



Laws and Requirements



EXTENDED CARE PERMIT LAWS AND REQUIREMENTS

This Section Contains:

- Kansas Dental Practices Act
- HIPAA
- IRS Tax Information
- Insurance Coverage



DENTAL AND DENTAL HYGIENE

Knowing the laws governing dental hygiene and more specifically dental hygiene services in community settings is essential for all involved in ECP hygiene services.

K.S.A. Chapter 65, Article 14 provides a complete picture of regulations addressing all aspects of dental care in Kansas: <http://www.accesskansas.org/kdb/statutes.html>

K.S.A. Chapter 65, Article 1456 lays the foundation for ECP regulations of dentists and dental hygienists: <http://www.kslegislature.org/legsrv-statutes/getStatuteInfo.do>.

K.S.A. Chapter 74, Article 14 – State Boards, Commissions, and Authorities, Kansas Dental Board (KDB) – describes the roles and responsibilities of KDB.

Chapter 65, Article 1 lists KDB Permanent Administrative Regulations <http://www.accesskansas.org/kdb/regulations.html>



OTHER LAWS APPLICABLE TO ECP HYGIENE SERVICES

HIPAA

Health Insurance Portability and Accountability Act (HIPAA) -- Every health care provider, regardless of size, who electronically transmits health information in connection with certain transactions, is a covered entity. These transactions include claims, benefit eligibility inquiries, and referral authorization requests. The Office of Civil Rights at US Department of Health and Human Services offers a full range of easily understood explanations of HIPAA regulations. Under some conditions patients will need to sign a Notice of Privacy Practices.



DECISION MATRIX:

An on-line “test” to determine if the way ECP services are delivered, qualifies for coverage. <http://www.hhs.gov/ocr/hipaa/smallbusiness.html>



ORAL HEALTH KANSAS

Tax Implications of employment status under ECP

Self-employment

- IRS self-employment tax – (quoted from IRS)
- You carry on a trade or business as a sole proprietor or an independent contractor.
- You are a member of a partnership that carries on a trade or business.
- You are otherwise in business for yourself.

To determine if/how you operate your ECP service requires you to pay self-employment tax, check out this website from the IRS and consult your accountant.

<http://www.irs.gov/businesses/small/article/0,,id=98846,00.html>





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ECP hygiene services as a volunteer:

Check with IRS website and an accountant to determine whether or not expenses incurred as a volunteer in a community setting can be deducted.



INSURANCE

PROFESSIONAL AND GENERAL LIABILITY

Professional Liability:

This covers ECP hygienists for lawsuits regarding professional obligations when providing services in ECP Sites. When hygienists provide services and treatment in a community setting under K.S.A. 65-1456(f) & (g), the law requires them to carry their own professional liability insurance. It is in addition to whatever coverage hygienists may have with employers. Hygienists using ECP in a self-employed environment, should carry professional liability coverage for both self-employed and employed. The insurance application has a section for checking off both types of employment.

General Liability:

This insurance protects hygienists and ECP Sites against claims made in conjunction with non-professional parts of services/business. Here are two examples: a patient slips getting out of the chair and cuts his/her head, or a piece of equipment falls on a patient's big toe, breaking it. If the ECP Site's general liability also covers the hygienist, then perhaps this extra coverage is not needed. The topic of general liability should be explored with the ECP Site before the hygienist starts providing services. If a hygienist provides services in a variety of ECP Sites, it may be wise to also to invest in general liability insurance. It should be available from the same company providing professional liability coverage.

Three sources to explore:

- **Marsh Affinity Group Services –**
<https://www.proliability.com/ahc/homePage.do?promoRegCode=googledenthyg1>
- **Health Providers Service Organization (HPSO)**
<http://www.hpso.com/>
- **Lockton Insurance**
<http://adho.lockton-ins.com/pl>



BUSINESS EQUIPMENT:

Laws governing Extended Care Permits do not require the hygienist to have insurance covering damage and loss of instruments and equipment. At the same time, the hygienist is wise to make sure that loss or theft of supplies, instruments and equipment are insured. Most insurance companies offering homeowners and renters insurance can advise on the type of coverage and cost to cover business equipment.

