

# TROJANTODAY

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A NEWSLETTER FOR CLIENTS OF TROJAN PROFESSIONAL SERVICES, INC.



*(Part One of a  
Two-Part Series)*

**“Working interviews,” volunteering, and/or unpaid internships** are not uncommon in the industry, but they have become a source of increasing risk to dentists, both financially and emotionally. Not considering compliance requirements can leave you vulnerable to a plethora of problems.

Working interviews present complex issues that have serious ramifications for dentists who fail to be aware of, or properly comply with, the requirements.

**Here are two actual examples:**

- A dentist was interested in hiring an applicant as a dental assistant and had her come in for a “working interview.” She filed successfully for workers’ compensation as an employee, alleging she fell off a chair and hurt her back during the day.
- An applicant came in for a “working interview” and was not hired. She filed for unemployment. The doctor was ruled to be her last employer and liable for the unemployment claim.

While it is quite common to ask applicants to demonstrate their job-related skills by having them participate in a “working interview,” these two cases demonstrate this extension of the verbal interview can become a costly problem for the employer if not handled correctly.

When and how can applicants engage in “working interviews” for a potential employer? What’s the best way to use them and still protect yourself? The following will shed light and provide best practice guidelines.

## Definition of Employee

To start, we need to look at the government’s definition of an “employee.” Simply put, employment is defined very broadly and considers an individual an employee if s/he “is permitted to work” by an employer.

## “Working Interviews”

In some practices, the “working interview” is paid time for one or a few days. This is not a problem in terms of wage and hour rules provided the person is receiving compensation for his/her time, the rate in effect during that time is at least minimum wage, and the individual is paid for applicable overtime hours.

In many other practices, the “working interview” is conducted for one or a few days and is not paid. Clearly, based on the very broad definition stated above, this is simply not allowable. If you ask an applicant to perform work at your practice, whether “officially hired” or not, and no matter how short the time period, it is work time and must be paid.

Since the individuals in the examples above are considered your employees, for good or bad, then your workers’ compensation insurance comes into play if the person is hurt on the job, and you will likely be considered the person’s most recent employer if the person does not remain employed and seeks unemployment compensation. Unfortunately, there is no avoiding this problem when conducting “working interviews.”

Is there a way to test an applicant’s skill before hiring that keeps him/her from becoming an employee and risking all the above? Yes, it’s called a “skills assessment.”

### To conduct a skills assessment legally, the following guidelines must be applied:

1. **Do not have applicants replace regular workers or fill in for workers who are off.** This could appear as though the person is an employee, or temporary employee, because s/he is being treated as one by replacing another.

2. **Do not have the applicant perform a skills assessment for more than 1-2 hours.**
3. **Refrain from providing any form of compensation, even something as little as a gift certificate, for participating in the skills assessment.** Recent interpretations state an employment relationship does not exist if there was no contemplation of payment.
4. **Be sure no productive work is performed, or “no productivity is derived,” by the applicant’s participation, such as would occur when an applicant provides services to clients which are billed, such as a hygienist cleaning a patient’s teeth. A dental assistant or a hygienist who works on patients, potential colleagues, or anyone else who may benefit from the work or fulfill an employer’s obligations, is considered performing productive work. Instead, assess the applicant’s skills on a ceramic model, yourself, or an employee who does not receive dental treatment as part of a dental benefits program. In terms of other employees: billing insurance companies, receiving payment from patients, scheduling patients, calling cancellations, etc. is also considered productive work and should be avoided.**
5. **Require each applicant to sign an agreement prior to the skills assessment.** This agreement outlines:
  - A. the skills assessment is an extension of the interview process and is voluntary,
  - B. there is no promise of employment,
  - C. no employment relationship exists, and
  - D. no compensation will be provided.

## One final note

While following these recommendations will protect you from employment-related claims, you may still have to deal with a personal liability claim through your general liability insurance if a person is hurt on your premises.

*(Next month’s Trojan Today will feature Part Two, on Volunteering and Unpaid Internships).*



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## Ask the Consultant

**Q:** If the doctor provides apralozam (Xanax) to the patient at the office prior to their dental procedure, can we bill insurance?

**A:** There is no dental code for apralozam. You can bill the insurance using code D9999 Unspecified Adjunctive Procedure with a narrative. However, I doubt any dental plan will cover it. The patient's medical insurance might cover it.

**Q:** I have heard you cannot take a panoramic image on the same visit when you take bitewings because it will be upgraded to an FMX, which would then lead to a denial of further x-rays for an extended period of time. Is this true or just a rumor?

**A:** Insurance companies routinely convert separately coded extraoral panoramic image and intraoral bitewing images to a lower complete series D0210 UCR fee.

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Responses provided by *Kathleen Johnson*,  
President of Kathleen Johnson Consulting, Inc.

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## Remember...

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## Quote-Worthy

“ A body smiles,  
like, 72 times a day.  
Where does that  
smile go? That’s  
what I want to know.”

— Goldie Hawn



## FUN! Fact

**A \$250,000 mechanical mouth** developed by dental researchers can duplicate **a year's worth of chewing in 24 hours and take four bites per second**, thus drastically speeding up the testing of dental materials.

**Unfortunately, it keeps breaking down!**



Service Savvy

## X-RAYS: To send, or not to send? That is the question.

X-rays can be a hassle when the time comes to file your insurance claim. Some insurance companies insist you send them with certain procedures, while others do not want them at all, and your decision to send them can make the difference in the turnaround time of your claims. Following are a few hints to help the claims process when x-rays are involved.

### Paper Claims

Considering the turnaround time for paper claims through the mail, it is better to send the x-rays if you have any doubt whether the insurance company wants or needs them. Never send the originals when sending x-rays with paper claims. Claims for crowns, bridges, dentures, partials, and root canal therapy should all be accompanied by x-rays. Remember to send periodontal charting as well as x-rays with periodontal procedure claims.

### Electronic Claims

The turnaround time for an electronic claim is far less than with a paper claim, especially if there is not an x-ray to slow it down. You are better off not sending x-rays and having them tell you to do so, rather than sending unnecessary x-rays and having your claim delayed while the insurance company waits for an x-ray they don't need. To expedite the claim, carriers will usually process without accompanying x-rays.

**You can reach the Software Support  
Department at 800-451-9723 ext. 1,  
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## What Clients Say



*“Since we began using Dentifi, our patients’ benefits are verified 1–14 days in advance. This has allowed us the advance notice to be sure to update necessary information regarding patient benefits prior to submitting claims. Correctness and prompt claim processing and payments have been the result.”*

— Penny  
Officer Manager

## Write for TROJAN TODAY

Share your dental and front office experience with others! Articles should be no more than 750 words. Include a short bio and recent photo.

Submit to: [nikkim@trojanonline.com](mailto:nikkim@trojanonline.com)

Trojan encourages a wide variety of contributors and subjects to its newsletter.



*Software Support is ready to  
hear from you.*

800.451-9723 ext. 1



TROJAN PROFESSIONAL SERVICES



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*Trojan provides support services to dental practices;  
 improving case acceptance, production, and collections.*

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