

# Medicaid Compliance for the Dental Professional Resource Guide

This resource guide is a list of sources that dental professionals may find useful with regard to compliance with Medicaid requirements. Note that this list is not intended to be exhaustive.

## American Dental Association

- Palmer, C. (2013, July 26). ADA Responds to Senate Report: Unnecessary Procedures Violate Ethical Codes. <http://www.ada.org/news/8850.aspx>
- CDT 2014 Products. <http://www.ada.org/8832.aspx>
- Code on Dental Procedures and Nomenclature (CDT). <http://www.ada.org/3827.aspx>
- Dental Radiographic Examinations: Recommendations for Patient Selection and Limiting Radiation Exposure (2012). [http://www.ada.org/sections/professionalResources/pdfs/Dental\\_Radiographic\\_Examinations\\_2012.pdf](http://www.ada.org/sections/professionalResources/pdfs/Dental_Radiographic_Examinations_2012.pdf)
- Licensing for Commercial Users. <http://www.ada.org/3854.aspx>
- Williams, J. (2012, April 13). Experts Question X-ray Study: Association With Brain Tumors Based on Patient Recall of Radiographs. <http://www.ada.org/news/6979.aspx>

## Code of Federal Regulations

- 42 C.F.R. § 431.107(b)(1). <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=d57664994019b22646cadbcc8cb43547&ty=HTML&h=L&r=SECTION&n=42y4.0.1.1.2.3.10.2>
- Dental Services, 42 C.F.R. § 440.100. <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=d1fa89c4fe41ea21e9d1828dfba6a628&ty=HTML&h=L&n=42y4.0.1.1.9&r=PART#42:4.0.1.1.9.1.112.12>
- Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) of Individuals Under Age 21, 42 C.F.R. §§ 441.50–441.62. <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=e1ce94ce245f4c1b836e1c963d9e7d33&ty=HTML&h=L&r=PART&n=42y4.0.1.1.10#42:4.0.1.1.10.2>
- 42 C.F.R. § 441.56(c)(2). <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=ac622dfb9c94ea1f01157cca4f1a3fb6&ty=HTML&h=L&r=SECTION&n=42y4.0.1.1.10.2.112.3>

## Social Security Act

- Social Security Act § 1861(r)(2). [http://www.ssa.gov/OP\\_Home/ssact/title18/1861.htm](http://www.ssa.gov/OP_Home/ssact/title18/1861.htm)
- Exclusion of Certain Individuals and Entities From Participation in Medicare and State Health Care Programs, Social Security Act § 1128. [http://www.ssa.gov/OP\\_Home/ssact/title11/1128.htm](http://www.ssa.gov/OP_Home/ssact/title11/1128.htm)
- Social Security Act § 1128A(a)(1)(C). [http://www.ssa.gov/OP\\_Home/ssact/title11/1128A.htm](http://www.ssa.gov/OP_Home/ssact/title11/1128A.htm)
- Social Security Act § 1128B(b). [http://www.ssa.gov/OP\\_Home/ssact/title11/1128B.htm](http://www.ssa.gov/OP_Home/ssact/title11/1128B.htm)
- Social Security Act § 1902(a). [http://www.ssa.gov/OP\\_Home/ssact/title19/1902.htm](http://www.ssa.gov/OP_Home/ssact/title19/1902.htm)
- Social Security Act § 1905(a)(5)(B). [http://www.ssa.gov/OP\\_Home/ssact/title19/1905.htm](http://www.ssa.gov/OP_Home/ssact/title19/1905.htm)

## State Attorneys General

- Florida Office of the Attorney General. (2013, February 8). Attorney General Bondi's Office Arrests West Palm Beach Dentist on Medicaid Fraud and Grand Theft Charges. <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/884414CF74BD2F0E85257B0C005D68E6>
- Missouri Attorney General. (2010, March 23). Koster Says Joplin Dentist Sentenced for 13 Felony Counts of Medicaid Fraud. [http://ago.mo.gov/newsreleases/2010/Koster\\_says\\_Joplin\\_dentist\\_sentenced\\_for\\_13\\_felony\\_counts\\_of\\_Medicaid\\_fraud/](http://ago.mo.gov/newsreleases/2010/Koster_says_Joplin_dentist_sentenced_for_13_felony_counts_of_Medicaid_fraud/)
- New York State Office of the Attorney General. (2012, August 13). A.G. Schneiderman and Comptroller Dinapoli Announce Guilty Plea of Brooklyn Dentist Who Defrauded Medicaid. <http://www.ag.ny.gov/press-release/ag-schneiderman-and-comptroller-dinapoli-announce-guilty-plea-brooklyn-dentist-who>
- New York State Office of the Attorney General. (2012, January 9). A.G. Schneiderman Announces \$325,000 Medicaid Fraud Settlement With Erie County Dental Clinic. <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-325000-medicaid-fraud-settlement-erie-county-dental-clinic>
- Ohio Attorney General. (2011, June 22). Ohio Attorney General DeWine Announces Sentencing of Cincinnati-area Dentist in Medicaid Fraud Case. <http://www.ohioattorneygeneral.gov/Media/News-Releases/June-2011/Ohio-Attorney-General-DeWine-Announces-Sentencing>

## United States Code

- Award to Qui Tam Plaintiff, 31 U.S.C. § 3730(d). [http://uscode.house.gov/view.xhtml?req=\(title:31%20section:3730%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title31-section3730\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:31%20section:3730%20edition:prelim)%20OR%20(granuleid:USC-prelim-title31-section3730)&f=treesort&edition=prelim&num=0&jumpTo=true)
- Civil Actions for False Claims, 31 U.S.C. § 3730. [http://uscode.house.gov/view.xhtml?req=\(title:31%20section:3730%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title31-section3730\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:31%20section:3730%20edition:prelim)%20OR%20(granuleid:USC-prelim-title31-section3730)&f=treesort&edition=prelim&num=0&jumpTo=true)
- False Claims, 31 U.S.C. § 3729. [http://uscode.house.gov/view.xhtml?req=\(title:31%20section:3729%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title31-section3729\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:31%20section:3729%20edition:prelim)%20OR%20(granuleid:USC-prelim-title31-section3729)&f=treesort&edition=prelim&num=0&jumpTo=true)
- False Claims and Statements; Liability, 31 U.S.C. § 3802. [http://uscode.house.gov/view.xhtml?req=\(title:31%20section:3802%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title31-section3802\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:31%20section:3802%20edition:prelim)%20OR%20(granuleid:USC-prelim-title31-section3802)&f=treesort&edition=prelim&num=0&jumpTo=true)
- False, Fictitious or Fraudulent Claims, 18 U.S.C. § 287. [http://uscode.house.gov/view.xhtml?req=\(title:18%20section:287%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title18-section287\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:18%20section:287%20edition:prelim)%20OR%20(granuleid:USC-prelim-title18-section287)&f=treesort&edition=prelim&num=0&jumpTo=true)
- Sentence of Fine, 18 U.S.C. § 3571. [http://uscode.house.gov/view.xhtml?req=\(title:18%20section:3571%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title18-section3571\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:18%20section:3571%20edition:prelim)%20OR%20(granuleid:USC-prelim-title18-section3571)&f=treesort&edition=prelim&num=0&jumpTo=true)
- Statements or Entries Generally, 18 U.S.C. § 1001. [http://uscode.house.gov/view.xhtml?req=\(title:18%20section:1001%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title18-section1001\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:18%20section:1001%20edition:prelim)%20OR%20(granuleid:USC-prelim-title18-section1001)&f=treesort&edition=prelim&num=0&jumpTo=true)

## U.S. Department of Health and Human Services

- 2012 Annual Report on the Quality of Care for Children in Medicaid and CHIP. (2012, December). <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Quality-of-Care/Downloads/2012-Ann-Sec-Rept.pdf>

### Centers for Medicare & Medicaid Services

- CMCS Informational Bulletin. CMS Oral Health Initiative and Other Dental-Related Items. (2013, April 18). [http://content.govdelivery.com/attachments/USCMS/2013/04/18/file\\_attachments/205273/CIB-04-18-2013.pdf](http://content.govdelivery.com/attachments/USCMS/2013/04/18/file_attachments/205273/CIB-04-18-2013.pdf)
- Contractors and Entities at a Glance: Who May Contact You About Specific Centers for Medicare & Medicaid Services (CMS) Activities. (2013, November). [http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/downloads/ContractorEntityGuide\\_ICN906983.pdf](http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/downloads/ContractorEntityGuide_ICN906983.pdf)
- Frequently Asked Questions—Section 6411(a) of the Affordable Care Act. (2011, December 30). [https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/MedicaidIntegrityProgram/Downloads/scanned\\_document\\_29-12-2011.pdf](https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/MedicaidIntegrityProgram/Downloads/scanned_document_29-12-2011.pdf)
- Payment Error Rate Measurement (PERM): Overview. (2013, November 26). [https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/PERM/Downloads/PERM\\_Overview.pdf](https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/PERM/Downloads/PERM_Overview.pdf)
- Pub. 100-16 Medicare Managed Care Manual—Chapter 21—Compliance Program Guidelines § 50. (2012, July 20). <http://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/Downloads/R108MCM.pdf>
- State by State Fraud and Abuse Reporting Contacts—October 2013. <http://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/FraudAbuseforConsumers/Downloads/smafraudcontacts-october2013.pdf>
- State Medicaid Director Letter 09-001, (2009, January 16). <http://www.cms.gov/SMDL/downloads/SMD011609.pdf>

### Office of Inspector General

- Compliance Guidance. <https://oig.hhs.gov/compliance/compliance-guidance/index.asp>
- Exclusions FAQ. <https://oig.hhs.gov/faqs/exclusions-faq.asp>
- Health Care Compliance Program Tips. <https://oig.hhs.gov/compliance/provider-compliance-training/files/Compliance101tips508.pdf>
- Medicaid Managed Care: Fraud and Abuse Concerns Remain Despite Safeguards. (2011, December 14). <https://oig.hhs.gov/oei/reports/oei-01-09-00550.asp>
- Office of Evaluation and Inspections. Improper Payments for Medicaid Pediatric Dental Services. (2007, September). <http://oig.hhs.gov/oei/reports/oei-04-04-00210.pdf>
- OIG Compliance Program for Individual and Small Group Physician Practices. (2000, October 5). 65 Fed. Reg. 59434. <https://oig.hhs.gov/authorities/docs/physician.pdf>
- Operating an Effective Compliance Program. <https://oig.hhs.gov/compliance/provider-compliance-training/files/OperatinganEffectiveComplianceProgramFinalBR508.pdf>

- Self-Disclosure Information. <https://oig.hhs.gov/compliance/self-disclosure-info/index.asp>
- Updated Special Advisory Bulletin on the Effect of Exclusion From Participation in Federal Health Care Programs. (2013, May 8). <http://oig.hhs.gov/exclusions/files/sab-05092013.pdf>

## U.S. Department of Justice

- Convicted Dentist Sentenced to 70 Months in Federal Prison in Medicaid Fraud Case. (2011, September 21). [http://www.justice.gov/usao/txn/PressRelease/2011/sep21crow\\_james\\_dentist\\_HCF\\_sen\\_pr.html](http://www.justice.gov/usao/txn/PressRelease/2011/sep21crow_james_dentist_HCF_sen_pr.html)
- National Dental Management Company Pays \$24 Million to Resolve Fraud Allegations. (2010, January 20). <http://www.justice.gov/opa/pr/2010/January/10-civ-052.html>
- New Haven Dentist Pays \$212,000 to Settle False Claims Act Allegations. (2011, October 11). <http://www.justice.gov/usao/ct/Press2011/20111011.html>
- Texas Orthodontic Clinic and Former Owner Resolve Allegations of False Medicaid Claims. (2012, March 21). [http://www.justice.gov/usao/txn/PressRelease/2012/MAR2012/mar21Malouf\\_AllSmiles\\_Settlement\\_PR.html](http://www.justice.gov/usao/txn/PressRelease/2012/MAR2012/mar21Malouf_AllSmiles_Settlement_PR.html)

## Other Sources

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- Civil Settlement Agreement. (2010, January 15). Casewatch. <http://www.casewatch.org/civil/forba/federal/settlement.pdf>
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- Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 6401, 124 Stat. 119, 747. (2010, March 23). <http://www.gpo.gov/fdsys/pkg/PLAW-111publ148/pdf/PLAW-111publ148.pdf>
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- U.S. Drug Enforcement Administration. (2008, April 14). Heartland Dental to Pay \$3 Million in Civil Settlement. <http://www.justice.gov/dea/pubs/states/newsrel/chicago041408a.html>
- U.S. Senate Committee on Finance. (2013, June 28). Joint Staff Report on the Corporate Practice of Dentistry in the Medicaid Program. [S. Rep. No. 113-16]. <http://www.finance.senate.gov/library/prints/>

Additional educational materials on combating fraud, waste, and abuse in Medicaid are available on the CMS website at: <http://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/Medicaid-Integrity-Education/edmic-landing.html>

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