

# THE ADVISOR

## MONTHLY COMPLIANCE COMMUNICATOR

### TIS THE SEASON TO BE JOLLY AND FREE FROM FOLLY!

It's the most wonderful time of the year and good tidings are brought to you this month by all of us at TMC! This year especially people are celebrating together and moving back into a more normal routine in the workplace. Along with the jolly comes decorations, but keep in mind that safety should always be a priority.

Some facts from the U.S. Consumer Product Safety Commission (CPSC):

- On average, there are about 160 decorating-related injuries each day during the holiday season. Almost half of the incidents involve falls. In the 2019 holiday season, about 14,800 people were treated in emergency rooms due to holiday decorating-related injuries.
- Dry Christmas trees and unattended candles can lead to dangerous fires. From 2016 to 2018, there were about 100 Christmas tree fires and about 1,100 candle fires in November and December each year, resulting in 30 deaths, 180 injuries, and nearly \$56 million in property loss per year.

For those who enjoy bringing the magic of the season into the office, please take note of some important safety reminders provided by the CPSC. Even if your practice does not serve children, often younger ones will accompany adults, especially when winter breaks are in session.

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# TIS THE SEASON

- ✓ Keep potentially poisonous plants — mistletoe, holly berries, Jerusalem cherry and amaryllis — away from children.
- ✓ If using an artificial tree, check that it is labeled “fire resistant.”
- ✓ If using a live tree, cut off about 2 inches of the trunk to expose fresh wood for better water absorption. Water it daily and remove it from your home or office when it is dry.
- ✓ Place your tree at least 3 feet away from heat sources, making certain not to block doorways.
- ✓ Avoid placing breakable ornaments or ones with small, detachable parts on lower tree branches where small children can reach them.
- ✓ Only use indoor lights inside, and outdoor lights outside.
- ✓ Replace light sets that have broken or cracked sockets, frayed or bare wires, or loose connections.
- ✓ Follow the package directions on the number of light sets that can be plugged into one socket.
- ✓ Never nail, tack, or stress wiring when hanging lights. Keep plugs off the ground away from puddles and snow.
- ✓ Turn off all lights and decorations before leaving the workplace.
- ✓ All that glitters should be snow but artificial snow sprays can irritate lungs if inhaled. To avoid injury, read container labels and follow directions carefully.
- ✓ Whether you are trimming the tree or placing decoration up in high places, use much caution and a step ladder.



So now that you have your list, check it twice to make sure your work area is safe for sharing a cup of good cheer. Remember to always be safe at work because at the end of the day, there's snow place like home for the holidays.

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# OSHA INSPECTION

## THE BEST WAY TO PREVENT AN OSHA INSPECTION

Most OSHA inspections in healthcare practices are brought about by employee complaints. You may think that disgruntled ex-employees are doing the reporting. That does happen frequently, but OSHA is aware of these kinds of retaliatory complaints and weighs that factor into their determination on whether to send you a letter or to show up for an inspection. However, OSHA will always give its attention to a current employee making the complaint. You may be surprised to learn that it is most often your best employee who makes the complaint that leads to an inspection.

Why would your good employees “stab you in the back” like that? Usually, it is because of one of these reasons:

- The employee raised concerns to you but feels ignored and frustrated.
- You have, perhaps unknowingly, created a closed-door atmosphere that discourages employees from raising concerns and offering recommendations.

What can you do to change this dynamic? Have a written policy on employee complaints and recommendations in your employee training manuals. Create an open-door culture in your practice. Let employees know this is important to you. Ensure that the policy aligns with any Human Resource policies you have with your company. Make sure you give everyone a copy including managers. Let them know it is important to you.



Most managers are uncomfortable with handling complaints, and this causes avoidance. Here are some recommendations gathered from consulting human resources professionals including a very good article at <https://toughnickel.com/business/How-to-Address-Employee-Complaints>.

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# OSHA INSPECTION

1. Ask for something in writing.
2. Listen fully to the complaint, even if it seems like a frivolous issue.
3. Show respect. Don't belittle their complaint, question their veracity, or do anything to make them feel like you don't take the issue seriously.
4. Ask lots of questions.
  - Who - Who is this situation about? Who was involved? Who witnessed it?
  - What - What happened? What else was happening at the time of the incident? What caused the incident? What proof can be provided?
  - When - When did the incident take place? When else could this have happened?
  - Where - Where did this incident take place? Where else could this have happened? Where exactly were employees at the time of the incident?
  - Why - Why did it happen? Why did the employee come forward with this complaint? Why do they think the incident happened?
  - How - How are they feeling after this incident? How has this incident affected others? How can you help them? How can this problem be rectified?
5. Assure the individual that you will investigate and then take appropriate action as quickly as possible.
6. Take the appropriate action regarding the complaint. The action should be as quick as possible so there won't be any future issues. Consult a professional if you need advice like your human resources contact or your OSHA consultant depending on the issue.



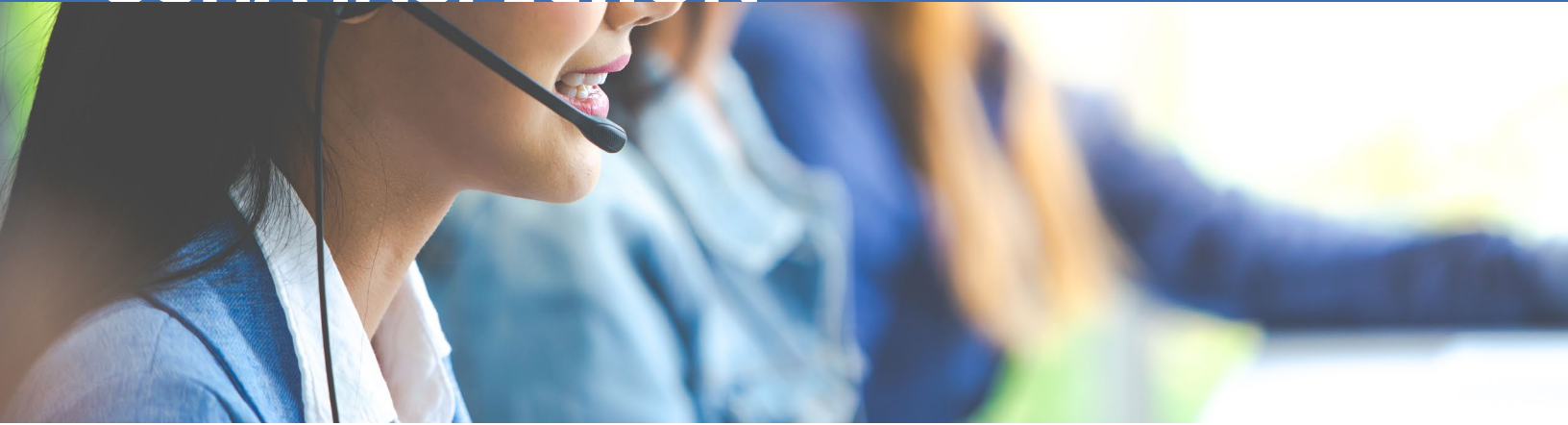
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# OSHA INSPECTION



7. Set a timeframe for communicating and notify all involved parties of any delays.
8. Refrain from quick disciplinary action against the complaining employee or any person they're complaining about. Take the time to find out what happened before you take any action
9. Inform the complainant about resolution status but avoid details about other employees.
10. If the complaint was unfounded, turn the situation into a training opportunity.
11. Look for patterns of the same complaint from the same person or other employees. You may see another issue that needs to be addressed.
12. Document. Document. Document.

## What NOT to Do When an Employee Complains:

- Make jokes.
- Allow distractions. Instead, turn off your phone and close your office door.
- Make the complaint public.
- Punish the complainant in ANY way. There are very stringent laws on protecting whistleblowers.

The very best thing you can do to prevent an OSHA inspection is to show your employees respect and listen to their concerns.

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# IT'S YOUR CALL

## IT'S YOUR CALL

### OSHA:

**Q.** What is the frequency for fit testing per OSHA?

### HIPAA:

#### True or False?

**Q:** If your practice uses a payment app for payment processing or transaction-only purposes, a BAA is not required.

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## PAYMENT APPS AND HIPAA

Mobile payment apps like PayPal make sending and receiving payments to nearly anyone easier than ever. These payment apps are convenient, and the fees can be much lower than traditional payment processing methods. It is very important to know what a payment application does with your information, not only as a personal consumer, but as the owner or manager of a healthcare practice.

Before choosing an app, decide if it will be used only for payment processing, transaction-only purposes, or if you intend to use additional features such as reporting, invoicing, and analysis. This is an important decision point because the additional features will most likely create a HIPAA business associate relationship between your practice and the app vendor. This means you will need to choose an app that offers a Business Associate Agreement (BAA). This will narrow your app choices. Simply processing a payment transaction does not require a BAA under HIPAA. However, you will need to monitor how the app is used or restrict its use to be sure no additional features are added to your practice's account that will require a BAA.

Regardless of whether you are simply processing payments or adding BA services with a BAA, you should check into a few more things about a payment app before you use it. Most of the following information can usually be found on the app vendor's website under headings like About Us, Resources, or in the terms and conditions and privacy policy for the app.

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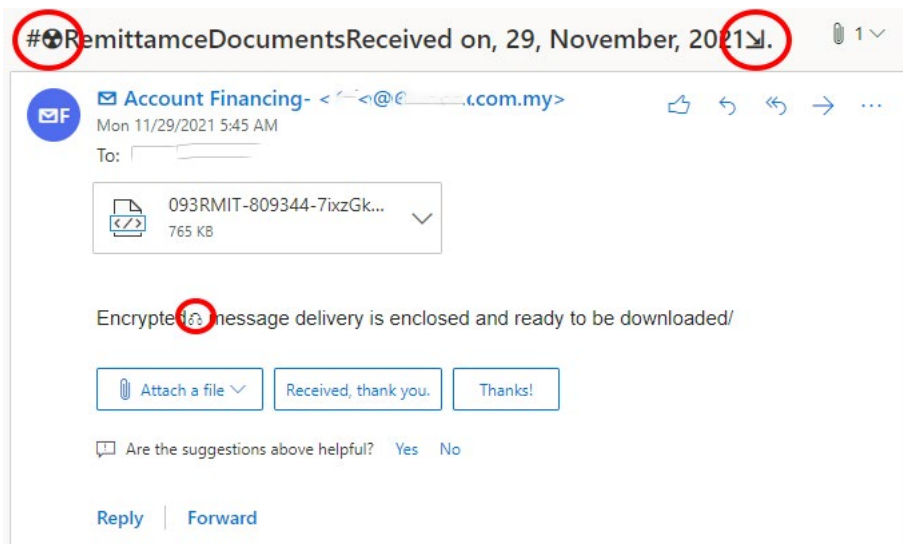


# HIPAA COMPLIANCE

## Five critical features to consider when looking into using a payment app:

1. Does the app comply with the Payment Card Industry Data Security Standard (PCI DSS)? This is a standard set by the 5 largest credit card companies designed to help reduce costly consumer and bank data breaches. Look for the term “validated point-to-point encryption” or vP2PE.
2. The app vendor cannot use any information from your account (your practice’s information or information from transactions with your patients) for their marketing purposes or share it with third parties. This is a HIPAA violation even if you are limiting the use to payment processing only.
3. If you want to keep a card on file, be sure the app can store that information in a secure/encrypted manner.
4. Choose an app that allows you to disable the auto-generated receipt feature. It’s best to avoid texting or emailing receipts to protect the security of your patient’s information.
5. Do not include any information related to the visit like insurance ID#, treatment/service, etc. when you process a payment. This is PHI that is not necessary to process payment and increases your practice’s risk.

There are many popular payment processing apps that have partnered with EHRs and practice management systems. They can be used in your practice’s existing workflows. Using a built-in app is a good way to avoid some of the risks mentioned above. Whichever choice you make for your practice, it is always worth the time and effort to check into any vendor’s credentials when entrusting it with patient and financial information.



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# SECURITY SCOUT



## Security Scout

Tis the season for cyber criminals to increase their attempts to get you to take the bait while you're busier than usual.

Be on the lookout for emails with attachments pretending to be invoices or statements. Double-check the sender's email address to be sure it is someone you do business with. Check the subject lines for icons, emojis, or out of place punctuation. Those are signs that the email is not legitimate.

Always check before you click, open, or reply! Have a safe, secure, and Happy Holiday Season!

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# THE ADVISOR

## MONTHLY COMPLIANCE COMMUNICATOR



**SIGNATURE**

**PRINT**

**DATE**

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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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