

# Florida Academy of Pediatric Dentistry

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## Legislative Advocate

## and General Counsel

Senator John Grant

## Spring 2008 Newsletter

### **Message from our President:**

Hello to everyone!

The past year has been interesting, as well as full of activity, to say the least. The primary focus of interest is our lawsuit with the State of Florida, which continues to creep through the federal court system. In January, immediate past President Paul Werner represented the FAPD at the mediation phase of the trial in Miami. Dr. Louis St. Petery and I were deposed on separate days in Tallahassee last month. The depositions lasted from 8:30 a.m. until well into the evening. While the deposition cannot be described as an entertaining experience for either of us, it was one which was necessary for the litigation to continue. We are prohibited from discussing the substance of the deposition, but I will say that it was quite thorough.

The Surgeon General of the State of Florida has identified oral health as a primary need of the state's citizens, which is largely unmet at this time. Last week I represented the Academy in the first of several SOHIP teleconference calls. SOHIP is an acronym for State Oral Health Improvement Plan. During this first conference, I was somewhat limited in my ability to participate. This was due to the fact that several of the state agencies which are named in our lawsuit were also participating and I was advised by counsel not to discuss the lawsuit with said parties. There were several proposals the state is actively considering to improve health care access for Medicaid recipients. Ideas ranged from forgiving student loans for dentists who provide care in underserved areas of the state to requiring new graduates to participate in Medicaid. Expanding the scope of practice of dental hygienists as well as certified dental assistants to improve access to care was also mentioned. A suggestion was made to bring in unlicensed dentists to serve the Medicaid population with the promise of a state license after one or two years of service. Allowing pediatricians to provide comprehensive oral exams as well as fluoride varnish was discussed. I will continue to keep the group advised as more definitive ideas emerge.

Tom Floyd is continuing his efforts to keep Medicaid reimbursement in a fee for service model by starting an independent insurance program. We will hear about his progress at the annual meeting in June.

Dentists Day on the Hill was well represented by your academy leadership. Ken Rogers arranged for a meeting with Speaker Pro Tem Marty Bowen. Representative Patronis of the Health Care committee met with me, as well as Howard and Ken Rogers. Other members of the FAPD spoke with their respective legislators.

Senator Grant continues to be a staunch child advocate. Through his diligence, we are constantly kept abreast of issues affecting dentistry in the state. Rochefoucauld once said that the only thing in life which remains constant is change. I believe that this past year has been the poster child for that quote. As the torch is passed to the extremely capable hands of Howard Schneider this June you can rest assured that your leadership will continue to monitor situations affecting our membership, our practices, and our livelihood.

*Pete Claussen*

## **Message from our Vice-President:**

Shortly, the torch will be passed. Our president, Pete Clausen has done a remarkable job in the Academy's most complex year since its beginning. He represented the society very professionally with regard to our joint legal action with the Florida Academy of Pediatrics. Other decisions dealing with Medicaid and fluoride varnishes were handled in a similar manner. John Grant continued to represent us bringing the society very close to the Florida Dental Association and the Florida Academy of Pediatrics. Both societies have joined together in the legal action representing access to care for the children. We hope shortly to initiate dialog with FAP to present a proposal to members of the legislature in the interest of all parties participating in the Medicaid program. Our executive director, Bob Primosch keeps a tight observation of our daily activities and guides us in the right direction. Natalie Carr, our behind-the scene work horse, and, soon to be our vice president, represents us before many committees of interest involving the children of Florida. And, there is Jim McIlwain, Paul Werner, and Ken Rogers, our unsung heroes. They just won't go away. Finally, it will soon be time to make committee appointments for the coming year. Please e-mail your interest. We have plenty of slots to fill. We work in your behalf. That is what makes our society unique. Mark your calendar for June. We have our annual meeting at 11:30 am on Friday at the FDA annual meeting. Looking forward to seeing you.

*Howard Schneider*

## **Legislative Update:**

The 2008 regular session of the Florida Legislature has adjourned after one of the most difficult sessions most can remember. The decrease in tax revenues forced the legislature to write a budget more than Five billion dollars less than last year's budget. Nearly one billion was cut from health and related services.

In such an environment it was difficult to get Medicaid dental fee increases. The House gave us 3.5% in their budget and the Senate gave no increases. In the end, it was, unfortunately the Senate position that prevailed. We made a good statement for our case and laid the groundwork for increases in future years when revenues increase.

We also attempted to get indexing for physical and dental fees and that will be a top priority in the next session. We gained a number of new friends and allies who are now championing our cause in the legislature.

Our litigation on Medicaid fees continues and is making progress. We have been through mediation and are now in protracted discovery and the submission of expert testimony. We are set for trial in the summer of 2009.

As always, I thank the FAPD members for allowing me the privilege of representing you all in Tallahassee. I am honored to carry your flag.

*John Grant*

## **Dentist's Day on the Hill Report:**

Ken Rogers was on target with his comments about the visit to Marty Bowen, Speaker Pro Tem. It was impressive that Ken was her friend, and she valued our visit. We noticed when we left her chambers there was quite a crowd waiting to see her. She treated us as though we were the only ones in town.

I had a good session with Rep Homan. I have known him through the family and particularly my brother Harris for a long time. He had some good information and realistic projections on what to expect with Medicaid funding. It does not look hopeful for the next two years. And he doesn't think they will tap into the rainy day fund. He said that he would support our amendment to place a pediatric dentist on the Board, and let him know when it comes up. It was interesting - his secretary, Janet asked me to look at the materials she had just received from the hygienists, who were looking for

his support. I gave her my views and she made a copy of the first few pages of their material for me. I told her our basic concern was the lack of supervision issue. There's no question that dentists can't do all of the physical work, but work being done needs to have supervision and checks and balances.

With Rep Ambler, I stressed the importance of passing the element in Rep Bucher's bill that dealt with fee indexing. I think he's on board. I would like to thank Representative Susan Buchler and Senator Ted Deutch for proposing the original bills to raise Medicaid fees in this year's legislative session.

As you know I had trouble getting through Senator Crist's new secretary, Jennifer. So I called him on his cell phone Tuesday night. He was in a committee meeting all morning, and had the floor at 2pm, so it was a little gamy. Terry Buckenheimer and Leonard Brittin were waiting for him when he returned, and gave him the whole pitch on the hygienists. So when I met him, we went to lunch. He thinks the amendment for our pediatric dental slot on the Board may be appropriate this year, or certainly next year. So he's going to work on it. We probably ought to get together a white paper to support his discussion.

I think this year was an outstanding DDOH, even though the number was smaller. It was obvious that the legislators knew who we were, welcomed us, and respected our views. So all the efforts are showing progress!!

*Jim McIlwain*

### **Southeastern Society of Pediatric Dentistry**

Next annual meeting will be held at the Ritz Carlton, Grande Lakes, Orlando during Labor Day Weekend, August 29 – September 1, 2008. Additional information can be obtained from Kim Brooks at 804-475-9551 or at [www.sspd.org](http://www.sspd.org)

*Leigh Ann McIlwain*

### **Next FAPD Annual Meeting – Business Luncheon**

Friday June 13, from 11:30 am to 1:30 pm at the Florida National Dental Convention at the Gaylord Palms Resort, Orlando. Luncheon reservation form enclosed.

Please keep updated on current events at our website: [www.FAPD4kids.org](http://www.FAPD4kids.org).