Protecting your practice's vital records

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Why business contingency planning is vital to your dental practice

On Wednesday, July 18, right around the afternoon rush hour, an underground steam pipe ruptured and exploded in Midtown Manhattan, sending a geyser-like stream of steam, street detritus, and water hundreds of feet into the air. The subsequent response and cleanup prompted the city to close off several blocks surrounding Manhattan's Grand Central Station, forcing area businesses to enact their contingency plans for business interruption.

Many organizations asked employees to work from home, report to other locations or offices, or take some time off. Obviously, a dentist has fewer remote workplace options

than, say, an accountant or freelance writer.

About one week after the explosion, one area dentist affected by the event very publicly sued Con Edison (New York City's oft-maligned utility) for $25 million in damages for not being able to use his offices. This well-known specialist in cosmetic dentistry claims that he is due compensation for the loss of patients and to cover his costs of finding temporary space to treat patients.

However the lawsuit turns out, the most instructive takeaway from this whole incident is a reinforcement of the idea that business contingency planning is a crucial practice-management issue for dental practices. Whatever steps a dentist takes to mitigate the impact of a business interruption, he or she will need access to the practice's vital records. If a temporary location is utilized, then patient and operational records will be needed; if some sort of insurance payout or even governmental financial assistance is needed in the immediate aftermath, then the affected practice must produce certain vital business records to obtain those funds. If the dentist is unable to provide these records for any reason (usually because the practice was inadequately protected), then funding stands the risk of being delayed or even reduced while officials attempt to verify the value of the property losses.

This article focuses on a key aspect of business contingency planning for the modern dental practice: storing and protecting a practice's vital records (be they digital or paper) in a business continuity context.

Dentists and dental practice managers should (and most do — at least to some extent) prepare for any contingency and unplanned potentially disastrous occurrence by creating and protecting vital patient records, accounting documents, and information from human resources. This process, known as *Vital Records Protection* (or VRP), insures these vital records will not be lost or destroyed in a disaster or some other unplanned business interruption — for example, a steam pipe rupture!

Fire, accidental or otherwise, is the biggest threat. The most common reason for a document to be unusable after a fire or flood is water damage. The fire suppression systems in the building (and from the hoses used to extinguish the flames) can often create the most damage to documents if they are not protected properly. Also, if the records are not protected in a UL-rated fireproof container, they will obviously be very vulnerable to destruction during the fire.

"Vital records for a typical dental practice take many forms, some of which might not be intuitively obvious to those outside the dental profession," observes Philip Jan Rothstein, president of Rothstein Associates Inc. "Aside from the typical business records — payables, receivables, general accounting and tax liabilities, appointment scheduling, and patient records — nonobvious vital records might include X-ray films, molds, prosthetics, and other patient-specific materials which cannot be easily (nor inexpensively) replaced." Rothstein adds, "Dental and medical practices and practitioners also operate under rules, constraints, and obligations which could become burdensome if due diligence is not paid to certain vital records practices.

For example, state licensing bodies may require access to certain records; malpractice issues could be compounded by careless record protection; HIPAA confidentiality and nondisclosure requirements might be breached; and, of course, quality of patient care could be adversely affected."

How to implement VRP

The first step in the VRP procedure is to develop a system for classifying all practice documents and records (including paper-based and digital) by level of significance to the ongoing operations of the dental practice. Classifications should label practice records and documents according to the following categories:

1. ***Vital Records:*** ***Records containing essential information necessary for the resumption of operations after a disaster, the re-establishment of the legal and financial status of the organization, and the determination of the rights and obligations of individuals and corporate bodies with respect to the organization.***
   Notes Rothstein, "Also typically vital are those records necessary to maintain the short-term continuity of practice operation, such as scheduling and access to active patient records. Access to patient records may be crucial when it comes to emergency patient care."
2. ***Important Records:*** ***These records are not irreplaceable, but could be reproduced only at considerable expense, time, and labor.***
3. ***Useful Records:*** ***Records that, if lost, would cause some inconvenience, but could be readily replaced.***
4. ***Nonessential Records:*** ***Records that are in line for routine scheduled destruction.***

The next step after classification and categorization is to put together a program for backing up records. This refers to the process of making copies of electronic records and data that are retained to protect an organization against loss of the information. Backups can be stored on various media, including paper, disks, or tapes. Simply classifying and developing a back-up program is not enough, however. Once these first two steps are complete, the next component of VRP occurs when all records labeled vital, important, and useful are secured in a UL-rated fireproof container, typically a data safe or file cabinet.

There are several practical reasons why a dental organization's vital records should be stored in fireproof containers. Some of the most important uses of dental records include proper documentation of a diagnosis and treatment plan, a means for further clinical research and quality-care

The VRP/HIPAA Connection

VRP is increasingly recognized as a key to survival, especially in the HIPAA era.

HIPAA refers to the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Sections 261-264 of HIPAA require standards to be publicized for the exchange, privacy, and security of Protected Health Information (PHI).

The information that is protected — termed Protected Health Information or "PHI" — includes all individually identifiable health information held or transmitted by a covered entity in any form or media, whether paper, electronic, or oral.

The majority of dental practices with a HIPAA compliance initiative keep their on-site vital documents safe by storing them behind two different locked compartments — first in a locked UL-rated fireproof cabinet, and then in a locked office door.

assessments, providing support for a defense in a potential future litigation, or addressing reimbursement issues with a third party, such as an insurance company.

Regardless of the reasons, vital records need to be kept safe from damage, and all dental practices — no matter what type or size — need to address VRP.

What is needed?

NFPA (National Fire Protection Association) Standard 232, "Protection of Records," recommends that vital records stored on-site should be in a secure, fire-protected location in a fire-resistant file or vault that has been tested by Underwriters Laboratories or another nationally known independent testing lab.

When selecting an adequate on-site fireproof storage device or container for a specific dental practice, the product used must be tested and rated by the Underwriter's Laboratory (UL). For example, if most digital data is stored on CDs or Zip drives use specially designed containers called"media vaults." These units are small, portable fireproof containers designed to protect patient records stored on CDs, Zip disks, diskettes, and microfiche. The media vaults will protect the stored records from the damaging effects of heat, humidity, dust, and magnetic fields.

Regardless of the media on which the data is stored (paper or digital), standard filing cabinets and file storage systems will not provide adequate protection from fire or water damage. A UL-rated fireproof cabinet (the type that stores hanging paper files) will not protect media contained on videotape or digital disc. You must use a container specifically designed to protect electronic media.

Tape and disc media begin to degrade at temperatures of 125°F or humidity over 85 percent. To guarantee true protection, practices must use equipment tested by Underwriters Laboratory and rated to remain at or below 125° F for at least two hours when exposed to fire (as per the Standard Time Temperature Curve) up to 1,850° F. Also, water from fire hoses, sprinklers, and burst pipes must be considered — this is where the interior relative humidity less than 80 percent standard becomes crucial.

Rothstein adds, "Even the best media vault should be protected from indirect threats. If it [a media vault] is located in an earthquake-prone area, it should be securely bolted in place and protected from crushing. If the vault could be exposed to flooding, it should be rated for water protection. No matter where it is located, the media vault should be protected against theft, sabotage, or vandalism."

Even if a dental practice deploys an off-site record storage solution — i.e., from a specialized records storage and records-management solutions provider — at some point, any active medical practice will have vital records on site and a need to protect them because no one can predict when, where, or how a disaster will occur.

Simply put, the need for dental organizations to better manage vital records has increased dramatically over the past few years. The bottom line is that risk management policies must be established and put into action long before an emergency arises ... a lesson that a specific dentist in NYC is unfortunately learning first hand. A critical component in the risk-management strategy of any medical office must include an on-site, UL-rated fireproof filing cabinet or container for the storage and protection of vital records. DE

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