

**The importance of privacy**

Learn more about HIPAA, patients' rights and privacy violations. [▶ page 6A](#)

HYGIENE TRIBUNE

The World's Dental Hygiene Newspaper • U.S. Edition

Electronic health records

In preparing for the inevitable in 2014, does your practice have a Privacy Officer? [▶ page 1B](#)

LAB TRIBUNE

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The digital era

Use of an X-ray phantom in dental 3-D diagnostics in digital volume tomographs. [▶ page 1C](#)

ADA apology reinforces diversity commitment

The American Dental Association (ADA) recently acknowledged that it deeply regrets not taking a stronger stand against discriminatory membership practices during the pre-civil rights era.

ADA President Raymond Gist, DDS, said making the announcement public reinforces the ADA's commitment to a diverse and inclusive profession, moving us forward in a new spirit of collaboration to advance the dental profession and the oral health of the public.

"In looking forward, we also must look back," stated Gist, the first African American to serve as ADA president. "Along with acknowledging past mistakes and to build a stronger, collaborative platform for future accomplishments, the ADA apologizes to dentists for not strongly enforcing non-discriminatory membership practices prior to 1965. These are not my words alone — they embody a resolution adopted by the ADA Officers and Board of Trustees."

Improvements in diversity

Gist said that in the 45 years since he was a dental student, there have been improvements in the diversity of the dental profession, membership and leadership of the ADA, and in initiatives to reduce disparities in the public's oral health.

He said that although doors have been opened, more can be done to encourage careers in dentistry, citing enrollment in U.S. den-



Raymond F. Gist, DDS (Photo/ADA)

tal schools not keeping pace with the growth of underrepresented minorities in the U.S. population.

Gist explained that U.S. Census Bureau data indicate in 2009, African Americans and Hispanic Americans each totaled about 12.9 percent and 15.8 percent of the U.S. population, respectively. Yet, ADA survey data for the 2008/2009 school year indicate only about six percent of dental students were African American and six percent were Hispanic American.

Gist also noted that when it comes to the oral health of the public, African Americans and Hispanic Americans suffer higher rates of dental diseases.

Earlier this year, the National

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'The Best Seminar Ever' heads to Vegas



Dr. Rich Madow, from left, Dr. Jill Coon and Dr. Dave Madow during 'The Best Seminar Ever' in 2009. We've got information about this year's meeting, which you won't want to miss! [→ See page 8A](#)

New website offers tips for a healthy adult smile

Get MouthPower is a new web resource where seniors age 50 and over can learn about oral-health issues specific to their age group. This user-friendly, interactive site includes comprehensive and quality oral-health information that can be used as a personal health resource or shared with family and friends with easy-to-use online sharing tools.

The site, focusing on the unique oral-health issues of older adults, was created by the National Museum of Dentistry with the support of Colgate-Palmolive. The site is located at www.GetMouthPower.org.

Get MouthPower includes informative oral-health tips, including an exploration of how the adult mouth is changing and what to do about it,

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The National Museum of Dentistry is offering an online oral-health resource for adults age 50 and over. (Photo/Provided by the National Museum of Dentistry)



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a special look at unique nutritional issues as people age, and an exploration of the connection between the mouth and the body. Sprinkled throughout the site is trivia about historic objects from the National Museum of Dentistry's collection, such as the real story behind George Washington's "wooden" teeth.

The unique oral-health issues of older adults is quickly becoming a priority as the U.S. population age 65 and over is anticipated to increase from 40 million in 2010 to 55 million in 2020 (a 36 percent jump), according to the U.S. Administration on Aging. People are also living longer, averaging 18 years after age 65.

"We want this growing segment of the population to become more aware of their health needs and the importance of good oral health," said National Museum of Dentistry

Executive Director Jonathan Landers. "Get MouthPower is an engaging resource for older adults to learn about changing oral-health issues and options specific to their age group. The more you know, the healthier and happier your golden years will be."

The web resource covers several main topical areas:

- **Your Sparkling Smile:** A great smile is possible at any age. Oral-health tips will help older adults keep their smiles in top condition, including how to address emerging mobility and dexterity issues, how to care for implants and dentures, and how to be prepared for dental visits.

- **About Your Mouth:** Our mouth is constantly changing as we age, including changes in tooth color and enamel, gum tissue and sensation. Find out what's going on and what can be done about tooth loss, dry mouth and more. Plus, take a risk

assessment for oral cancer.

- **Fit to Eat:** Nutritional needs change at every stage of life. Check out these food tips to boost health, including a calculator to measure daily calcium intake and an entertaining nutritional boxing bout between your favorite foods.

- **The Mouth/Body Connection:** Your mouth and body are interconnected. Learn about the connection between oral health and overall health, and how periodontitis can affect heart disease, stroke and diabetes.

- **Interactive Timeline:** An interactive oral-health timeline that shows how a visit to the dentist has changed over the years, how dentistry has influenced pop culture, how toothbrushes and concoctions for a sparkling smile have evolved through the ages, and who are some famous and infamous dentists.

Get MouthPower was created by the National Museum of Dentistry. It was made possible by the financial support of Colgate-Palmolive. DT

(Source: National Museum of Dentistry)

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Dental Association (NDA), Hispanic Dental Association (HDA), the Society of American Indian Dentists and the ADA held the first National Summit on Diversity in Dentistry. At the summit, representatives from each organization presented deeply personal testimonials on the history of exclusion and inclusion in organized dentistry.

They described current initiatives to improve diversity in the profession and leadership, and to reduce population disparities in oral health status. The presidents of the four organizations also committed to continuing their dialogue, focusing on oversight of current and future collaborations.

The ADA has a number of programs and activities devoted to inclusion such as the Institute for Diversity in Leadership, which provides a diverse group of dentists with education and experience to set new leadership paths within the profession and their communities; the Student Ambassador Program; and the Council on Dental Education and Licensure's Career Guidance and Diversity Activities Committee (Committee D). Committee D is comprised of 14 members, including representatives of the NDA, HDA and the Society of American Indian Dentists.

"The more our profession reaches out and makes everyone — from every walk of life and with every career ambition — feel welcome, the more talented our next generation of dentists will be," Gist stated. DT

(Source: American Dental Association)

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NCOHF and Boys & Girls Clubs of America bring oral health services to at-risk children

The National Children's Oral Health Foundation: America's Toothfairy (NCOHF) and Boys & Girls Clubs of America have announced a partnership that will expand oral health-care access to millions of underserved children through Tomorrow's SMILES and the America's Toothfairy Dental Home Program.

Tomorrow's SMILES was created and initially funded by a gift from Dr. Ronald Goldstein, a clinician, author and lecturer.

NCOHF has developed partnerships with leading dental organizations to identify caring professionals in communities across the country willing to provide promising at-risk teens with pro bono care.

Through this program, eligible Boys & Girls Club members will receive comprehensive esthetic and restorative services, transforming their smiles, renewing their self-esteem and ensuring that they are better prepared for healthy and productive futures.

In return, Tomorrow's SMILES students will share valuable oral-health lessons with younger club members through the program's Pay-It-Forward component, ensuring that good hygiene habits are instilled early in a child's life.

Through the America's Toothfairy Dental Home Program, NCOHF will work with its national volunteer network of dental professionals to ensure Boys & Girls Club members can receive regular, comprehensive dental care in a compassionate health-care environment.

NCOHF volunteer professionals donate their ongoing services to a child or children in need, giving them a "dental home" and laying the foundation for proper oral-health practices and increased opportunities for future success.

"A beautiful smile can truly enhance a child's life," said Sharon Hemphill, Boys & Girls Clubs of America's senior director, health and life skills. "Through our partnership with the National Children's Oral Health Foundation, we can help our club members learn healthy habits that last a life time."

Fern Ingber, NCOHF president and CEO, stated: "We are proud to partner with the Boys & Girls Clubs of America, a celebrated national organization that shares our commitment to ensuring all children have the building blocks to reach their full potential."

"Our collaboration will not only expand access to life-changing care for deserving youth, but America's Toothfairy educational messaging will give both Boys & Girls Club members and their caregivers the tools to establish healthy habits at home that last a lifetime."

Underserved children and teens will be identified through their local Boys & Girls Club and matched with a nearby NCOHF volunteer dentist to receive the care they need and deserve.

All dentists and dental offices are invited to participate as Tomorrow's SMILES and America's Toothfairy Dental Home Program volunteers by contacting NCOHF at (800) 559-9838 or info@ncohf.org. 

(Source: NCOHF)



Through Pay-It-Forward, Tomorrow's SMILES participants help break the cycle of dental disease by providing oral-health education to younger children. (Photo/Provided by NCOHF)

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Campaign to help Haitian dentists is getting results

By Javier M. De Pisón, Dental Tribune Hispanic and Latin America Edition

The American Dental Association's campaign to rebuild dental practices in Haiti was in full swing at the 2010 Annual Session from Oct. 8-11. In just a few months, the Adopt-a-Practice campaign has collected more than \$62,000 to help Haitian colleagues who lost their practices in the Jan. 12 earthquake. The goal is to collect a total of \$300,000 to rebuild 30 dental offices in Haiti.

A clear sign of ADA's commitment to humanitarian aid is that the association designated a special exhibit area to honor volunteer efforts during the 2010 Annual Session and World Marketplace Exhibition, featuring the Adopt-a-Practice: Rebuilding Dental Offices in Haiti and Give Kids A Smile programs.

Sponsored in part by SS White, the Volunteer Celebration Area on the ADA exhibition floor was a focal point for dental professionals wanting to learn how to make a difference and a source of information for national and international access-to-care volunteer opportunities.

The campaign to help Haitian dentists began when Dental Tribune

Hispanic and Latin America brought the president of the Haiti Dental Society, Dr. Samuel Prophete, to ADA headquarters in Chicago during the 2010 Chicago Midwinter Meeting to discuss strategies to repair Haiti's devastated health practices, initiating the Help Haiti campaign.

About 30 dental practices in Port-au-Prince — nearly a third of the city's dental offices — were damaged or destroyed. It's estimated that approximately \$10,000 can help rebuild each practice.

Your support is essential

The Adopt-A-Practice initiative addresses the need to restore a sustainable system for oral-health delivery in Haiti. A shortage of good dental care already existed before the earthquake in Haiti.

Without help, most Haitian dentists will be unable to rebuild their practices on their own because they don't have the protection of casualty insurance and their incomes are not comparable to those in more developed countries.

With approximately 350 dentists for a population of 9 million, Haiti has the lowest ratio of dentists per capita in the Western hemisphere. Due to the depressed economy in



Chair of the ADA International Development Subcommittee Sally Kelly, left, and Director of Health Volunteers Overseas Nancy Kelly at the Adopt-a-Practice booth in Orlando. (Photo/Javier de Pison, Dental Tribune Hispanic and Latin America Edition)

Haiti, even a small contribution can make a difference.

New York University School of Dentistry and Henry Schein have already shown their support by donating chairs and sending technicians. Nancy Kelly, executive director of ADA's Health Volunteers Overseas, said that several companies have said they will match donations.

To donate to Adopt-a-Practice: Rebuilding Dental Offices in Haiti, please contact Health Volunteers Overseas (HVO) of the ADA foundation at www.hvousing.org or call HVO at (202)-296-0928.

For more information you may also contact the ADA Division of Global Affairs at international@ada.org. **DT**

ADA conference to seek oral-health solutions for vulnerable older adults

The American Dental Association (ADA) is extending invitations to those concerned about the oral health of vulnerable older adults and people with disabilities to attend a national conference and help shape the future of oral health care for this underserved and growing population.

The national coalition conference, titled Oral Health of Vulnerable Older Adults and Persons with Disabilities, is scheduled for Thursday, Nov. 18, at the JW Marriott in Washington, D.C.

"We look upon this conference as the first step in building a consensus among a multi-disciplinary group of professionals in seeking solutions about oral health care for the vulnerable older adult and the disabled," said Dr. Raymond F. Gist, ADA president.

"We are looking for attendees' ideas, collaboration and support in helping frame the conference's recommendations that could be used by



(Photo/Christina Deridder, www.dreamstime.com)

many sectors, including educational institutions, professional organizations and policy makers."

Professionals concerned about oral health for vulnerable older adults and people with disabilities, including dentists and dental

hygienists, geriatricians, nurses, oral-health advocates, aging and disability advocates, long-term care providers and policy makers and legislative staff, are encouraged to register for the conference.

Dental experts will present top-

ics of critical importance in meeting the oral-health needs of special populations, including collaboration between disciplines, oral-health delivery systems, policy implications, medical-dental considerations and coalition building.

Responding to each presentation will be an expert from outside dentistry, representing geriatric medicine, long-term care, aging advocacy, state health and policymakers. Active audience participation will follow as attendees have the opportunity to provide input as they discuss the presentations.

"The conference is a unique opportunity to help shape the future of oral health care and improve the quality of life for vulnerable older adults and those with disabilities," said Gist. "We highly encourage interested professionals to attend." **DT**

(Source: American Dental Association)



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The importance of privacy

By Stuart J. Oberman, Esq.

Privacy is something we all value. It should not come as a surprise to anyone that dental patients want to ensure more than ever that their personal information will not be shared with anyone without a legitimate need to know. Under the U.S. Department of Health and Human Services (*HHS.gov*), HIPAA Rules were created to ensure that all health-care professionals respect and protect a patient's privacy.

HIPAA gives patients significant rights in controlling how medical professionals maintain and communicate individual health information. How well does your office comply with HIPAA guidelines? Because HIPAA compliance is not optional, every dental office should take the necessary steps to ensure it is HIPAA compliant.

About HIPAA

The Health Insurance Portability and Accountability Act (HIPAA) became law in 1996. HIPAA provides federal protections for patients' health-care information. The HIPAA Privacy Rule does permit the disclosure of personal health information needed for patient care and other important purposes related to patient care.

The Security Rule under HIPAA specifies a series of administrative, physical, technical and security measures required for covered entities (dental offices that transmit patient information in electronic form) to use in order to assure the confidentiality, integrity and availability of electronic protected health information.

The main objective of the HIPAA legislation is to protect the privacy of individual health information by imposing strict security requirements on health-care providers with access to confidential patient information. As a part of HIPAA, Congress mandated the establishment of standards for the privacy of individually identifiable patient health information.

The HIPAA Privacy Rule requires that dentists (and other medical practitioners) obtain patient consent before using or disclosing a patient's personal health-care information, which may be needed for treatment, payment and other health-care related purposes.

Private health information, also known as PHI, is any information relating to a patient's health, treatment or payment for health care that identifies a patient. Private health information includes, but is not limited to names, addresses, phone numbers, fax numbers, e-mail addresses, credit card information, certificate numbers, license numbers, account numbers and birth dates. Many dental employees, including dental assistants, dental hygienists, lab technicians and front office staff, may come into direct contact with a patient's

'It is still possible that HIPAA privacy laws may establish an industry standard among dental practices'

PHI. PHI should be carefully secured and traced throughout the dental office to ensure patient confidentiality.

HIPAA does not require that dentists sound-proof rooms to ensure that confidential conversations are not overheard; however, dentists should make every reasonable effort to ensure that confidential conversations take place in areas away from other patients. Also, computers, printers, faxes and file cabinets or other containers where patient records are stored should be placed in secured areas without patient access.

Although compliance is mandatory only for "covered entities," the American Dental Association suggests that dentists who are not covered entities adopt the same privacy practices that HIPAA mandates for covered entities. It is still possible that HIPAA privacy laws may establish an industry standard among dental practices, and the failure to comply with the industry standard may result in liability for the owner of a dental practice.

Understanding the value of PHI and its relationship with HIPAA, the owner of a dental practice should be able to answer some very important questions such as: How is PHI stored in our office? How is patient information secured? Who is authorized to access the information? How and when is this patient information destroyed? Where in the office is it appropriate to discuss personal health information? Have we implemented proper training procedures? Answers to these questions cannot be left to interpretation.

The owner of a dental practice must adopt and implement comprehensive privacy procedures for the office in order to ensure that patient records are kept in a secure space. In addition, employees in a dental office must comply with HIPAA policies and procedures that have been established.

Most of the information obtained regarding patients does require the implementation of security measures. If employees are not aware of HIPAA standards as established by the owner of a dental practice, a violation of HIPAA may be costly.

Patient rights

The HIPAA Privacy Rule gives patients considerable rights in controlling their identifiable health-care information. Covered entities must provide a Notice of Privacy Practices to each patient, which details

how the practice can use and disclose confidential patient health-care information.

Under HIPAA, a health-care provider must obtain a patient's authorization before releasing protected patient information. However, a health-care provider may release patient information for specified health-care related purposes, such as for remitting payment or for patient-related treatment.

As for patient records, patients are permitted access to their own records. In addition, patients may also request restrictions on the disclosure of their personal health-care information. Patients may also request an amendment to any information in their medical file that they believe is erroneous.

The HIPAA Privacy Rule also prohibits employers from using a patient's personal health-care information as a factor in making employment decisions.

HIPAA violations

Failure to comply with HIPAA can result in both civil and criminal penalties, and the penalties can be stiff. These penalties vary based on the nature of the violation and the extent of the resulting harm.

Health-care entities and individuals who obtain or disclose individually identifiable health information face a penalty ranging from \$50,000 to \$100,000 per violation, as well as imprisonment for up to one year.

However, offenses committed with the intent to use the information for personal gain, harm or commercial advantage face fines up to \$250,000 and imprisonment for up to 10 years. Because there is no private right of action for a patient to enforce his or her privacy rights, enforcement of the civil penalties will be processed through the Department of Health and Human Services Office of Civil Rights, and the criminal penalties will be enforced through the government.

It is important to note that the owner of a dental practice may be held liable for HIPAA violations. Employees who knowingly violate a HIPAA rule may also be subject to civil or criminal penalties as well (including dental hygienists, dental assistants, etc.) As a result, in order to avoid potential civil and criminal penalties, all members of a dental practice should be aware of HIPAA guidelines and procedures.

The HIPAA Privacy Rule does allow dentists to use patient sign-in sheets in their offices. However,

requiring a patient to indicate the purpose of his/her appointment is a violation of HIPAA and should be avoided.

Reminder cards sent to a patient's home with appointment dates on them are not considered a HIPAA violation because of the preventative nature of dental care. Still, if the cards mention the purpose of the appointment (i.e., "This is a reminder of your appointment for dental implants."), it will be considered a violation of the HIPAA Privacy Rule.

In addition, schedules of patient appointments should not be placed in an area in the office that is visible to other patients. Finally, patient appointment calendars should never be placed on the Internet (yes, this has happened).

Conclusion

The owner of a dental practice must determine whether the office is HIPAA compliant. A failure to properly implement HIPAA security and patient privacy rules could result in potentially large civil and criminal penalties.

The employees of a dental practice must be trained in both HIPAA regulations and security measures. A patient's individually identifiable health-care information is confidential and should be treated accordingly. 

About the author



Stuart J. Oberman, Esq., has extensive experience in representing dentists during dental partnership agreements, partnership buy-ins, dental MSOs, commercial leasing, entity formation (professional corporations), limited liability companies, real estate transactions, employment law, dental board defense, estate planning and other business transactions that a dentist will face during his or her career.

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The place for dentists and their teams to be in 2010 will definitely be Las Vegas. But they're not necessarily going for the gambling or the world-class shopping. And the fact that Vegas boasts more restaurants and entertainment per capita than anywhere else in the world may not particularly phase them.

Sure, all of those things are great. And as everyone knows, "What happens in Vegas stays in Vegas." But the real reason dental offices will be heading to Vegas in

November is to be a part of TBSE 2010.

In case you are not familiar with TBSE, it stands for "The Best Seminar Ever." The event, which is two full days of fun and learning, is produced by the Madow brothers, Drs. David and Richard Madow, who are co-founders of The Madow Group.

Back in 1995, the Madows came up with an idea and formula to put on a multi-day dental seminar that would be different from all of the other ones out there. The

first seminar sold out within days of the announcement, and they've been packing the house every year since. In 2010, Rich and Dave promise to crank it up a few notches and give dental offices something they have never before experienced in their lives.

"Our goal is to have dentists and their teams feel that this was the most incredible event they have ever been to. Better than any rock concert or Broadway show," said Rich



(Photos/Provided by The Madow Group)

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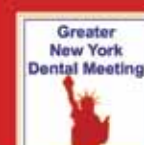
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Madow. "We will have the best lineup of speakers we have ever had at TBSE. And we will have an expanded exhibit hall and learning area where dentists will be able to discover brand new products and other cool things that can help them practice better," Rich added.

"Rich and I are proud of the fact that we produce the very best dental show in the world," Dave Madow said. "We have been studying the art of dental seminar production for more than 15 years now. TBSE has withstood the test of time. Sure, there are a lot of choices out there, but the people know — and always come back to — the one that is the best!"

Rich and Dave have figured out how to make a dental seminar feel more like a rock concert. Many offices dress up in crazy costumes and clothes. They get in line early to assure front-row seats. They stand, they cheer, they laugh and they cry. When it's all over, they leave with the best success, team building and motivational ideas that they can put into use in their practices as well as their lives.

This year, TBSE will take place at The Hard Rock Hotel and Casino from Nov. 12 and 13. TBSE will be using the same stage that is used by musical legends such as Santana and Paul McCartney. The Madows will be working with a production team that promises a sound and vision experience previously unheard of at a dental seminar, let alone any concert or theatrical production.

"We will be bringing in all of our staging, lighting, audio and video equipment, as well as our own stage crew," said Jason Reppenhagen of LV Productions. "It will take several 18-wheelers to get everything there, and the result will make TBSE unlike any other production."

"Just trust me: TBSE 2010 will be the most talked about event in the history of dental seminars," Rich said. "Our attendees know we have always put our hearts and souls into TBSE. The only thing they don't know is that they haven't seen anything yet! Just wait."

For more information about TBSE 2010, please go to www.tbse2010.com or call (888) 88-MADOW. [DT](#)

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