



A Publication for Saint Barnabas Health Care System Physicians' Office Administrators and Staff

BEST Practice

GO GREEN

Best Practice continues its ongoing Q&A devoted to creating a greener, more low-environmental-impact workplace by examining ways for to use office printers more efficiently.

Do your printers and copiers have the ability to work two-sided, and if so, does your staff use that functionality?

Paper is one of the single biggest waste items in the standard office. This negatively impacts company coffers and the environment. If you do not currently print double-sided, we recommend you start. If you do not have a printer that prints using automatic duplexing, then upgrade when the time comes to replace your printer.

Why do we make that recommendation?

- **Save money:** Duplex printing helps you save money on printing supplies by cutting your paper use by up to 50 percent.
- **Save time:** Automatic duplex printing saves you time by allowing you to print double-sided without having to wait and reinsert the pages yourself. It also automates the process allowing you to have more control over the 'forgot to' factor.
- **Save space:** Less paper takes up less room.
- **Shrink your carbon footprint:** Beyond the trees that go into making paper, there is also an environmental impact to transporting paper and producing it; imagine lessening that impact by half.

Source: www.corporatekindness.org.

Cut Ink Use by Switching E-Mail Font

According to a University of Wisconsin-Green Bay study, changing computer fonts can result in significant savings on printing costs. The college found that when it switched the default font for its emails from Arial to Century Gothic, the new font required about 30 percent less ink, which costs up to \$10,000 per gallon. Always try to avoid printing e-mails, but when you must print a message, switching to Century Gothic saves money and resources.

Legal Issues Affecting Physician Offices In Focus

Legal issues affecting physician practices were the focus of a Saint Barnabas Office Managers Association program that provided a host of risks and possible risk management strategies for office managers.

Shannon Fury Curtis, Esq., of the Wall Township-based law firm McLaughlin, Gelson, D'Apolito and Stauffer, led the discussion at the Saint Barnabas Health Care System's Physician Office Manager Seminar 2010 Legal Program for Managers and staff of Private Physician Offices. The program was held June 8 at the Lobster Shanty in Point Pleasant and repeated June 10 at Forest Hill Field Club in Bloomfield.



Keynote speaker Shannon Fury Curtis, Esq., of the Wall Township-based law firm McLaughlin, Gelson, D'Apolito and Stauffer.

Topics presented included privacy of a patient's protected health information and the civil and criminal ramifications of unlawful disclosure (see related story, page 2), and electronic health records. Also explored were issues relating to charting and responding to requests for copies of medical records.

"With all these issues, it comes down to a risk assessment," Curtis said. "As far as what your office ultimately does, the advice of an attorney would be to do what's most protective of your practice."

Responding to an audience member's question regarding what to do in the case of a wife calling about her husband's medical record, she said the staff should refer to the HIPAA form, and if the patient's wife is not authorized to have personal health information disclosed to her, then it should not be disclosed. When receiving a request for information via e-mail, staff must verify in person or over the phone that the person sending the e-mail is authorized to receive it.

"My recommendation would be not to respond to any email inquiries, as you have no idea who is sending the email," she said. "Even if the email address is familiar to you, someone in the patient's household could have accessed it. If you do respond by email, your staff should refer to the HIPAA form every time, and when in doubt, say no."

Addressing the use of laptops and other personal digital assistants (PDA's), Curtis noted that they should be password protected and encryptions must be in place when distributing personal health information electronically.

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HIPAA /Compliance Corner

HIPAA and the Law: The Stakes Are High

Next to highly classified national defense information, medical information is among the most confidential in today's society.

That was a message from Shannon Fury Curtis, Esq., of the Wall Township-based law firm McLaughlin, Gelson, D'Apolito and Stauffer, who presented a legal program for the Saint Barnabas Office Managers Association in June.

"Both the state and federal courts of New Jersey have gone far in upholding the sanctity of patient communications and medical records by relying on statutory protection of the physician-patient privilege," Curtis said.

Noting that unauthorized disclosure of a patient's medical record or treatment by his doctor or staff may result in severe legal repercussions, she noted that HIPAA created a new federal crime for wrongful disclosure of individually identifiable protected health information. Violators of HIPAA may be fined and/or imprisoned up to one year, up to five years if the violator acts under false pretenses, and up to 10 years if the crime is committed for commercial advantage, according to Curtis.

"In the last four months, someone went to jail for accessing private health records when they weren't supposed to, and this marked the first time someone was jailed for violating HIPAA," she says. "The threat is there, but you're here because you want to protect your practice. You need to be proactive and make sure appropriate safeguards are in place."

In all situations, Curtis noted it is imperative that prompt corrective action be taken as soon as possible and within 30 days of its occurrence.

"The Secretary for the United States Department of Health and Human Services has the discretion to make penalty

Legal Issues *continued from page 1*



Among those attending the office managers' program on legal issues affecting physician practices are, from left, Linda Shelley, office manager for gastroenterologist Carl Raso, M.D., Alicia Walter with ENT of New Jersey, and Lorraine Heller of Woman to Woman Ob/Gyn.

"We all understand the need to physically safeguard medical records and the electronic equipment that maintain them, which is also why all electronic information must be backed up off site. However, preventing unauthorized access to the computers in the office as well as to the portable devices, including the physicians' BlackBerrys, is as important," Ms. Curtis said. "Medical records are very valuable to identity thieves since they contain social security numbers, mother's maiden names, date of births and

addresses," she said. She urged each office to designate a patient privacy and electronic health record security officer, and to be able to demonstrate that person has had the appropriate training and has put safeguards in place to protect patients' information.

When dealing with outside billing companies, the time to address potential problems with the security of information is when you contractually engage them, she said.

"If a problem arises, you need to be able to prove every attempt was made to safeguard that information," she says.

Focusing on charting, she noted that the state regulates what must go into a medical chart through the New Jersey Board of Medical Examiners. "One of the most important regulations that applies to licensees of the New Jersey Board of Medical Examiners that physicians and their staff should be familiar with is N.J.A.C.13:35-6.5 — the regulation titled "General Rules of Practice," she said. "This sets forth with specificity the

determinations based on criteria that includes the nature and extent of the violation, and the nature and extent of the resulting harm, as well as the covered entity's history of prior compliance and financial condition," she said. "In addition, patients may sue under a variety of common law theories. These include negligence, invasion of privacy, breach of confidential relationship, breach of contract, defamation and the intentional infliction of emotional distress."

In New Jersey, specific legal action has generally been created for wrongful disclosure of particularly sensitive medical information.

"Aside from treatment for substance abuse, the medical condition that garners the most heightened protection with respect to confidentiality is AIDS," Curtis said, adding that in New Jersey, health care providers may only disclose the content of records concerning diagnosed cases of AIDS or HIV infection with the patients' consent or in specifically defined circumstances.

"An aggrieved patient may recover actual damages, reasonable attorney's fees and costs," she adds. "Punitive damages are also available if the violation was reckless or intentionally malicious."

Help us Spread the Word!

Do you know colleagues in Saint Barnabas-affiliated practices who have not yet joined the Saint Barnabas Health Care System Office Managers Association? It's not too late for them to reap the benefits of membership. They can call **1.888.724.7123**, and press option 4, to join.

information that must be included in a patient's health record." Ms. Curtis added that the Federal HIPAA privacy regulations also require you to chart each time a disclosure of protected health information is made.

A patient's entire treatment record must be kept for a minimum of seven years from the date of the last entry. Noting that the regulation concerning the preservation of treatment records does not address pediatric records, Ms. Curtis recommended they be maintained at least until the patient's 25th birthday, to be safe, she said.

"As your practices move toward electronic health records, maintaining the records will not be as burdensome," she said. "Billing records are not treatment records and, therefore, are different. I would consult your practice's accountant or the practice's contracts with health insurers for guidance."

Concluding the program with a look at preparing for malpractice litigation, Curtis told the audience that malpractice insurance carriers should be notified at the first hint that a claim may be made against a physician.

"Track carefully all communications with the agent/carrier, as it is imperative that you obtain written confirmation from the carrier that it received notification of the claim," she said, noting that the next step will be to provide the insurer with all medical records in your possession.

"Medical records cannot be altered in any way, and it is also important that you do not remove anything from the file including what you may believe to be innocuous Post-it notes, telephone log records or memos regarding conversations," she said. "Finally, set up a separate folder for attorney-client communications with respect to your litigation and do not keep such communications in your patient files."

To receive a complete packet of information from the legal Program, call the Health Care LINK at 888-SBHS-123. To learn about upcoming office manager programs, visit the Web site at www.sboffice managers.com.

Ask the Practice Management Experts

"Ask the Experts" is a question-and-answer forum featuring leading practice management experts.

Tell us about your role as an Advisory Council member.

There are 12 members selected from different areas. I represent an internal medicine practice, and there are representatives of different practices. It's so helpful to running a practice because we discuss problems with running an office and share information with others. There are representatives of the hospitals at the meetings so we can bring back their feedback to the doctors monthly. It's very helpful to trade issues and resolutions. We then share the resolutions with the general membership of the office managers association.

What is your biggest challenge currently as an office practice manager?

One of our biggest challenges currently is to continue to provide quality care and maintain a high level of patient services while reimbursements become lower and lower. The practice has to maintain a budget for staffing while we are seeing an increased demand for immediate referrals, pre-certifications for patient procedures and medications. The demand for completion of all of the above, along with an increase in forms, medical record requests, etc., is at the highest level that I have ever seen in the business. I am certain that other physician offices are seeing the same problems. Also, our practice has invested a great deal of time and money into EMR (electronic medical records) to improve the quality of care for the patients to comply with ever-changing demands for high-tech services. We were way ahead of the curve, as we have been paperless for four years, but unfortunately, there has not been the same increase in payments for medical service. With all of the coding and billing changes from insurance companies and Medicare, it's difficult to manage it all, particularly with small practices, which generally don't have the resources of the larger practices. But you discover what works and what doesn't, and you always have to multi-task.

Our Expert:



Roberta Ernst

Bobbi, as she is known, is the practice manager for Ocean Primary Care Associates. For the practice comprised of Monmouth Medical Center internist Gautam J. Desai, M.D. and nurse practitioner Jenalyn Canullas, A.P.N., Bobbi oversees a staff of seven. She has managed the practice for five years after relocating from Pennsylvania. Her career spans more than 25 years in the medical field, managing an infectious diseases practice and establishing an outpatient center for I.V. therapy before moving to New Jersey, where she first managed a five-physician cardiology group. She is a member of the Advisory Council.

"Working with Dr. Desai and his staff is a wonderful experience as we move forward with rapid changes such as EMR and advanced patient testing in the office," she says.

You mention EMR — I understand your office has been very proactive in terms of paperless medical records. Are there are other innovations in terms of office practice that you can share with association members?

One initiative that has been received very well is direct patient care in the hospital for Dr. Desai's patients undergoing nuclear stress tests. He is working jointly with Monmouth Medical Center to provide this test at the hospital, but with the comfort level of having their own doctor present. It has been a great thing for the hospital, and a great thing for Dr. Desai and his patients. Often patients get nervous about undergoing a test like this, and they are much more at ease when he is there with them.

Have a practice management question? Ask an expert! Call us at 1.888.724.7123, and press 1.

Save the Dates!

How to Promote a Physician Practice

Michael J. Slusarz, Vice President
Public Relations and Marketing for SBHCS

Tuesday, September 28

Jack Baker's Lobster Shanty, Channel Dr., Point Pleasant Beach

Wednesday, September 29

Forest Hill Field Club, 9 Belleville Avenue, Bloomfield

This program will focus on how to develop a marketing plan/strategy to build market awareness of the practice and to align the practice's office material to enhance the practice reputation. The program will look at ways to develop a plan that will be cost effective but efficient in strengthening the impact of the practice's current marketing programs, as well as how best to leverage these elements to drive "desired" business.

For program start time, to register or learn more about these programs, call 1.888.724.7123 and press option 1.

Saint Barnabas Office Managers Association Fourth Anniversary Celebration

Thursday, November 11 – 4 to 7 p.m.

Woodbridge Hilton

Watch for your invitation!

GET SOCIAL:

Befriend SBHCS on Twitter and Facebook

The Saint Barnabas Health Care System's Facebook site provides easy access to information about the Saint Barnabas Health Care System and all of our affiliates. The SBHCS Facebook fan page includes

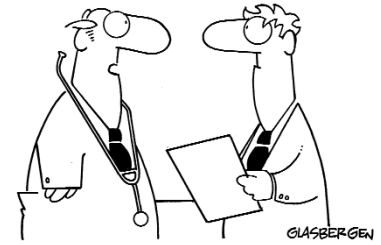
links to photos, videos, general information, press releases, special events, news and activities from throughout the System. It is an interactive forum for health-related topics and information.

In 2010, the Saint Barnabas Health Care System launched its Twitter site, and continues to post Tweets to our followers on a host of health topics, news and information. We encourage everyone to become a fan of our Saint Barnabas Health Care System Facebook site at www.facebook.com/saintbarnabas and to follow us on Twitter at www.twitter.com/saintbarnabas.

Members, let us know what you would like to see in upcoming issues of Best Practice by calling 1.888.724.7123, and pressing 1.



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"More and more patients are going to the Internet for medical advice. To keep my practice going, I changed my name to Dr. Google."

Directors of Physician Services
The Saint Barnabas Health Care System provides physicians and their office staff with a direct link to our hospitals through the Directors of Physician Services.

- ❖ **Lauren Burke** 973.926.2623
Cardiovascular Physician Liaison
- ❖ **Fran Monteleone** 973.450.2997
Clara Maass Medical Center
- ❖ **Audrey Petersen** 732.557.3940
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- ❖ **Alyssa Ruby-Mako** 732.557.7168
Kimball Medical Center
- ❖ **Cheryl Wittek** 732.923.7523
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