

OSHA & HIPAA

Compliance in Your Dental Practice:
The Right Thing to Do. The Right Way to Do It.

Practical Guidance to Prepare Your Practice for OSHA & HIPAA Compliance.





OSHA and HIPAA Compliance in Your Dental Practice

Every year, the average dentist treats an estimated 3,917 patients, who entrust their smiles and their health to the professionals caring for them.¹ As a dental professional, you take every precaution to provide a safe, secure, and healthy environment for your patients as well as your staff. That includes complying with federal and state regulations put in place by the Health Insurance Portability and Accountability Act (HIPAA) and the Occupational Safety and Health Administration (OSHA).

Complying with the most recent OSHA and HIPAA regulations is mandatory by law. Consider that in 2013, HIPAA laws were updated to include mandated Omnibus Rules that hold all healthcare offices responsible for modernizing and upgrading their protocols to meet the newest privacy and electronic protection standards. OSHA safety standards are also constantly evolving. It remains imperative for healthcare facilities to keep track of and comply with federal, state, and even local standards in accordance with current disease outbreaks and infection control standards.

Understanding these complex, ever-changing regulations is no simple task — especially when doctors are focused on running their practices, supporting their staff, and providing the best possible care for their patients. The COVID-19 pandemic has only compounded the challenges around compliance, with evolving requirements and recommendations that can lead to confusion and uncertainty.

The good news is: protecting your patients, staff, and practice doesn't have to be a time-consuming, costly burden. In truth, maintaining OSHA and HIPAA compliance is a powerful way to communicate the exceptional level of care, commitment, and compassion you have for those essential to your practice success. What's more, you don't have to confront compliance alone.

In this eBook, we take a closer look at the:

- Benefits of meeting OSHA and HIPAA regulations
- Potential risks of compliance violations
- Commonly overlooked compliance issues
- Practical recommendations for simplifying your road to compliance



OSHA and HIPAA Regulations: Here for a Reason

There are few letters dental professionals dread more than OSHA and HIPAA. Tackling OSHA and HIPAA compliance can be overwhelming and daunting, especially as practices struggle with limited staff resources and high staff turnover. Reducing the stress, complexity, and uncertainty around these regulations starts with better understanding them.

HIPAA and Data Protection

By now, most dental practices have a basic familiarity with HIPAA. A federal law passed in 1996, HIPAA provides baseline protocols for healthcare environments and facilities, designed to protect the privacy and integrity of patient information. HIPAA also ensures that patients have timely access to their protected health information (PHI), including information in electronic format.

OSHA and Workplace Safety

Established in 1970, OSHA operates under the U.S. Department of Labor to ensure safe and healthful working conditions for employees. To achieve this, OSHA sets and enforces standards to protect workers from hazards, risk, injury, and illness while on the job. Along with federal OSHA regulations, individual states may have additional requirements for employers to meet.

Capturing the Benefits of Compliance

Both OSHA and HIPAA regulations apply to healthcare facilities, including dental practices of all sizes as well as dentists who operate independently. While many dental professionals view OSHA and HIPAA regulations as an added burden, there are a wide range of advantages to complying with these requirements, including:

- Enhanced safety and health of staff and patients.
- Improved staff productivity, satisfaction, and retention.
- Added protection for practice brand and reputation.
- Reduced financial liability and impact.

“Many doctors and practices see OSHA and HIPAA compliance as necessary evil required by law,” explains Jill C. Obrochta, RDH BS, the Founder and Director of Research and Development at HealthFirst Compliance Solutions, a team of compliance experts. “We help doctors understand that compliance can be a strong differentiator and significant competitive advantage for their practices, as well as the right thing to do for their patients and staff. And, with the right guidance, it doesn’t have to be daunting.”

Knowing the Risks to Mitigate Them

While the benefits of OSHA and HIPAA compliance are clear, achieving and maintaining that compliance can seem complicated and confusing. What’s more, OSHA and HIPAA violations are more common than perceived, especially as requirements and regulations continually evolve.

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While many doctors already have OSHA and HIPAA manuals, they may not realize that those manuals are likely outdated, especially given all the changes brought on by COVID,” explains Obrochta. “For instance, doctors often aren’t aware that they need a written, customized Pandemic Preparedness Plan, updated employee forms written to new COVID standards, vaccination documentation and written office vaccination policies, along with updated manuals.”

Practices and doctors that rely on outdated or incomplete information and materials expose themselves to violations that come with hefty financial penalties. Many doctors may also be unaware that OSHA and HIPAA employee trainings are required annually, for every full-time, part-time, clinical, and non-clinical staff member.

“In the case of HIPAA employee training, doctors may need to do more frequent trainings if they’ve updated any of their office technology or have had any data breaches,” adds Obrochta.

Indeed, compliance requirements have become increasingly stringent and exacting in recent years, propelled by the increased prevalence of risks. Consider, for example, the escalating number of data breaches in healthcare environments alone.

“*There are steep consequences for healthcare providers that don’t comply with the law, and we don’t want to see any dentists having to pay tens of thousands of dollars in penalties.*”

Dr. Andrew Brown
Chairman of the American Dental
Association’s Council on Dental Practice ⁶

- > Between 2009 and 2021, over 4,400 healthcare data breaches resulted in the loss, theft, exposure, or impermissible **disclosure of nearly 314 million healthcare records** representing over 94% of the U.S. population.²
- > In 2018, 500 record breaches were reported daily. In 2021, that number nearly doubled, with **1.95 healthcare data breaches of 500 or more records reported every day.**²
- > Between April 2003 and July 2022, nearly **304,000 healthcare environment privacy rule complaints** were reported by the U.S. Department of Health and Human Services (HHS).³
- > The HHS’ Office for Civil Rights have **upheld more than 100,000 complaints** related to privacy and security violations in dental practices.⁴

These breaches in the privacy and security of patient information expose dental practices and doctors to HIPAA violations that not only impact patients and staff, but that come with significant financial risk.

The onset of the pandemic has also drastically increased the presence of workplace hazards in healthcare environments. Indeed, OSHA reports that the healthcare industry has one of the highest rates of work-related injuries and illness, and that number is only rising.⁵

> In 2020, the health industry reported a 40% increase in injury and illness — higher than any other private sector.⁵

Workplace hazards increase dental practices' exposure to costly OSHA violations, and put staff health and wellbeing at risk. And nothing matters more than the health of your people.



The Very Real Financial Impact of Compliance Violations

HIPAA Violations

While potential HIPAA issues can be reported by patients or even staff, including former employees, violations are also exposed during HIPAA Compliance Audits conducted — often without previous notice — by HHS's Office for Civil Rights (OCR). Since its first phase of audits completed in 2011-2012, the OCR has become increasingly more aggressive in their evaluations and assessments of medical practices, including dental practices.⁴

"When an OCR inspector shows up to audit your office for HIPAA compliance, they're not just looking for one violation," explains Obrochta. "They're going to uncover as many violations as they can, in every corner of your practice." Each violation comes with a potentially significant fine.

Penalties for HIPAA infractions vary according to the severity and extent of the violation, but a general categorization of fines includes:

- **Tier 1:** Minimum fine of \$100 per violation up to \$50,000
- **Tier 2:** Minimum fine of \$1,000 per violation up to \$50,000
- **Tier 3:** Minimum fine of \$10,000 per violation up to \$50,000
- **Tier 4:** Minimum fine of \$50,000 per violation⁴

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Practice owners should definitely pay attention to potential HIPAA liabilities around electronic protection of data, updated documents, and the requirement that all HIPAA Agreements be signed and kept on file for both employees and vendors,” explains Obrochta. “Having a broad and accurate understanding of current HIPAA law and facility obligations can change any liability into a practice asset.”



Repeat violations can lead to fines cumulating in **up to \$1.5 million per year, per violation**.² For HIPAA violations that also violate state law, the state Attorney General may also decide to impose additional financial penalties and even pursue legal action.⁷

Many dental professionals know about the potential for HIPAA violations, but may not be aware of the full economic impact those violations entail until it's too late — as it was for these practices.

- > In 2015, a dentist was **fined \$12,000** for the unauthorized disclosure of thousands of patient records he thought had been properly destroyed by an outside vendor.⁶
- > In 2019, a dental practice agreed to a **\$10,000 settlement** and corrective action for disclosing electronic PHI on Yelp without the patient's permission.⁶
- > In 2022, three dental practices reached settlements **totaling \$142,500** for failing to provide patients with adequate access to their data, for disclosing PHI on social media, and for using PHI in marketing materials without the patients' permission.⁸

OSHA Violations

OSHA inspectors are equally thorough in evaluating workplaces for potential hazards and risks to employee safety and health. In 2019 alone, nearly 34,000 federal OSHA inspections and over 42,000 State Plan OSHA inspections were conducted.⁹ Spurred on by the pandemic, in 2022 OSHA fines for serious violations **jumped from \$13,653 to \$14,502 per violation**. The maximum penalty for willful or repeated violations **rose from \$236,532 per violation to \$145,027 per violation**.¹⁰

Dentists are among those employers paying a high price for OSHA violations.

- > In 2010, a dentist was court ordered to **pay a former employee \$85,000**, after the employee was fired for reporting a change in the practice's sharps disposal process that raised safety concerns.¹¹

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At HealthFirst Compliance Solutions, our dedicated compliance experts have years of experience working in practices, so we truly understand the challenges doctors face on a daily basis,” she explains. “We help doctors and their staff stay focused on providing the best possible patient care by simplifying OSHA and HIPAA regulations, with convenient and instant access to all the customized documents, manuals, and reports they need, all in one convenient location.”

- > In 2014, OSHA **fined a dental practice over \$61,000** for a series of violations related to bloodborne pathogen training, improper eye protection, egress issues, electrical hazards, inadequate personal protective equipment, and other violations.¹²
- > In 2016, OSHA **fined a dental practice nearly \$54,000** stemming from a worker's sharps-related injury that resulted in bloodborne pathogen exposure.¹²
- > More recently, **a dental practice owner was fined \$9,500** for multiple OSHA violations, including the failure to provide adequate respiratory protection — an area that OSHA has been aggressively pursuing during the pandemic.¹³

Do-It-Yourself Compliance Doesn't Cut It

The risk to individual safety as well as to the bottom line is clear. OSHA and HIPAA compliance must become a top priority for doctors who care about the health of their patients, staff, and practice. Meeting and maintaining this compliance require more than a do-it-yourself approach.


“Dental professionals are experts at treating and caring for patients and running their offices,” says Obrochta. “They can’t be expected to be experts in OSHA and HIPAA compliance as well.”

She adds, “In working with practices to streamline their compliance, we often find doctors who simply don’t have the time or resources to stay on top of regulations, or who assume all they need is a manual and occasional training for one staff member. They may not realize that the manuals they’re using are outdated and incomplete, or the amount of reporting and training for all employees required each year.”

Searching online and watching YouTube videos won’t provide adequate guidance, either. Doctors and their staff must be prepared to show OSHA and HIPAA inspectors the correct documentation, on demand. They must also be ready to walk inspectors through safety and privacy protocols, processes, and policies across the practice. What’s more, every staff member should be familiar, fluent, and comfortable explaining those protocols to scrutinizing inspectors.

A Compliance Advocate in Your Corner

More than updated manuals, correct customized reports, and documents at their fingertips, dental practices and their entire staff must be knowledgeable about current OSHA and HIPAA regulations. To build that knowledge, Obrochta recommends finding the right compliance expert to serve as coach and guide. Ideally, that expert should have clinical experience in a dental office.



Obrochta points out the importance of having ongoing access to compliance expertise as well as materials. “We mentor, educate, and empower practices to take control of their compliance and to be ready for inspectors whenever they show up,” she explains. “Practices know they can call us anytime to get answers to their questions. As their on-call compliance advocate, we will be by their side, guiding their journey to compliance every step of the way.”

Take the First Step to Simplify Compliance

As a dental professional, the safety, security, satisfaction, and health of your patients and staff are your top priority. OSHA and HIPAA compliance should be as well. If you’re unsure whether your office and staff are meeting current OSHA and HIPAA requirements, help is here. Taking the first step toward compliance is simple.

Contact HealthFirst Compliance Solutions today to for a no-cost, 10-minute review of your compliance status to identify gaps and the best path forward for closing them. Working with an experienced, proven compliance expert is the easiest way to ensure you abide by the law, avoid fines, and most importantly, keep your patients and employees safe and healthy.



Contact your Henry Schein Representative



10 Questions to Ask Yourself

Many dental practices may believe they've done all that's required to meet OSHA and HIPAA compliance, unaware that regulations are continually evolving. These questions can help you determine potential gaps in your compliance.

1. Have you had an OSHA employee training update in the past 12 months?
2. Has each employee completed a course in Global Harmonization System (GHS) with proof-of-training?
3. Have you converted your USA MSDS sheets, file, or folder to the new GHS-required SDS libraries?
4. Have you implemented the new CDC/OSHA hospital-grade level infection control protocols in your practice?
5. Has your OSHA Manual been updated since COVID, and does it include GHS and new CDC/OSHA hospital-grade level infection control policies and standards?
6. Does your HIPAA Manual include new COVID Omnibus Rules policies and standards?
7. Have all your employees completed HIPAA training for this year, with a signed proof-of-annual-training agreement?
8. Have you revised your HIPAA Patient Acknowledgement Form to meet the new Omnibus Rules Standards?
9. Have your Business Vendors signed a new revised HIPAA Omnibus Rules Business Associates Agreement which you keep on file?
10. Do you have your required Annual HIPAA Risk Assessment Report completed for the year?

If you answered no to any of these questions, or are unsure, you may be exposing your patient and staff to greater risk and your office to potential violations. Reach out to a compliance expert to protect your people and your practice.

Do You Need a Compliance Advocate?

If you're still considering tackling OSHA and HIPAA compliance on your own, consider the recent real-world experiences of two practices who turned to HealthFirst Compliance Solutions for compliance guidance and coaching.

"I can sleep well tonight."

After learning that its OSHA, Infection Control, and HIPAA policies were outdated, a specialty periodontal office worked with compliance coaches to streamline and establish current protocols and documentation, and ensure all staff members were properly trained on them.

During an unexpected visit from an inspector to review the practice's Infection Control Protocols in response to a complaint, the trained staff knew exactly what to do. Staff was ready to share the appropriate and updated OSHA and Infection Control Documents, OSHA Manual, and Sterilization/Disinfection Log Manifest with the inspector, who found all materials in pristine order. The inspector left the practice with high praise and zero violations issued.

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The compliance coaches at HealthFirst Compliance Solutions really are part of our extended team. They keep us on pace for success and I can sleep well tonight, knowing I have the peace of mind and this team of experts standing behind us. That OSHA Inspector visit was nerve-racking, but instilled confidence in our HealthFirst Compliance Solutions relationship.”

"Always there to answer our questions."

During a typical busy day with heavy patient volume, a general practice and implant office was greeted with a visit from a Health Department Inspector who had arrived to check the office's biomedical waste and eyewash station safety standards. The staff had been well prepared and trained with the help of HealthFirst Compliance Solutions compliance coaches.

Leading the inspector through a tour of the sterilization area and eyewash station, the staff member pointed out all the correct labeling and required signage as well as the eyewash station log that indicated weekly testing for safe and proper operation. The staff

member also showed the inspector the biomedical waste pick-up receiver, organized chronologically and post-dated three years.

The inspector was given a tour of each operatory, and directed to the correctly positioned sharps containers and bags. When the inspector individually interviewed each employee regarding protocols for waste handling, the staff were ready and well informed. At the conclusion of the visit, the inspector found the doctor to commend the staff on their teamwork, knowledge, and consistency across all protocols. The inspector left without issuing any violations or fines.

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We invest in expert compliance help from HealthFirst Compliance Solutions. Our compliance coaches help us to get and stay organized. They provide our training, help us to customize and keep our documents organized and up-to-date, and they are always there to answer our questions.”

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