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Kentucky Board of Dentistry
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RE: Dental Clinics Catering to Medicaid Children and Corporate Dentistry in Kentucky

To the Board:

In January, FORBA Holding, LLC, who operates a string of dental clinics catering to children on Medicaid agreed to pay \$24 million to settle charges of overtreatment, mistreatment and outright fraud. Most of their clinics go under the name Small Smiles, but also operate under Children's Medicaid Dental, Children's Dental Center, Texas Smiles, Wild Smiles, Oklahoma Smiles, Indian Springs Dental Center and more. Under the Settlement Agreement with the government, Kentucky is scheduled to receive \$124,000 over the next five years to settle its portion of the Medicaid fraud charges. However, what is and who is seeing that the children are not ever abused again?

The attitude of this company is unacceptable as can be seen in various investigative reports across the US., most notably the 9 minute report by award winning reporter Roberta Baskin. I encourage you to watch the full report which can be viewed at dentistthemenace.com to completely understand what is happening to children at the hands of these companies and the dentists they hire.

FORBA has setup a Small Smiles clinic in Louisville at 3438 Taylor Boulevard and has plans for one in Lexington according to the registration of a PSC at the Secretary of State's Office.

Kool Smiles, an offshoot of Small Smiles has also opened a clinic in Louisville and Lexington. Kool Smiles was started in August 2002 by Dr. Tu Tran and Dr. Thien Pham. These two dentists worked for Drs. Edward and Michael DeRose, the Small Smiles-FORBA founders. Drs. Tran and Pham later parted ways, moved to Atlanta and opened NCDR-Kool Smiles.

Kool Smiles has not had the national spotlight as has Small Smiles; however there are regional news reporters who have reported the same kind of complaints as those reported by Small Smiles patients and employees. Kool Smiles corporate business structure is basically the same, where NCDR, LLC actually owns the clinics as FORBA owns Small Smiles.

It is my understanding, in Kentucky; a dentist can form a corporation but can not own more than three offices and **must** personally perform services at these locations? Is this correct? In a Board opinion dated December 1998, the Board concluded that *"a group of individuals who wish to own a dental practice **may not** do so as a PLLC without running afoul of KRS 313.240. The dentists **may** practice in their **own name of a personal service corporation** established under KRS 274"*.

FORBA Holding, LLC registers to do business in the state. They create LLC's as per the state rules for each clinic in each city in each state. Take Kentucky for example;

3-2007 Dr. Knott and Todd Cruse of FORBA Holding were visitors at a March 2007 board meeting. At this meeting Dr. Andrus and Dr. Knott along with Todd Cruse of FORBA addressed the board to discuss their possible practice plans in Kentucky as it related to Dr. Andrus and Dr. Knott's pending licenses. They were wanted the board to also grant their licenses by Credentials. The board didn't take any action.

4-2007 It appears that FORBA didn't wait on the dental board and went ahead with its plans to open a Small Smiles clinic by creating Small Smiles of Louisville PSC and the incorporator is Jodi Kuhn. The principal office address is 415 N. Grand Ave. Pueblo, CO 81003. (FORBA, LLC original home office). Jodi Kuhn's address on the Articles of Organization is 5615 Sarah's Oak Dr., Cincinnati, OH 45248. Jodi Kuhn was licensed to practice dentistry in Kentucky July, 2004. Her current license has Small Smiles of Cincinnati, 1860 Seymour Ave, Cincinnati, OH 45237 as her address.

5-2007 Once again the board took no action and wanted more information.

7-2007 FORBA Holding, LLC files the Certificate of Assumed Name where Small Smiles PSC would use the name of Small Smiles Dental *Clinic* of Louisville. It's known FORBA Holding, LLC filed that document because it was executed by Linda S. Zoeller, a FORBA Holding, LLC employee

8-2007 The Board issued a license to practice dentistry to Robert Andrus, DDS and his address is listed as 415 N. Grand Ave, Pueblo, CO 81003, FORBA's Colorado office address.

10-2007 Again Linda Zoeller of FORBA Holding, LLC files another Certificate of Assumed Named where as Small Smiles Dental *Centers* of Louisville would also be used by Small Smiles PSC. On the same date Linda Zoeller also filed a Certificate of Assumed Name for Small Smiles PCS to use the name Small Smiles Dental *Clinic*.

7-2008 Small Smiles of Louisville PSC files its annual report. On this report Jodi Kuhn, DDS who lives in Ohio is President, William Nash who lives in Tennessee, is secretary and does not have a license to practice dentistry in Kentucky. Now we have share holders Robert F. Andrus, DDS who resides in Colorado and Kenneth E. Knott, DDS, who also lived in Colorado, as well as Dr. Kuhn. The address for the President, Secretary, and all share holders is the FORBA office in Nashville, TN at 618 Church Street, Suite 520.

6-2009 Small Smiles of Louisville, PSC files its annual report. On this report Robert Andrus, DDS and Kenneth Knott, DDS are no longer shareholders, and once again it's filed by Linda Zoeller of FORBA Holding of Nashville.

6-2009 Linda Zoeller filed the Principal Office Address Change; changing the address of the PSC from the Colorado office to the Nashville office.

Dr. Kuhn's name is on the PSC, yet she doesn't personally perform services at any Kentucky Small Smiles clinic.

Dr. Robert Andrus was finally granted a license yet he does not or ever in the past personally perform services. He was also listed on state documents and had licenses in half a dozen other states at the time. Dr. Andrus was FORBA's Senior Vice President-Western Region. Due to issues regarding his credentialing in some states, it is rumored he no longer works for FORBA.

Dr. Kenneth Knott was never granted a license in Kentucky nor did he ever personally perform services. Dr. Knott was Senior Vice President-Central Region of FORBA until he too left their employment for the same reason as Dr. Robert Andrus.

How is Small Smiles legally operating in Kentucky?

Dr. Jodi Kuhn is listed on state filings in Ohio for all seven (7) of FORBA's Small Smiles clinics. That is far above the threshold of 3 clinics she is allowed to own under Kentucky law.

This company and its operation is extremely complicated, this is the condensed version. It is clear none of these people practice dentistry in Kentucky nor do they personally own or have a financial interest in the Small Smiles clinic as they are all just employees of FORBA who owns the clinic.

You will find the same is happening with Kool Smiles. If you checked how many states in which Dr. Tran, Dr. Pham and the Chief Financial Officer, Dr. David M. Strange are licensed it would be clear they have the same business model. Here, Dr. David M. Strange actually practices dentistry in Colorado at the Pediatric Dental Group of Colorado with his father, Dr. Malcolm Strange. They operate clinics at seven locations throughout Colorado. Dr. Tu Tran is listed as President, Director and Incorporator for Kool Smiles PSC, and like Dr. Kuhn with Small Smiles, Dr. Tran does not treat patients in Kentucky.

Substandard care in dentistry is running rapid as corporate dentistry is infiltrating states through complicated business structures. The so called 'Dental Management' companies are making it appear the clinics are owned and personally operated by dentists and the corporations simply provide support services. However upon further investigation into the individual clinics and the so called management companies it's clear the clinics are said to be owned by actual employees of the management companies, not unlike the structure of Enron.

Young, deeply indebted dentists are being lured to slaughter by these unsavory companies with appealing signing bonuses, salaries, relocation reimbursements and guaranteed income. The contract dentists sign with Small Smiles is a bit shocking; 3 month notice to quit or \$500 per day penalty, plus a 5 year non-compete within several miles, forbidden to speak with media, forbidden to file complaints and so forth. Once in, they can't get out. It truly is a prison with a possible life sentence. Say a dentist does relocate then finds out what really goes on, how are they to get out? Kool Smiles actually says in its ads for dentists the offer Visa and permanent residency sponsorship with covered legal fees! If this is not human trafficking, it's extremely close. How are these 'work visa' dependant protected?

Here is an example ad:

Kool Smiles is a **general dentistry** group that is providing kids and their parents in underserved communities with the *dental care* they desperately need. As a dentist, you get to focus on taking care of your patients, while we take care of the business itself! Our offices are brand new and equipped with modern technology such as digital x-rays and *electronic dental records*.

Kool Smiles now offers

- Over 50% of Kool Smiles doctors earn \$220k plus through our production based compensation plan
- Accumulate over \$1Million through our innovative Wealth Management Program - exclusively for our **dentists** only!
- Health, dental and vision insurance
- 100% coverage of malpractice insurance
- Paid vacation & holidays
- Continuing education reimbursements
- Company paid life insurance
- 100% coverage long term/short term disability
- Visa and permanent residency sponsorship with covered legal fees
- No buy-in required, no lab fees

Requirements

- All candidates must have a *degree in dentistry* from an accredited dental program.
- In addition, candidates must have a current, valid license to practice dentistry in the state where providing patient care (License must be in good standing) or be willing and able to obtain licensure.

At present there are Small Smiles, Kool Smiles and Ocean Dental catering to Medicaid children in Kentucky. They meet the requirements of saying they are 'General Dentists' but clearly mislead patients and parents into assuming they are pediatric dentists, or as some parents have said, 'children dentists'. The décor alone should be illegal as it is most misleading. As is their logos.



1. Their advertisement is directed to children.
2. The decor in their facilities is dedicated to children

3. The entire clinic is set up for children
4. The names of the clinics suggest they are only for children and they 'specialize in children dentistry; Small Smiles, Kool Smiles, Giggles, Adventure Dental, Ocean Dental, Kid Smiles, Smile Starters, etc.
5. Going to Head Start programs to 'screen' children.
6. Visiting daycares under the guise of dental healthcare instruction, but the emphasis is on their clinic and all the fun things offered.
7. Using the term "Young Patients" instead of "Children" appears to be acceptable in some states. What is a 'young patient' if not a child.
8. Some have mascots as Adventure Dental and Vision, named Captain Smiles.
9. Some have paid school districts money to allow them to send home advertising pamphlets.

There is no disputing they are portraying themselves as pediatric dental clinics.



In the photograph to the left is a picture of an Ocean Dental clinic. The signage alone suggests we only want to see children on Medicaid. If you were to visit the website for the Ohio clinics at (oceandentalofohio.com) it appears you would be seeing Dr. Chad Hoecker but that certainly isn't the case. (see bottom of the web page). Dr. Hoecker lives in Stillwater, Oklahoma.

Kentucky has an Ocean Dental operating not 3 miles from Small Smiles in Louisville at 3977 7th Street Road Louisville, KY 40216-4103 (502) 447-5699.

In March 2007 Dr. Hoecker was disciplined by the Ohio Dental Board for limiting his patients between the ages of 1-20 years of age. The Ohio dental board considered it a 'Specialty' and ordered Dr. Hoecker to accept all ages. Does it appear a 35 year old would think this dental clinic was right for him or her? The Complaint and Consent Agreement can be seen here: <http://www.dental.ohio.gov/discip/30022103.pdf>

Dr. Hoecker was brought before the Indiana Dental Board to explain his licenses having an action against them when they were up for renewal in Indiana. Here, in his own words, Dr. Hoecker clearly states he owns Ocean Dental clinics, but does not see patients. This was taken from the minutes of the Indiana Dental Board at their February 2007 session:

Dr. Hoecker appeared before the Board, as requested, regarding his application for renewal of his Indiana dental licenses. On his application he answered 'yes' to question #1 asking "Since you last renewed, has any health profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending?" He explained that he owns several practices in Ohio for patients ages 1-20. AT&T placed his business advertisement in the Yellow Pages under pediatric dentistry. He entered into evidence Exhibit 'A' which is a letter from AT&T admitting it was their error and they removed it from that section of the phone book.

He explained that Ohio laws do not allow dentists to limit their practices to specialties. The definition of pediatric dentistry is for the ages of 1-18 so he felt by extending his age range to 20 years that it could not be

said they were a pediatric specialty office. The Ohio board advised him he was not to limit his practice and all ages needed to be accepted.

Dr. Hoecker signed a 'Consent Agreement' with Ohio whereby his license was placed on probation for one (1) year subject to certain terms and conditions. Dr. Hoecker told the Board he is licensed in several states and upon learning of the disciplinary action taken in Ohio the Pennsylvania Board has a policy to levy the same discipline as a neighboring state so his licenses in Pennsylvania was also disciplined on Probation for one (1) year with terms and conditions.

Dr. Hoecker was asked how many states he holds a license and what happened with those other states. He recalled being licensed in Ohio, Pennsylvania, Indiana, Oklahoma, Nebraska, Washington and Alaska. He stated he received a warning letter from some states but other states do not have laws against specialty practices. He advised he lives in Stillwater, Oklahoma and **typically does not practice in the other states**. He stated he practices very little and is mostly involved in business aspect. He expressed pride in his business venture and feels he is providing great service and care for patients at all of his offices.

Dr. Hoecker explained he **employs regional managers who are dentists** and they look after the practices in the other states. They conduct audits and rely on office managers and district managers to make sure offices are being run correctly. Dr. Hoecker told the Board he has not yet opened an office in Indiana but would like to in the future.

The Board questioned his ability to maintain so many licenses with various continuing education requirements. He stated he has an employee to track what is required for each state and he attends the larger state conferences to get most of his continuing education. The board approved his license renewal.

It appears Dr. Hoecker and his Ocean Dental clinics are operating illegally in Kentucky. If not they are operating very close to the edge of legal. At present, Dr. Chad Brandon Hoecker is sole owner and sole shareholder of Ocean Dental, PSC d/b/a Ocean Dental of Kentucky, PC. However, a current search to verify Dr. Hoecker's dental license has no results. Evidently Dr. Hoecker does not have a license to practice in Kentucky.

To adjust their business model to address the above issues, Dr. Hoecker and Ocean Dental ran up against, Kool Smiles now advertises as "providing kids and their parents in underserved communities with the *dental care* they desperately need". I would argue this still advertises as a "specialty" as it indicates only treating kids and only parent of those kids in only certain communities.

No one argues as to the need of quality dental care to the underserved in Kentucky, be it children or adults. But the key is delivering quality care where these companies only deliver quantity care as is clear by advertising 'production based' income for its dentists.

Now Aspen Dental and All Care have penetrated the borders of Kentucky. No doubt more 'branded' clinics are not far behind. There are some states where these clinics do not attempt to infiltrate, West Virginia among others. West Virginia frowns on "branded" dental practices. Kentucky should do the same. Aspen Dental and All Care enter states with high end appearing buildings and operatories only to deliver substandard care as is evident from complaints across the Internet.

As stated on the Kentucky Dental Board's main web page *"The main purpose of the Board is to protect the public by administering the Dental Practice Act and regulating the dental profession."*

Some states such as Kansas and Oklahoma are turning a blind eye or giving a wink and a nod to these companies. Many private dentists have complained about these dental mills since corporate dentistry is illegal in these states, but they continue to operate. The perfect example is Ocean Dental and Dr. Hoecker, Oklahoma is his home base. Or the fact that FORBA Holding's Small Smiles are freely operating in 22 states across the US.

Damages are great. There is lasting physical damage happening everyday in these clinics right here in Kentucky. The emotional damage is immeasurable. The trust a child has in his/her parents as well as those who are supposed to help, protect and give care to a child can and is damaged to an extent that could be devastating to all future relationship.

There is not benefit to the dentists either. One of the most dangerous things is they become very used to a large salary and find you can't leave the corporation as the same person you were when you entered, because they become financially and technically brainwashed to think. At this point these companies hire anyone who can legally drill, quality of workmanship is irrelevant.

What is the Kentucky Dental Board proactively doing to protect citizens and staying ahead of the "creative" dentistry we are now facing?

I feel it is extremely important to close the loops holes that are allowing these unscrupulous companies to operate in a manner that puts a black eye on the dental profession as a whole.

I look forward to hearing back from the board on the issue.

Sincerely,

Debbie Hagan

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