

THE ADVISOR

MONTHLY COMPLIANCE COMMUNICATOR



GETTING BACK TO WORK

Everyone is headed back to work. Businesses are slowly reopening, and we are all trying to figure out how to make “the new normal” work for us. It is an exciting time that it is also filled with a considerable amount of anxiety. Some workers may feel it is too soon to be back in the workplace. This anxiety is heightened by the lack of adequate and appropriate supplies. These issues are reflected by the volume and nature of OSHA complaints filed over the past 3-4 weeks. Some states have received hundreds of worker complaints during this timeframe.

OSHA is required to evaluate each complaint to determine whether it can be an off-site investigation (correspondence exchange) or if it requires an on-site inspection. Complaints that are submitted to OSHA in writing and signed by a worker are more likely to result in an on-site inspection; however, OSHA was not conducting inspections during the Stay at Home Order. Inspections are starting again as states are reopening.

TMC has helped more clients respond to complaint letters across multiple states over the past 2 weeks than is normally seen in an entire year. These recent letters from OSHA were received because workers are filing complaints related to respiratory safety, especially PPE. The general issue has been the unavailability or delayed receipt of masks and respirators, requiring alternate PPE and other controls be implemented in the meantime.

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OSHA COMPLIANCE

What does OSHA expect from you after sending a letter regarding a complaint alleging health and/or safety hazards?

- It is important to pay close attention to how quickly you must respond to the letter. Recent letters have been requiring a faster response. Be sure to send the response in the manner requested (e.g. fax, email, etc.).
- A copy of the letter and your response should be posted in an area where workers can easily access and review them.
- Whether you know who filed the complaint or not, you cannot discuss it with them or anyone. You cannot discriminate or take any retaliatory action against them.
- Fix any issues immediately and document your actions with items like order forms, invoices, delivery receipts, photos, etc.
- If you are having issues finding appropriate PPE, document your ongoing efforts to obtain it. This includes contacting suppliers, FEMA, professional associations, and other practices in your area.

When writing your response, remember:

- All items in the complaint must be addressed.
- Address only the items listed in the complaint. Do not provide additional information.
- Keep your responses short, to the point, and use a professional tone.
- Provide supporting documentation and/or photos, if relevant.



TMC helps clients navigate this process. Call us if you receive one of these letters. We are providing tools and complimentary webinars to everyone that reflect the latest guidance that can help your practice get back to work safely.

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CONTINUED EDUCATION

LEADERSHIP AND SELF DEVELOPMENT TRAINING BUNDLES

There are many benefits to continuing career development training for every stage of one's career. Leadership and communication skills need to be refreshed and nurtured to meet the challenges of evolving workplaces. People in every role in an organization need to understand workplace diversity, different personalities, and difficult situations so they can thrive personally and professionally.

But what about our patient load? We don't have time for this!

Let TMC help! Total Medical Compliance has crafted four online course bundles each targeted to a specific role in the healthcare setting. These courses can be taken at the convenience of the employee and the practice schedule.

- ✓ **Aspiring Managers**
This bundle will help those looking to move into management realize their goals.
- ✓ **New Managers**
This bundle will help new managers and supervisors make sense of their new responsibilities and challenges.
- ✓ **Growing the Experienced Manager**
This bundle will help experienced supervisors and managers enhance their leadership skills and knowledge.
- ✓ **Office Administration Staff**
This bundle will help office administration staff manage their busy days with new perspectives on time management and refreshed communication skills.



To get started, check out our training courses online!

[CLICK HERE FOR COURSES](#)

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HIPAA COMPLIANCE

TELEHEALTH USE & SECURITY UPDATE

A byproduct of the response to COVID-19 has been the rapid expansion of the use of telehealth. In April, *The Advisor* reviewed The Office for Civil Rights' (OCR) announcement to temporarily relax enforcement of certain HIPAA security standards pertaining to telehealth to reduce the threat of exposure to providers, staff, and patients. The OCR has not announced an end date on its enforcement discretion.

If you are using a telehealth application temporarily allowed by the OCR and would like to continue offering telehealth to your patients, you should act quickly to evaluate and implement an application that meets standard HIPAA requirements. It can take time to ensure all necessary processes, security features, and training are in place.

Remember, message and video applications like Facebook Live, Slack, Tik Tok, and Twitch should never be used because those are not direct one-on-one communication and can be accessed by the public.

As your practice reopens or begins to accept non-emergent appointments, you should continue to consider telehealth a key component of patient care. It can be applied in several ways and at multiple points while caring for a patient. Here are a few ways telehealth and many of the features that often come along with it can be used:



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**THE USE
OF PAPERLESS
FORMS CAN
REDUCE
THE TIME
PATIENTS
SPEND
INSIDE YOUR
PRACTICE.**

- Symptom screening can be done via phone or secure video-conference the day before a patient is scheduled to arrive for an in-person appointment.
- Triage can be performed while the patient is in the parking lot before entering the practice by using electronic forms or by having the patient text, call, or initiating a videoconference.
- Telehealth can be used to make the determination whether in-person treatment is necessary.
- Post-procedure care and consultation can be performed using telehealth. Use it to send reminders, instructions, and educational materials.
- Fully integrated systems also offer automated forms, chat, appointment scheduling, payment and insurance options, prescription refills, and more.

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HIPAA COMPLIANCE

The use of paperless forms can also reduce the time a patient spends inside your practice. It simplifies the patient check-in process, reduces supply costs (e.g. new pens for each patient), and the potential for surface transmission. If patients do not print and complete forms prior to arriving at your practice, consider using a tablet that patients can use for paperwork.

- Tablets can be disinfected after each use. Screen protectors can be used and changed regularly to protect it from frequent cleaning and scratching. Check with your tablet's manufacturer for instructions on appropriate disinfecting procedures.
- Completed forms can be sent directly to your practice management system, a centralized email address, or to your EHR to upload to the patient's record.
- Paperless forms also reduce the time your staff spends scanning documents and the potential risk associated with maintaining PHI in paper format and necessary shredding.

Hopefully, your practice has not experienced any privacy or security issues in addition to responding to the pandemic. The FBI and World Health Organization have reported a four to fivefold increase in cyberattacks and related fraud since February. Most of them are occurring in the healthcare industry, so it is important to remember privacy and security basics. To help keep your practice's and your patient's information safe, remember to check links, attachments, and email addresses before you click on them or reply with sensitive information.

Now is a great time to change your passwords. A type of cyberattack that is being reported a lot right now is something called password spraying. This is a technique where an attacker tries to log in to multiple accounts using a commonly used password. Then they begin again at the beginning of the account list with a second commonly used password. This is hard to detect because it rarely causes an account to lockout because an incorrect password was tried too many times within a short period. There is a list of 100,000 commonly used passwords that attackers use for this that have been exposed in previous data breaches.

TMC helps provide your practice with resources and solutions that can help your practice efficiently and safely care for your patients while protecting you and your staff. You can find more resources for telehealth, privacy, and security on the [TMC Coronavirus Resource Page](#).

IT'S YOUR CALL

OSHA:

What should our office do to ensure that we have ample personal protective equipment (PPE) onsite?

HIPAA:

Can the news media access a COVID patient's protected health information if the images are blurred?

[CLICK HERE FOR ANSWERS](#)

[CLICK HERE TO](#)

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INSTRUCTIONS

Print and post newsletter in office for staff review. Each member should sign this form when completed. Keep on file as proof of training on these topics.

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