



(Part Two 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. Last month, *Trojan Today* covered working interviews. This month, we look at volunteering and/or unpaid internships.

Volunteering & Unpaid Internships

Whether it is staff “volunteering” to provide dental services to a charity group or having unpaid interns work for the summer, employers often erroneously believe they have greater flexibility in determining whether the employee will get paid than they really do.

Under the FLSA, employees may not volunteer services to “for-profit” private sector employers.

An individual can be considered a volunteer under the FLSA if the individual:

1. Performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered; although a volunteer can be paid expenses, reasonable benefits, or a nominal fee to perform such services;
2. Offers services freely and without pressure or coercion; and
3. Is not otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

Employees may end up volunteering for their employer when they are encouraged to get involved with a charitable organization. The big trap for employers is crossing the line from encouraging staff to coercing or pressuring staff to volunteer.

The following factors could mean compensation is due:

- Employer requests volunteers to participate;
- The employee is under the employer's control while volunteering;
- The employee is required to be on the premises;
- The volunteer work occurs during normal work hours;
- Non-participation adversely affects employee's working conditions or employment status; and
- There is a significant connection between the employer and the charity, and they are considered a single enterprise.

As for volunteering for an employee's own employer, this will not pass the test with the FLSA when the work is performed during normal work hours, the work is similar to employee's regular job (regardless of when the volunteer hours occur), and the employee's participation is not truly voluntary.

Keep in mind the following regarding internships. In order to have an intern who is not compensated, **the FLSA states all of the following criteria must be met:**

1. The training, though it may include actual operation of the employer's facilities, is similar to training that would be given in a vocational school;
2. The training is for the benefit of the student;
3. The student does not displace regular employees, but works under close observation;
4. The employer who provides the training receives no immediate advantage from the activities of the trainees or students and, on occasion, his/her operations may even be impeded;
5. The student is not necessarily entitled to a job at conclusion of the training period; and
6. The employer and the student understand the student is not entitled to wages for the time spent training.

NOTE: Some states have stricter criteria.

Conclusion

Not paying individuals when they meet the government definition of "working" is very risky. Without carefully considering the various components related to working interviews, skills assessments, volunteering, or unpaid internships, the employer could wind up with messy claims that are sure to be costlier than otherwise need to be. The safest course of action is to pay people for their time spent providing a service to the employer, whether "officially hired" or not.



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Quote-Worthy

“ My smile has been my ticket to the world. Smiling releases the same feel-good hormones you get jogging. Caring for your lips and gums is important. ”

— Christie Brinkley



Ask the Consultant

Q: If a patient who had a credit on their account passes away, does the spouse get the refund or do you adjust it off?

A: The patient credit belongs to the estate. You can send it to the spouse, asking that it be placed in the estate.

Q: Our office updates patients' registrations once a year. They fill out the personal info: name, address, phone, email, and Insurance information if it changes. At the bottom, they sign a consent.

The doctor is questioning how often we need patients to update personal information and receive the Authorization & Consent signature. (This is all done on one form.)

The Authorization goes over insurance payment being payable to the doctor and confirms the patient is responsible for service provided.

The Consent authorizes the doctor to take models, x-rays, etc. to make a diagnosis, and authorizes doctor to perform treatment mutually agreed upon and to use appropriate medication needed for treatment.

The doctor wants to know if we already have a signature from patient before treatment is rendered that goes over medicine, condition, and risks of treatment, and if the patient signed the original form, do we need to get an update once a year?

A: I don't believe there is any law regarding yearly updates as outlined in your question. Rather, you will need to get the patient's informed consent anytime you are doing more complex procedures that could have side effects, alternative treatment, etc. Routine work does not require informed consent unless you think complications may arise.

Responses provided by Patrick J. Wood.

FUN! Fact



In the Middle Ages, a person would go to the barber for shaves and haircuts. **And tooth extractions!**

Since barbers performed both haircutting and surgery, **they were called barber-surgeons.**

Barber-surgeons formed their first organization in France in 1094, and they were admitted to the faculty of the University of Paris in 1505.

The familiar red, white, and blue striped barber pole originated around this time, too.

Remember...

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Ask your question today:

<http://www.trojanonline.com/AskTheConsultantRESP.html>



Service Savvy



What's Up with Collection Services Changes?

Last August, Trojan's Collection Services Department announced changes regarding sending accounts to collections. This included having to wait 180 days from the date of delinquency to send an account to collections. We've had a handful of questions regarding this so we thought we'd share more information.

What is the reason for this change?

The National Consumer Assistance Plan (NCAP) was an initiative launched by Equifax, Experian, and TransUnion. Under NCAP, medical accounts can't be sent to a collection agency for 180 days after the delinquency date.

Are dental services considered medical?

Yes.

What does Trojan suggest for the implementation of the changes brought about by NCAP?

1. Trojan strongly urges the collection of the estimated patient portion when services are rendered.
2. If an account becomes past due and your office and the consumer agree to a payment plan, get the agreement in writing.
3. If an account has not yet been delinquent for 180 days and you receive a partial payment that was not agreed to, review the account to see if the partial payment amount is reasonable (payment amount compared to total amount due) to decide if your office will accept the partial payment. This is important because accepting a partial payment changes the delinquency date which then changes when your office can send the account to collections.

If you are interested in using Trojan's Benefit Service or Eligibility Service to assist your office in determining a patient's estimated patient portion, please contact Trojan's Sales Department at 800.451.9723, ext 3.

To learn more about NCAP:

www.nationalconsumerassistanceplan.com

The Collection Services Department is available at 800.248.2964.

What Clients Say



"I absolutely love this service. Verifying insurance has never been easier and more precise. Nine out of ten times Trojan's breakdown of benefits is more detailed and specific than speaking with a company representative and it is ALWAYS better than what information is available online. In as little as 10 minutes I'm able to verify coverage for as many as twenty patients. I ABSOLUTELY love it! P.S. The representatives are equally as good."

— Whitney,
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

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



Software Support is ready to hear from you.

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TROJAN PROFESSIONAL SERVICES



Meeting Place

May 17-19, 2018

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Booth #1520



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Presented by Becky Gerber

April 26-28, 2018

San Diego, CA

July 26-28, 2018

Portland, OR

[Click here for more information or visit:](#)

dentalpracticecareers.com

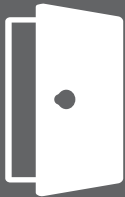
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Presented by Front Office Rocks

April 6, 2018

Boston, MA

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

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