28% more Black students and 20% more first-generation students with test-optional admission than they did before the change.⁵ Additionally,

when we examine the role of DAT scores in dental school admissions, a student's score has traditionally been a poor predictor of dental school performance. (To be fair, GPA is also a poor predictor...and we haven't found any great predictors.)⁶ With the increased acceptance of test optional or test blind admission for undergraduate programs, the knowledge that performance on the DAT is a significant barrier for BIPOC dental school applicants, and the uncertain utility of these standardized test scores, it is important to critically examine the relevance of the DAT and other standardized tests. Are they starting to do more harm than good?

Diversity in our offices and clinics, in our dental schools, and in our workforce pipeline is critical to the success of our profession. What programs have to start, and what systems have to end in order to get us there? I hope we continue a curious conversation to find out. ●

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Diversity and Inclusion Policy

The Oregon Dental Association strives to support diversity and inclusiveness in all our endeavors. We believe that these principles foster an innovative and dynamic culture and lead to sustainable results. They allow us to advance the dental profession and promote the highest standard of oral health and oral healthcare.

As a result, we serve and support the different identities, beliefs, perspectives, leadership, workforce and staff, as well as a wide range of communities and organizations. The objective of an inclusive experience in the ODA is to create comprehensive programs that are reflective of the diversity of our profession and communities served. It should aim to engage members and nonmembers in Association affairs; reducing oral health disparities across population groups; leadership development; diversity education for ODA leaders; and encouraging under-represented students from diverse backgrounds to pursue dental careers.

- *Passed at the 2019 ODA House of Delegates*





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Events & Education Component CE Calendar

Calendar provided by Mehdi Salari, DMD

This calendar is current as of April 10, 2021.

Due to the COVID-19 pandemic, events may be altered or postponed.
Please visit the host dental society website for the most up-to-date information.

Date	Host Dental Society	Course Title	Speaker	Hours CE	Location	More Information
05/19/21	Multnomah	Annual Meeting	TBA	2	Zoom Meeting	Register: www.multnomahdental.org
05/25/21	Clackamas	Risk Management	Chris Verbiest	3	Zoom Meeting	executivedirector@clackamasdental.com Complimentary for CCDS members, \$20 for ADA members, \$60 non-members
09/15/21	Multnomah	Prosthodontic Course	Dr. Larry Over	2	TBD	Register: www.multnomahdental.org

Find this calendar online at www.oregondental.org. Click “Meetings & Events” > “Calendar of Events”.

Due to the COVID-19 pandemic, many component meetings were canceled or postponed. Looking for additional ways to get CE? The American Dental Association has a large collection of webinars and on-demand video learning opportunities available, many of which are free to members. Visit adaceonline.org to catch up on the latest offerings on your own schedule. 🎧

Dental Shade Photography Basics: Tooth Dehydration



Mitch Bourgeois, CDT
Ceramist, O'Brien Dental Lab

Let's talk about dehydration. Arguably, shade matching is one of the most challenging aspects of what we do. It's a lot easier to tell if a margin is closed or a crown is in occlusion, but shades are nuanced.



Does it match, does it blend, or is it entirely off? Sometimes shades are just completely off, but sometimes there are simple ways to help correct that.

When you do a lot of work with shade photography, it isn't long before you notice some things that just need a little adjustment. When to take the

shade is one of those easy adjustments that can make a big difference.

When we see photos with shade tabs next to a fully prepared tooth, we know this was an at-the-end-of-the-procedure shade choice.

Shade photos taken at the end of the preparation procedure are great for giving us the prep shade but not so good at giving us the shade that we need to match for the natural teeth. Teeth dehydrate rapidly, and when they do, the shade will jump one to two shades lighter, maybe more.



This isn't an issue if we are matching existing crowns, but natural teeth react quickly and dramatically during the preparation procedure.

When the patient's mouth is open and the teeth are exposed to air for however long it takes to do one or more preps, everything is changing.

All that exposure to the air is drying the teeth out. During that time, the shade is getting lighter and lighter.

When we look at a shade photo, we look at comparisons between the shade tab's known value and what we are asked to match to.

As the tooth dehydrates, the natural translucence is lost, making the tooth look more opaque and higher in value. The surface of the tooth may take on a cloudy appearance that is easily mistaken for surface character. Then, you take the shade, and we fabricate the crown. However, when the patient returns for the seating, their teeth are fully hydrated, with greater chroma and translucency, and you end up with a shade that doesn't come close.



(A) hydrated, before procedure (B) dehydrated, after procedure

If you find your restorations coming back too light, especially in the anterior position, take a moment and think about where in the preparation procedure the shade is taken.

If you are taking it at the end, consider moving the shade determination to the very beginning of the appointment and see if that helps.

Seeing shade tabs next to unprepared teeth gives us greater confidence that what we see compared to the shade tabs isn't going to change when you see the patient at the final seating.

We hope you found this article helpful. If you have any questions or comments, please email us at customerservice@obrientalldental.com. To subscribe to our educational videos and articles, please visit obrientalldental.com/subscribe.



Board of Trustees Meeting Highlights

Oregon Dental Association
Board of Trustees Meeting
Friday, January 29, 2021

- Dr. Rachel Jablonski and Dr. Jeff Timm were appointed to DOPAC.
- The 2021 ODA House of Delegates will be held virtually on Saturday, September 25, 2021.
- Laurel Road will be added to ODA's co-endorsements through ADA Member Advantage, as of April 1, 2021. 🗎

ODA Wellness Initiative

With increasing professional and personal demands, the overall well-being of dentists in the Oregon community is more important than ever. The ODA's Wellness Program offers a robust network of compassionate Wellness Ambassadors armed with resources to help support colleagues dealing with wellness issues, including, but not limited to: stress management, practice issues, debt, fraud, family obligations, illness, injury, depression, loss, grief, and addiction. Wellness Ambassadors are available to assist dentists at all levels of their career, including dental students. Learn more about serving as a Wellness Ambassador or request support at <http://bit.ly/ODAWellnessInitiative>.





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The ODA Announces Two New Co-Endorsements

ODA AND ITS ENDORSED MEMBERSHIP SERVICE PROGRAM preferred providers offer you the resources you need to help manage your dental practice...and your life while saving you money! Through the ODA, you have access to both ODA endorsed providers and American Dental Association co-endorsed providers.

In an effort to continue to expand unique member offerings, the Oregon Dental Association is excited to announce two new opportunities for members to save with Office Depot and Laurel Road. Learn more about these and other “perks” of your membership below:

Laurel Road



Laurel Road can help ODA members save thousands on student loans. Some highlights of the Laurel Road Student Loan Refinance program include:

- An exclusive 0.25% rate reduction on loans
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To take advantage of Laurel Road's exclusive member offerings visit Laurelroad.com/ada or call 855.277.6771.

Office Depot

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ODA members now have access to exclusive members-only discounts at Office Depot® and OfficeMax. The endorsement allows members to save up to 75% on a range of products from the Office Depot Best Value list, which includes items such as coffee, paper, cleaning supplies, office chairs, ink, batteries, and trash liners. Members will also receive free next business-day delivery.

“Dental offices often don’t order the kind of supplies carried by Office Depot in great enough quantities to take advantage of bulk discounts,” said ODA Executive Director, Dr. Barry Taylor. “Through this program, our members, as well as their staff and family, have access to preferred pricing and can realize real cost savings.”

To register an account and start receiving member savings, visit ADA.org/officedepot. From your account, you can download the Office Depot store purchasing card and use it during checkout when making purchases. 📄



To learn more about all ODA's endorsed and co-endorsed products and services please visit <http://bit.ly/ODAMemberPerks>.

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Ethical and Other Considerations When Treating Transgender Patients

By Mary Beth Versaci

This article, republished with permission, originally appeared in the *New Dentist News*, ADA.org/newdentistnews, on June 1, 2020

TRANSGENDER PATIENTS CAN FACE OBSTACLES WHEN SEEKING

dental care, but through education and communication, dentists and their teams can help make these patients feel accepted and comfortable.

“One of their main concerns is whether the provider and dental team will be accepting,” said Dr. Michael Farmer, who owns a dental practice in Charlotte, North Carolina, and graduated from dental school in 2008 and the American Dental Association Institute for Diversity in Leadership in 2019. “If they feel that they are going to be judged or talked about, they may avoid seeking care at all.”

The ADA Principles of Ethics and Code of Professional Conduct states that “dentists shall not refuse to accept patients into their practice or deny dental service to patients because of the patient’s race, creed, color, gender, sexual orientation, gender identity, national origin or disability.”

The ADA Center for Professional Success offers ways for dentists to avoid gender identity discrimination and be inclusive toward all patients at Success.ADA.org.

These steps include adding a blank space as an option to the gender portion of patient intake forms to allow for self-identification; training all staff in office standards of respect toward transgender people, including using their chosen name and referring to them by their chosen pronoun; and having an open dialogue

with patients about their gender identity/expression.

Actions such as these relate back to sections of the ADA Code that call for dentists to respect the patient’s rights to self-determination and confidentiality, refrain from harming the patient and promote the patient’s welfare, according to “Understanding the Transgender Patient,” published in the January 2020 issue of *The Journal of the American Dental Association*.

“The most important thing that dentists can do is to educate not only themselves but also their dental team regarding transgender patient care,” Dr. Farmer said. “Talking about it beforehand gets everyone on the same page and lets the staff get their questions answered, creating a better patient experience.”

If dentists or their team members make a mistake with a patient’s preferred name or pronoun, they may wish to apologize directly and let them know they will continue to do their best not to let that happen in the future, he said.

“Overall, education of transgender issues and proper communication will provide the patient with a better experience and a more trusting doctor-patient relationship,” Dr. Farmer said. “By developing dental providers and a dental team that is well educated on gender issues, the office becomes more diverse and better equipped to treat a variety of patients effectively.”



Dr. Farmer

The ADA House of Delegates expanded its definition of diversity to be more inclusive in 2019. The ADA defines diversity through many dimensions, including, but not limited to, race, ethnicity, national origin, gender identity, age, physical abilities/qualities, sexual orientation, religious and ideological beliefs, professional practice choices and personal lifestyle preference, according to the resolution the House passed.

The goal of taking steps to improve transgender patients’ dental experience is to create a provider-patient relationship that allows for optimal care by building trust and a level of comfort in being honest with each other, Dr. Farmer said.

“If the patient does not feel that they can trust the provider, they may not disclose their concerns and may even avoid seeking care when needed,” he said. “Once we have that level of trust, patients can finally be open to making treatment decisions and having honest conversations regarding the options and outcomes.” ●

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For Oregon Dentist, Supreme Court Ruling on DACA Offers Relief

Dr. Eddie Ramirez Says Uncertainties Remain After Decision

By Kimber Solana

This article, republished with permission, originally appeared in the *New Dentist News*, [ADA.org/newdentistnews](https://www.ada.org/newdentistnews), on July 1, 2020

PORTLAND, ORE. — IT WAS ONLY AROUND 7:30 a.m., as Dr. Eddie Ramirez was getting ready for work, when the influx of phone messages arrived — the U.S. Supreme Court on June 18 ruled that the Deferred Action for Childhood Arrivals Program, or DACA, could continue.

“It was a shock,” he said. “I just felt this huge relief.”

Dr. Ramirez works at Virginia Garcia Memorial Center and Foundation, a federally qualified health center located west of Portland that serves a largely immigrant population.

“My patient base is the community I grew up in,” he said. “When I see kids at the clinic, I see myself at their age. When I see working families, I see my family in them. I’m just glad, for now, I can continue to serve my patients.”

However, there’s a feeling of uncertainty — one he’s often felt for most of his life, especially on his goal in becoming a dentist — that remains.

“Being an undocumented individual, you live with not knowing what will happen,” he said. “But for now, I’m thankful that we’re allowed to continue.”

Realizing Limits

Dr. Ramirez was brought to Oregon when he was 1 year old.

He was in fourth grade when he first started realizing what that meant. One day, after school, he found both of his parents were home.



Dr. Ramirez

“That was not normal because only one was supposed to be home since they had different schedules,” he said. “I knew something was up.”

Dr. Ramirez said he remembers asking them if everything was OK.

“My mom sits me down and tells me, ‘Mijo, we lost our jobs,’” he said. His parents, at the time, worked in a hospital laundering company.

The next day, he mentioned what happened to his parents to one of his classmates.

“My classmate looked at me and said, and I can still remember it, ‘Your parents got fired because they’re illegal,’” he said.

The uncertainty continued on through high school, where Dr. Ramirez was a straight A student body president. It was time for him to start thinking about what he wanted to pursue.

“When we first had the conversation about college, my parents would break down,” he said. “They would feel at fault. They didn’t realize the extent of the consequences when they sought a better life, that there would be limits.”

*“Being an undocumented individual, you live with not knowing what will happen,” he said.
“But for now, I’m thankful that we’re allowed to continue.”*

Path to Dentistry

In his last visit back to Mexico, Dr. Ramirez said he was about 8 years old when one of his aunts took him to her dental practice.

To entertain him, his aunt would ask him to do little tasks in the office.

“And I just fell in love with it, even when I just had to clean the spit bowl,” he said. But his path to dentistry was filled with ups and downs.

After high school, Dr. Ramirez decided to attend Portland State University, which accepted undocumented students, and pursued a major in biology and a minor in chemistry.

But without a Social Security number, Dr. Ramirez said he couldn’t apply for many of the financial grants and scholarships available.

“I went to my orientation, and my mom was in tears,” he said. “She told me, ‘Mijo, we can’t afford this.’”

Unable to pay for the \$7,000-plus-a-year tuition, Dr. Ramirez decided he would withdraw. But then he received a voicemail from his high school French teacher, who said she and her parents would like to pay for his first year in college.

In June 2012, as Dr. Ramirez’s sophomore year was set to begin, President Obama launched DACA. The program provides a two-year work permit to undocumented immigrants if they meet certain criteria. These include passing a background check, they must have arrived in the country before they were 16 years old, and paying a \$495 fee.

“Because I have a Social Security number, I was now able to apply for

jobs,” he said. His right-to-work papers allowed him to get an on-campus job, which helped pay for the rest of his undergraduate studies.

But uncertainties came creeping back in when it was time to apply for dental schools.

A pre-dental adviser asked him to consider thinking of a different career because it was unlikely he would be accepted to any dental school.

“That was one of the most heartbreaking things I’ve ever had to hear,” he said.

Nonetheless, Dr. Ramirez decided to apply to five dental schools. Of those, only the Oregon Health & Science University School of Dentistry accepted him. Only one problem: covering the \$70,000-a-year tuition, as he was still ineligible for federal and state financial aid.

However, to address the shortage of health care providers in rural areas, the state of Oregon had just created the Scholars for a Healthy Oregon Initiative, which would waive off the tuition and fees of graduates who work for five years in rural Oregon and areas designated as medically underserved.

Several months after applying for the program, he received the answer. He received the scholarship, becoming the first undocumented student to attend dental school in Oregon.

“From the start, I saw Eddie’s passion for dentistry. Little by little I saw improvements in him as a clinician, but the human part of dentistry was already there,” said Dr. Jorge Garaicoa-Pazmino, Oregon Health & Science University School of Dentistry associate professor of periodontics and



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Dr. Ramirez's mentor. "He is a natural leader, and I knew that he was not only going to be a great dentist but also an example for many to come after him of what happens when you put your mind and effort into something even against all odds."

'Wave of Emotions'

Dr. Ramirez was finishing dental school in the summer of 2017 when he heard that the Trump administration announced it would rescind DACA. Legal challenges ultimately reached the U.S. Supreme Court, which heard arguments last fall.

Until the U.S. Supreme Court ruled, Dr. Ramirez continued moving forward, finding a position at Virginia Garcia Memorial Health Center.

"I love my job," he said. "I feel like I'm able to serve my community in more ways than just dentistry. My patients come to me, and we talk about daycare, the work they're doing,

their struggles. It's the same struggles I saw my parents experience."

Dr. Ramirez's two-year work permit through DACA was renewed last year in November, giving him until November 2021 to continue to work.

While awaiting the Supreme Court decision, Dr. Ramirez said he was in constant communication with his dental director and his alma mater's scholarship office.

"If it's rescinded, I can't fulfill my five-year work commitment," he said.

Then on June 18, the decision arrived.

"It was a wave of emotions that hit me because DACA gets to live another day," he said. "But again, anything can still happen. I remember in college talking to my parents, reminding them that they came here because they wanted a better life. As cliché as this sounds, they were pursuing the American dream. We're still pursuing it." 🗣️

Moda Holdings Group, Inc. Board of Directors—Call for Applicants

Dental Director

Positions Open: 3

Term: 4 years (starting in 2022)

Declared Candidates: Dr. David Howerton (incumbent), Dr. Dan Miller (incumbent), and Dr. Pat Nearing (incumbent)

With a broad array of companies under its corporate umbrella, Moda is committed to attracting candidates to serve on the Organization's Boards of Directors who represent excellence in both the practice of dentistry and in its diverse business ventures. Review the full job description at <http://bit.ly/ModaBoard>.

Interested in serving on the Moda Board? Submit a letter of interest, CV/resume, and 3-5 references (no family and one non-dental) to leadership@oregondental.org by July 1, 2021.



We've got your back — Then. Now. Always.

While 2020 was filled with new challenges, your local, state and national ADA were there every step of the way. Your membership gave you members-only access to practical tools and guidance you can't find anywhere else, including:



Protocols for a positive COVID-19 test on your staff



Step-by-step guide to providing COVID-19 testing for your patients



Ready-to-use patient communication resources

Continue accessing these resources and the new tools and guidance we'll release as science evolves this year.

"As the science evolves, I know that the ADA will continue to advocate on behalf of our profession, our patients, and the public."

— DR. MIA GEISINGER

"You have clearly demonstrated to me that the ADA is an essential organization. ... orthodontists like me need you, dentists need you and the profession needs you! Thank you for your tireless efforts supporting us during this pandemic."

— DR. DAVID E. HARMON

Renew your membership

ADA.ORG/RENEW2021



The Dental Foundation of Oregon

Tooth Taxi is About to Hit the Road!

As the COVID-19 vaccinations continue to be distributed, our Tooth Taxi team is diligently preparing to return to the road full-time, and in preparation and anticipation of our traveling throughout the state, we hope you will consider a donation to help see us through these new opportunities. Please visit us at <https://bit.ly/2wExb6J>. Every gift will be used to meet the increasing needs of those we serve because of this crisis.

Here's How You Can Help

General donation gifts of any amount help support the Dental Foundation of Oregon and the Tooth Taxi, while raising awareness of our mission to advance oral education, provide charitable care, and coordinate resources for Oregon's children and vulnerable communities.

Get involved with DFO-led events including our annual Chip for Teeth Golf Tournament, purchase Motor Mouth Car Raffle tickets, or donate wine for the Wall of Wine.

Host a third-party event where you and/or others collaborate to hold a birthday fundraiser through Facebook, host a dinner, garden party, movie night or trivia night to help raise funds for the DFO. The ideas are endless!

Honor a friend, loved one, employee, or referring dentist. Make a gift in the name of someone you care about. An acknowledgement card is sent on your behalf to honor the memory of a departed loved one, celebrate a special occasion, or recognized a valued employee or business partner.

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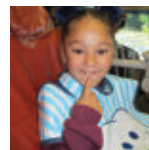
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Get your school involved with help from teachers and students who can create their own school project for the Tooth Taxi, such as collecting toothbrushes, toothpaste, and floss to create oral hygiene kits for kids or host a poster contest to raise awareness of the importance of good oral and dental health in your school.

Volunteer dental professionals can join us on the Tooth Taxi or host the Tooth Taxi at your dental office. Donate a day, or even half a day to help deliver oral health education to children in classroom settings in schools.

Everyone can volunteer to help promote or serve at one of the many DFO events including registering a team at our annual June Chip! for Teeth Golf Tournament, or assisting with behind-the-scenes preparation at our October Women's event at Postlewait Farms!

Join the DFO's Cornerstone Society! Join other like-minded individuals who have remembered the Dental Foundation of Oregon in their estate plans, ensuring the future of the foundation and leaving a true legacy for Oregon's children and vulnerable communities.

Shop and give to the DFO every time you shop. At no cost to you, you can contribute by quickly registering the DFO as your beneficiary through the AmazonSmile program, which donates 0.5% of the price of your eligible AmazonSmile purchases to the foundation, and registering your free Fred Meyer Community Rewards card to the DFO #81176 with a percentage of your purchases donated quarterly to the foundation.





Gifts to the DFO include charitable annuity, securities, or monthly gifts through a planned account withdrawal system support the DFO throughout the year.

Corporate partnerships in support of DFO events are always welcome, and we can tailor a sponsorship package to help meet your organizational aspirations.



THE TOOTH TAXI TEAM

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-  Instagram — www.instagram.com/toothtaxi
-  Twitter — twitter.com/ToothTaxi

Tooth Taxi Stats (September 2008 - March 5th, 2021)

24,645
students screened

14,311
appointments in the van

25,555
students received oral hygiene
education in the classroom

\$8,262,986
value of dental
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Practice Website Accessibility: A New Wave of AwDA Litigation

By The Dentists Insurance Company

EVEN THE MOST SKILLED AND SEASONED DENTISTS face professional liability claims. But how would you feel if a lawsuit were filed by someone who wasn't a patient — or who hadn't even driven past your office doors?

There's a rising wave of litigation based on violations of the Americans with Disability Act (AwDA). In addition to "drive by" lawsuits grounded in physical barriers to access, "click by" lawsuits are being filed in increasing numbers. Plaintiffs target office websites that are not accessible to those with hearing, vision, or learning impairments.

Most dentists and other small business owners earnestly want to comply with well-intentioned AwDA legislation; however, it continues to be exploited for financial gain by predatory plaintiffs.

What Makes a Website Compliant?

It's complex. For nongovernmental organizations, there are no regulations that detail web content compliance standards. Businesses like dental offices, which fall under public accommodations requirements (Title I and Title III), must have websites that offer "reasonable accessibility" to people with disabilities. The courts generally refer to a set of industry standards — *Web Content Accessibility Guidelines (WCAG)* — which can be quite stringent.

These criteria include, but are not limited to:

- Alternative text for images and nontext content.
- Video closed captioning for the hearing impaired.
- Proper structure to work with screen reader technology.



- Colors, contrast and text sizing to facilitate readability.
- Predictable page order and understandable navigation.
- Ability for users to avoid or correct input mistakes.

Why Are Dental Offices Being Targeted?

Simply put, finding noncompliant websites and filing litigation is too easy due to several factors:

- Those looking to file suits for profit can browse through hundreds of websites from the comfort of their computers.
- Dentists aren't expected to be web experts nor have web content that's updated as often as e-commerce businesses, so their sites are less likely to be accessible.
- No prefiling notice is required; this means dentists don't have the opportunity to make the changes needed to comply. And plaintiffs and their legal firms are often simply seeking payment — not fixes.

"The majority of the claims we handle come in as first-notice lawsuits," said Monica Sparks, a claims representative at The Dentists Insurance Company. "Plaintiffs are targeting dental offices for profit, not because they have any intention of becoming patients, so they're not incentivized to give the office an opportunity to address the accessibility issue."

Minimum damages for a first offense are \$4,000 or \$4,500 and can multiply for every site revisit — as much as \$25,000 to \$30,000 in legal fees or mediation if not covered by your dental business liability insurer.

"Since these suits can come without warning, the best defense is to be proactive in auditing and

regularly updating your website," Sparks said.

How Can You Reduce Your Risks?

The good news is you don't have to be an expert in web accessibility standards or know how to code them. As a practice leader, your role is to ensure that the individuals or companies you hire to build or update your website are both aware of the accessibility standards and are working to ensure your website adheres to those requirements for compliance.

Your website developer should confirm that your site has been built to meet accessibility standards. However, after making a risk assessment based on the age of your site and the level of support available from your developer, you can choose to contract with an accessibility professional who can meticulously evaluate your site against WCAG and then provide a report of any issues found.

Your professional dental and business liability insurer or state dental association can also be good sources for referrals to trusted web design and assessment vendors.

And just by making yourself and your practice team more aware of the issue, you are in a better position to ask the right questions when it comes to your website and lessen the risk of being caught in a targeted search.

A best practice is to designate a staff member to review the website at least once a quarter or at the time of any practice transitions to ensure:

- All hyperlinks are active and accurate.
- Practice information is current.
- Staff listings are up to date.
- Content is a true reflection of the practice.
- Any inactive sites or pages have been taken down.

Again, the staff member doesn't need to be an expert in content accessibility but can be supportive of the practice's efforts to be attentive to its site, make it easier for patients to find the information they need, and elevate any concerns.

What if a Suit is Filed Against You?

While there are steps to take to mitigate your risks, you are never immune to the possibility of a demand letter or potential suit. But efforts to choose a vendor with a commitment to web accessibility or updating your site to be more compliant can reduce your chance of being targeted. And these efforts can facilitate an effective defense to the allegations and the dismissal of charges if a suit is filed.

Policyholders with strong liability coverage have the support of legal teams that can shine a light on plaintiffs' predatory behaviors, like filing suits against multiple practices they never intended to visit or that aren't in their region. As part of the claims process at *The Dentists Insurance Company*, for example, a web expert is deployed to audit the practice's site in detail and deliver an actionable evaluation of what aspects are in and out of compliance. This analysis contributes to claim defensibility; more importantly, it demystifies what the dentist, in partnership with the web vendor, should do next.

Dentists are attuned and adaptable to meet the diverse needs of patients. While it's unfortunate that a growing number of plaintiffs and their attorneys are leveraging AwDA compliance to pursue personal profit, the trend still underscores the need to make the physical and digital practice experience accessible and welcoming for patients with disabilities. ●

Finding Joy in Service: A Chat with Caroline Zeller, Recipient of the ADA's "10 Under 10" Award

By Tyler Fix,
DMD, MA,
ODA New Dentist
Council Member

I LOOK TO OTHER VOICES OFTEN FOR INSPIRATION — their actions, their writings, their speeches, and their influence. I believe that in order to be a good dentist, I need to be a good student of life and humanity. And the best teachers out there are the multi-dimensional professionals. The ones who don't stop working when they leave "work." There is unending learning to be had beyond the walls of the operatory; we just need to step outside of them.

To come clean, I am a quote hoarder. I harbor collections of them in the Notes app of my iPhone. In search of perspective, one of the more recent motivational speeches I had listened to iterated the following the differences between feeling happy and finding joy.

"Happiness is an emotional response to an outcome. If I win, I will be happy; if I don't, I won't...And I say, If happiness is what you're after, then you are going to be let down frequently, and you are going to be unhappy much of your time.

"Joy, though. Joy is a different thing. It's something else. Joy is not a choice. It's not a response to some result. It's a constant. Joy is the feeling that we have from doing what we are fashioned to do, no matter the outcome."

—Matthew McConaughey, University of
Houston Commencement Speech (May 2015)

I believe that many young dentists like myself find both happiness and joy throughout our days, and I need to differentiate the two. I can ride my wave of happiness on a successfully slammed day at the practice. But, I can fall off of it just as quickly when I encounter a day that brings struggles or challenges.

To ground myself, I need to look at what brings me joy in dentistry. When I dissect that, I find service to be at the heart of my professional pursuits — whether that is through leadership within my office and with external organizations, or through volunteerism within dentistry and nonprofit board work, or through care for both my patients and my friends and family.

In order to look at how a rising, scintillating, young leader in our profession approaches her career and finds joy within it, I chatted with Dr. Caroline Zeller, this year's recipient of the American Dental Association's "10 Under 10" Award. The ADA's national-level New Dentist Committee created this award in 2017 to honor ten young dentists each year who have contributed and excelled in the areas of advocacy, leadership, philanthropy, and education in dentistry.

Our very own Oregonian new dentist, Caroline, was declared one of the highly deserving winners on March 17, 2021. In our conversation, I inquired about her joys and her dedication to service.



Caroline Zeller

What brings you the most joy every day?

The unexpected moments of humor and love in everyday activities.

What brings you the most joy in dentistry? When did you find that joy, and how have you kept it alive and healthy?

It is hard to beat that deep flow feeling I enter while performing a challenging and beautiful surgery. I crave that feeling. But there is also nothing better than connecting with a new patient that is fearful and hesitant to trust. When I am able to find a way to make them feel safe, and they are willing to trust me, I find immense joy. I discovered both sources of joy as a young person when I went on mission trips with my father. I have kept this joy alive by continuing to learn and continuing to take the time to listen.

For you, what are some of the greatest benefits of service in leadership?

The drive to lead should be contingent upon love and respect for the people you lead. It is a wonderful thing to be able to speak up for people and issues you care about. It is a wonderful thing to have a voice, to be heard.

For you, what are some of the greatest benefits of volunteerism?

Volunteering allows you to focus on one thing: the task at hand. The focus is on something other than one's self. Using the special skills we have acquired in life to care for those less fortunate is one of the best uses of our time on Earth.

Professionally, what are you most proud of so far?

My clinical work and long hours can be grueling. I have been told by many that I won't last doing the work I do with the populations I serve. I'm still going, and I am proud of that.

Personally, what are you most proud of so far?

The work I do to surround myself with the kinds of humans that help to expand my mind and fill my soul. 🌍

What is your joy and where does it thrive? As a new dentist, if you are looking for ways to get involved, lead, serve, or volunteer, please explore the following resources:

- (1) The Dental Foundation of Oregon (DFO): <https://www.smileonoregon.org/>
- (2) Areas for involvement within the Oregon Dental Association:
<https://www.oregondental.org/member-center/volunteer-and-donate/councils-and-committees>
- (3) Areas for involvement within the American Dental Association:
<https://www.ada.org/en/member-center/get-involved>
- (4) Reach out to your component level leadership to discover local areas in which you can get involved or give back.

Opioid Crisis: Best Practice Opportunity

By Robert McDermott, President and CEO/iCoreConnect

THE U.S. AND STATE ATTORNEYS

GENERAL are aggressively pursuing cases against practitioners, pharmacies and pharmaceutical companies for their alleged role in contributing to the opioid crisis. Just do a quick search on the Associated Press news feed and you'll see story after story detailing the seriousness of the issue and the legal quest for accountability.

Technology and new laws are aiding doctors like you in your continual quest to provide the best care possible to your patients. We'll focus on one key component of this technology in this article: electronic prescribing. Commonly known as e-Prescribing, this more-secure digital method replaces traditional pad and pen, phone, or fax prescriptions.

More than half the states across the country have already implemented new laws, or have a future mandate in place, requiring Electronic Prescribing for Controlled Substances (EPCS). Mandatory e-Prescribing will likely continue to gain traction. Even in states without e-Prescribing laws, doctors are switching in order to protect patients and their practice.

What Exactly is Electronic Prescribing?

e-Prescribing simply refers to special software used to create and securely send a prescription to the pharmacy. This can be a prescription for ANY medication, including controlled substances. Once the prescription is created, the doctor reviews, signs and sends it to the pharmacy using a computer, laptop, tablet, or

smartphone. Your clinical workflow is similar to your current prescribing process. The only differences you'll notice will actually make your work easier. First, you can electronically prescribe from any location, using any computer or device. Second, e-Prescribing combines the many steps of your prescribing workflow into one streamlined process, saving you valuable time. And, third, the level of security and compliance far outweighs traditional methods, better protecting patients and your practice.

Prescribe with Greater Safety and Confidence.

One of the biggest benefits of technology is the opportunity to reduce multiple steps into just a few actions. Quick access to resources puts critical information at your



fingertips. For example, e-Prescribing software often allows you to access patient prescription records dispensed at any U.S. pharmacy as far back as 5 years. There is also direct access to the state Prescription Drug Monitoring Program (PMP). Rapid access through the e-Prescribing software to the PMP/PDMP instantly shows you the patient's prescription history of controlled substances. With all of this information, you know exactly what kind of meds and controlled substances have been prescribed as well as how often prescriptions have been filled.

Couple that comprehensive prescription background information with direct access to a built-in drug directory, like Lexicomp, and you have robust history, drug dosing, and contraindication information in one place, right in front of you. Within minutes you are able to make informed decisions as to what, how much, and even if the patient should be prescribed an opioid or other med. You can literally see the layers of protection built into every step in this process.

Protect Your Practice.

As you've heard or may have experienced, doctors can fall victim to a stolen prescription pad, a falsely edited prescription, or even doctor shopping. We know you are on a constant mission to protect the patients you care for, so this kind of misuse is especially disturbing.

To e-Prescribe opioids and other controlled substances, you'll use two quick verification forms to prove you are indeed the prescribing doctor. These unique authentication tools are accessible only to the prescriber, preventing someone from impersonating you and illegally writing scripts for controlled substances.

Embrace the Technology.

With patient and practice protection at the forefront, it is also important to note that e-Prescribing offers other improvements to your clinical workflow. Electronic prescribing software may interface or integrate with your current practice management system. If so, patient data will auto-populate, reducing errors and saving time from duplicative data entry.

Whether required by law or as a facet of developing best practices, e-Prescribing is a powerful intervention. Combating this epidemic has catalyzed technological development, allowing doctors to prescribe with greater accuracy, safety, and efficiency. ●

iCoreConnect, an ODA Endorsed Partner, develops cloud-based technologies to improve and protect your practice. ODA members receive special discount pricing on iCoreRx e-Prescribing service. Visit land.icoreconnect.com/OR03 or call 888.810.7706.



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Save the Date for the Virtual 2021 ODA House of Delegates!

THE 2021 ODA HOUSE OF DELEGATES will take place virtually on September 25, 2021. All ODA members are welcomed and encouraged to attend — mark your calendars and plan to serve as a delegate for your local component society. We look forward to “seeing” you there!

House of Delegates Election

Nominations are now open for the following offices, to be elected by the ODA House of Delegates on September 25th. Please submit all applications and nominations by July 1st.

Leadership Development Committee

Positions Open: 4

Term: 3 years

Declared Candidates: Dr. Jordan Anderson, Dr. Bruce Burton, and Dr. Deborah Struckmeier

At-Large Trustee

Positions Open: 2

Term: 4 years

Declared Candidate: Dr. Todd Beck and Dr. Bryan Guthrie

Editor

Term: 3 years

Declared Candidate: Dr. Alayna Schoblaske

ADA Delegate At Large

Positions Open: 1

Term: 3 years

Declared Candidate: Dr. Caroline Zeller

All ODA members are encouraged to participate in the leadership of this organization. For more information about any of these positions, please email leadership@oregondental.org. Interested applicants should submit a letter of interest and a resume. Email your materials to leadership@oregondental.org by July 1, 2021.

Tom Tucker Humanitarian Award

Established at the 2017 House of Delegates, the Tom Tucker Humanitarian award is the highest humanitarian and service award for the dentists of Oregon. Award criteria include:

- A significant number of years as an ODA member.
- Active in leadership roles within the ODA and their local component society.
- Demonstrated commitment to being an active member in their local communities.
- Demonstrated to their communities and the ODA a unique attitude and a willingness to serve.
- Mirror the image of Dr. Tom Tucker with a can-do attitude and a genuine desire to serve the common good.

Submit your nominations to leadership@oregondental.org by July 1, 2021. 📧

COVID-19 Resources

IN AN EFFORT TO KEEP MEMBERS INFORMED during these uncertain times, the ODA has compiled a list of COVID-19 resources on our website. We have information on a wide variety of COVID-19 topics including:

- Guidance from the Oregon Health Authority and the Centers for Disease Control and Prevention
- Access to ODA's COVID-19 Hot Topics webinar series
- Access to free ADA Webinars
- COVID-19 Vaccine Access Opportunities and Information
- CARES Act resources
- Wellness tools and resources
- Human Resources and Business Management

The ODA continues to update these resources as the COVID-19 situation develops. Visit oregondental.org/government-affairs/regulatory-information/coronavirus for a full list of updates and resources. 📱

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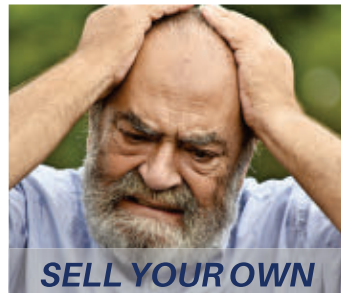
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