



KEEP MOVING FORWARD



PRESIDENT'S MESSAGE

NYCDS: Working to Help You Move Forward

Lois A. Jackson, DDS

On June 10, 2020 I reopened my practice after the shutdown. Wrapped in PPE and with proper ventilation and social distancing, we were very happy to return. But even now, we are still on the road to recovery. Does this sound familiar to you? We understand that you are not "back where you were" pre-COVID, so we plan to give you as much information and support as possible to help you move forward.

Throughout the pandemic, we acted as your link to the latest in COVID-19 information and safety protocols, fielded countless inquiries, provided PPP loan assistance, distributed PPE to so many of you, as well as maintained our advocacy work with city and state lawmakers. But the work doesn't stop there.

Rebuilding starts with NYCDS. In fact, a key upcoming program is an eight-part "Road to Recovery" webinar series developed in collaboration with Henry Schein that will provide you with the best information to revitalize your practice. We also have an important two-part series initiated by NYCDS on DSOs scheduled in October.

We are moving forward, carefully and cautiously, but also with optimism. Our New Dentists were the first to meet up in-person back in June (see article on page 3).

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Continuing Education

Online "Live" and In-Person CE Available Now

Mitchell Rubinstein, DMD

Education Director



The COVID-19 pandemic has challenged our country, our lives, and our profession for more than a year and a half now, and it has likely made permanent changes to the way we educate

ourselves as professionals. Believe it or not, not all these changes have been negative. We have become much more flexible and inventive in providing online learning and distance learning. There are far more options in this arena than they used to be. Additionally, the New York State Education Department has temporarily relaxed some of their more onerous restrictions on how we obtain the continuing education credits needed to maintain our licenses.

For dentists whose license renewals are due to renew between March 1, 2020 and January 1, 2022, the State Education Department will allow you to complete up to 100% of your continuing education as self-study (rather than live) courses. Considering the ongoing limitations to in-person gatherings, this has been a rational and welcome change. Beginning next year however, the State's limitations on self-study go back into effect, and the majority of our CE hours will again need to be taken live. The Education Department does not seem inclined to extend the special rules, even though the pandemic is clearly not over yet, and it may be some time before in-person learning choices are as widely available as they were in the past. If there are any further changes in these regulations, you can be sure we will let you know.

You will be happy to learn that the Henry Spenadel Continuing Education Program now offers live, hands-on courses taught remotely. Offered through a cooperative partnership with Hands-OnLine LIVE,

these courses permit real-time interaction between students and instructors, even though you can take the course anywhere you have an internet connection. These courses qualify as "live" courses for purposes of licensure. Hands-OnLine LIVE also provides similar courses on demand. "On Demand" courses are recorded and would qualify as self-study. NYCDS members signing up for these courses through our website can do so at a significant discount. I've taken several of these courses and I found them to be both practical and enjoyable.

Another "live" online program we're very excited about is the webinar "Dental Practice Made Simple: 8 Powerful Strategies to Ensure a Thriving Practice" with Dr. Roger Levin. Dr. Levin has been advising dentists on practice management issues for decades, and his presentations continue to be prescient, practical, and extremely relevant. Sign up for this exciting program while there are still slots available. It will be held on Sep 24, 2021, 12:30 PM – 1:30 PM.

As the leaves begin to change color, our thoughts turn to Fall, Starbucks pumpkin scones and, of course, The Greater New York Dental Meeting. 2020 was the first year in my 29 year career without an in-person GNYDM, so this year's return to in-person learning will remind us why it is (by far) the most respected and best-attended dental meeting in the United States. Every year I look forward to GNYDM with eager anticipation, and every year I come away from it with new knowledge, new ideas, and a fresh outlook toward the coming year. I'm looking forward to this year's meeting twice as much as I normally would be! For the remainder of the year, our own Henry Spenadel Continuing Education Program will bring you a steady stream of excellent, carefully selected programs. Visit www.nydentalsociety.org for information on all our upcoming courses.

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New Dentists Were Thrilled to Meet In-Person in June



Attendees of the June 24 New Dentist event take a moment for a group photo.

Our New Dentists Committee held a highly-successful (and much sought-after) in-person social event just as COVID restrictions started to lift at the end of June. The “welcome back” event on June 24 was held outdoors on a lovely terrace overlooking the Hudson on a perfect early summer night.

The venue, Classic Car Club of Manhattan, a large warehouse filled with some of the world’s finest cars, was also part of the appeal. So many dentists felt the urge to reconnect in real life after the stress of the past year, the limited opportunities to meet up, and so much time spent on Zoom meetings! Many attendees stayed well past the end of the event to linger over drinks, happy to be connecting in-person once again.

Jaskaren Randhawa commented, “As the chair of the New Dentist Committee I am grateful for the support of NYCDS and our generous sponsors to make the New Dentist event a great success. It was truly refreshing to see colleagues once again in person, as well as fresh new faces and introduce them to organized dentistry! I am looking forward to planning unique opportunities to engage the young dentist community!”



It was a perfect early summer evening to mingle outdoors!

JoAnna Pufnock, vice chair of the New Dentist Committee noted that “As the New Dentist Committee was anticipating our first in-person event since the start of COVID, we didn’t know how it would turn out. The committee worked to ensure there was enough sponsorship to cover costs and that we would get good participation the night of the event. Overall, it was a great first event back and I think everyone enjoyed it as much as we had hoped.”

The support of Corporate Friends MLMIC and Straumann, as well as Hands Online LIVE, Ignite DDS and Tend, was instrumental in the success of the event.

Stay tuned for more engaging programs from this energized group of dentists!



(left to right) Dr. Whitney Mostafiz, student Winnie Cen, NYCDS President-Elect Ioanna Mentzelopoulou, Dr. Angela Wu, Dr. Allyson Won, Dr. Clement Kairouz, New Dentist Committee Vice Chair JoAnna Pufnock, NYSDA Trustee Maurice Edwards, New Dentist Chair Jaskaren Randhawa, and resident Clare Maloy.

Never Miss a New Dentist Event!

Join our [New Dentist Facebook page](#)

For all other updates [follow us](#) here

President's Message

(continued from page 1)

Thanks to a partnership between NYCDS and Benco Dental, we were able to offer a series of four webinars that covered a variety of current topics of interest to dentists and offered attendees special discounts on a variety of products and services.

We have our first in-person CE program scheduled for October 6. The Greater New York Dental Meeting is set to be in-person from November 26 to December 1. We are working more closely than ever with lawmakers to put forward our collective priorities.

New York State Senator Andrew Gounardes, sponsor of legislation clarifying the scope of practice of dentistry, addressed members at the September General Membership meeting (you can listen to his remarks on page 6). NYCDS' strong relationship with the ADA and NYSDA was demonstrated at the September meeting too. We were pleased to have ADA President Daniel Klemmedson welcome members and NYSDA President Kevin Henner provide the evening's education lecture. Both presentations can be heard on pages 6 and 7.

Providing members with what you need -- when you need it -- is a priority for NYCDS. Staff is constantly in contact with the New York State Dental Association to provide you with accurate and timely answers to your professional questions. We believe in providing value for your membership by being responsive to your concerns, along with offering creative programming and fresh ideas as well.

We were there for you during the height of the COVID crisis and we are here for you now as you move forward with your career, your practice, and your life ... together.

Reach out to NYCDS with your concerns, issues, and ideas. Call us at 212-573-8500 or email info@nycdentalociety.org. **We are here for you.**

Coming Soon!

The Road to Recovery Starts Here

NYCDS and Henry Schein want to give you the tools you need to revitalize your practice.

Details on this important 8-part series coming to your in-box soon!

DSOs: Facts Not Fiction A Special NYCDS Initiative

DSO Panel Discussion PART I

October 6, 2021

7:00 pm - 8:30 pm via Zoom

Moderator:

Joseph McManus, DMD, MS, MHA, MBA, MS, FACD
Senior Associate Dean of Admissions
Columbia University College of Dental Medicine
Associate Professor of Dental Medicine at CUIMC
Section of Growth and Development
Division of Pediatric Dentistry

Panelists:

Bill Barrett, Esq.
CEO, Mandelbaum Salsburg, P.C.

Mark Epstein
President
Epstein Practice Brokerage

David Goodman, CPA, MST
Managing Partner
L.B. Goodman & Co.

Chelsea Fosse, DMD, MPH
Sr. Health Policy Analyst
ADA Health Policy Institute

DSOs: Facts Not Fiction PART II

October 20, 2021

7:00 pm - 8:30 pm via Zoom

The second program in this two-part series will offer members the opportunity to get more detailed information from representatives from several DSOs and to directly connect with them. This program offers attendees the opportunity interact with the panelists during break-out sessions.

Moderator:

Joseph McManus, DMD, MS, MHA, MBA, MS, FACD
Senior Associate Dean of Admissions
Columbia University College of Dental Medicine
Associate Professor of Dental Medicine at CUIMC
Section of Growth and Development
Division of Pediatric Dentistry

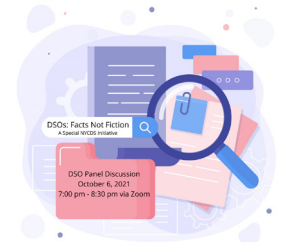
Panelists:

Norton Travis
Pro Health Dental

Craig Abramowitz
Dental Care Alliance

Michael Fleischer
Dental 365

John Murphy
Aspen Dental



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Register

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General Membership Meeting

Legislative Issues at the Forefront

We had a great line-up of speakers at our September 13 General Membership Meeting. After a welcome from NYCDS President Lois Jackson, the evening started with an address by ADA President Daniel Klemmedson, DDS, MD. Dr. Klemmedson spoke about the most pressing issue at this time -- legislation currently being considered by Congress to expand Medicare to include a dental benefit. The proposal would put dental care in Medicare Part B, which is physician focused and does not take into consideration the differences between physician offices and dental offices and presents many compliance and regulation issues, as well as uncertainty about reimbursement rates. The ADA's goal is to develop a process to provide appropriate care to seniors but in a more fiscally responsible way that would provide a robust benefit for those most in need. The ADA is seeking the adoption of a plan that allows dental providers to provide high quality care yet sustains dental providers' ability to provide that care. The ADA is updating members about this issue regularly and members are encouraged to write to your congressional representative and tell them that you oppose the current legislative proposal being considered by the House committees and urge them to consider alternative approaches that would not only reflect dentistry's unique delivery of care, but would actually provide oral health care to seniors who need it most. You can reach your congressperson [HERE](#).



Hear ADA President Klemmedson address NYCDS members.

Remarks were provided by State Senator Andrew Gounardes who managed to address the membership while in transit between constituent events. Senator Gounardes worked for seven years in his father's dental practice (Dr. Steven Gounardes, former NYSDA president.) He is the sponsor of the Dental Scope of Practice Bill which aims to remove limits on the scope of practice. The bill states: The superfluous language about "restoring and maintaining dental health" is inconsistent with the meaning of the oral and maxillofacial area that dentists treat. In some instances it has been incorrectly interpreted to limit the ability of dentists to perform basic diagnostic testing for

patients, to perform treatment in the maxillofacial area, and to hinder logical care for patients. The bill is intended to remove this unnecessarily confusing language and to simplify the basic definition of dental practice in exactly the same way it is simplified for medical and veterinary practice.

Senator Gounardes was asked if there are steps that members can take to promote the passage of this important bill. Although he introduced the bill in the Senate (S6383), he emphasized that the bill consistently fails to move out of the Assembly Higher Education Committee (A7195). He suggested that members contact the chair of the Assembly Higher Education Committee, Deborah Glick, and also ask your individual representatives, to sign on to the bill. He stressed the need to build some momentum behind the bill.

Here are links to the Assembly bill and to the NYS Senate and Assembly members:

- <https://www.nysenate.gov//legislation/bills/2021/A7195>
- [Senators & Committees | NY State Senate \(nysenate.gov\)](#) -
- [Assembly Member Directory | New York State Assembly \(nyassembly.gov\)](#)

Senator Gounardes took some questions and went on to say that he feels the city and state are poised for great potential in light of new leadership from Governor Kathy Hochul and an impending new mayor in New York City.



Hear State Senator Andrew Gounardes provide an update on legislation impacting dentistry and more.

The main presentation for the evening was led by NYSDA President Kevin Henner, whose lecture, titled The Dummies Guide to Risk Management and Dental Ethics a.k.a ... Reality Bites, offered members interesting examples of risk management issues, as well as many key points on how to mitigate risk in your practice. Dr. Henner emphasized that good patient communication and detailed chart documentation are the two most important means of defense against accusations. Other important measures are to send patients a copy of their records if requested, regardless if they owe you money. (A nominal fee

General Membership Meeting

can be charged for reproducing the records.) If you need to dismiss a patient from your practice contact your insurance carrier and be sure to send a termination letter (by certified mail) and make sure to indicate that you are available for 30 days in case of a true emergency. Failure to do so leaves you open to being accused of patient abandonment. There were several questions posed to Dr. Henner following his lecture. Watch his presentation below.



Dr. Henner addresses the key ways to mitigate risk for dental professionals.

In other business Dr. Jackson mentioned that there will be a special Week of Giving October 11-15, 2021, where members are asked to donate the value of one procedure to NYCDS to ensure the Society will be here for you in the future. Also, the Greater New York Dental Meeting is back and in-person at the Jacob Center November 26 - December 1, 2021. The April Minutes were approved and the proposed slate of officers to serve in 2022 was approved and will be voted on at the November 1st General Membership Meeting. Special thanks to the members of the Nominating Committee: Lois Jackson, Chair, James Jacobs, Kenneth Klonsky, Gabriela Lee, Richard Lewenson, Robert Lipner, David Momtaheni, Mitchell Rubinstein and Robert Sorin.

As always, we appreciate the ongoing support of our major supporters: ACCPC, AmWins, Bank of America Practice Solutions, Dentegra Insurance Company, Epstein Practice Brokerage, Mandelbaum Salsburg, MLMIC Insurance Company, and Straumann.

Speaker Bios



State Senator Andrew Gounardes

Senator Gounardes represents New York's 22nd State Senate District in Brooklyn, first elected in 2018. He is Chair of the Committee on Civil Service & Pensions and has passed key legislation to expand services to 9/11 heroes and promote street safety, including the landmark school zone speed camera expansion to protect students and families. He is also a champion of the fight to fix the MTA and fund our public schools and universities. Senator Gounardes is the senate sponsor of legislation clarifying the scope of practice of dentistry. He is a graduate of George Washington University School of Law.



Kevin Henner, DMD

Dr. Kevin Henner, president of the New York State Dental Association, is a general dentist with a practice in Deer Park, Long Island. He is an expert in matters of ethics and risk management, having served as chair of the Suffolk County Ethics Committee, the NYSDA Council on Ethics and the ADA Council on Ethics, Bylaws and Judicial Affairs. He is also an ethics and risk management instructor and lecturer at Stony Brook University School of Dental Medicine.



Daniel J. Klemmedson, DDS, MD

Dr. Klemmedson is the 157th president of the ADA. Dr. Klemmedson is a past president of the Arizona Dental Association, Southern Arizona Dental Society, Western Society of Oral and Maxillofacial Surgeons, and Arizona Society of Oral and Maxillofacial Surgeons. Dr. Klemmedson is a fellow of the American Board of Oral and Maxillofacial Surgery, and a member of the Academy of Dentistry International, American Cleft Palate-Craniofacial Association and American Medical Association. He maintains a private practice in Tucson, Arizona, and serves as an attending oral and maxillofacial surgeon on the cleft palate and craniofacial team at Children's Clinics.

Of Professional Interest

Potential Capital Gains Rate Increase May Supercharge

Already White Hot Dental M&A Market

William S. Barrett, Esq.

CEO, Mandelbaum Salsburg P.C.



At certain points in time, unique market conditions have driven dental and dental specialty practice valuations higher, while at the same time greatly increasing deal volume.

For example, in 2012, we approached a fiscal cliff, due in large part to George W. Bush's expiring tax cuts. If Congress and President Obama failed to act, which it appeared they might, it would have led to the largest tax increase in decades. As this played out, I remember how feverish the market became. All around me, dentists were racing to close their transactions, fearful of an increase in the capital gains rate.

During that same time, because of the additional fear that tax-favored gifting strategies would also be adversely impacted, there were many transactions occurring between dentists and their children, who were following in their footsteps. In the end, Congress and President Obama reached a last-minute compromise that avoided most of the issues that the dentists feared were inevitable – and the dental mergers and acquisitions market (M&A) returned to normalcy.

If you fast forward to recent times, one trend driving transaction activity is the consolidation that's occurring throughout the profession. As I unpack in my new book, [The DSO Decision](#), we are seeing the rapid emergence of private equity-backed DSOs, which are becoming a greater percentage of the overall marketplace. Due to that, and notwithstanding the pandemic, practice values and sale prices have been driven higher because of the different valuation concepts used by private equity compared to traditional doctor to doctor transactions.

Throwing gas on this already bright fire was the COVID-19 pandemic, which caused doctors who were contemplating a future transition to rapidly accelerate their timetable to begin that process. Simply put, many older doctors were impacted not only by the stress of the pandemic but also by the daunting cost to create a "COVID safe" office and, when presented with a surprisingly high purchase offer, they decided that they did not want the continued burden of running their practices in the COVID and post-COVID world.

In addition to this, I believe a third factor will play a role in

September and beyond, and I believe it will contribute to an unprecedented volume in M&A activity in the dental profession.

Since the beginning of the COVID-19 pandemic, the federal government has been printing money at an unprecedented pace, including the \$2.2 trillion CARES Act passed in March 2020, a \$900 billion relief bill passed by the Trump Administration late last year, and President Biden's \$1.9 trillion American Rescue Act, passed in March of this year. On top of that, the Senate passed a \$1.2 trillion infrastructure bill in August, and one day later a larger \$3.5 trillion budget resolution.

When you add up these extraordinary pieces of legislation, you get a potential total of over \$9.7 trillion of newly printed money by the federal government – in just over a year.

Regardless of your politics, this spending will plunge the country deeper into debt, and there appears to be no plan to pay for any of it other than President Biden's plan to dramatically raise taxes. Moreover, the intensity of political debate is fierce, as politicians fight for, and against, such a complete overhaul of the tax system.

If you're a dentist who is contemplating a practice transition, it's important to recognize that a material increase in the capital gains rate is a likely outcome from this debate, and that this rate change will have significant adverse tax consequences if you sell a practice after December 31, 2021. The President's plan calls for making this increase retroactive in 2021, but most experts do not believe he has the support for such a drastic measure, however it is not beyond the realm of possibility that it could happen.

The current proposal calls for any person or family with a combined income of \$1 million or more to potentially pay 39.6% tax on any capital gain (as well as on ordinary income) plus the Obamacare tax, resulting in an enormous tax of over 40%. Many in the tax profession believe it might be difficult for the President to gain the support of every single Democrat, which he will need in order to pass this huge tax increase, however the same experts I speak with are confident that there will be an across-the-board increase in the long-term capital gains rate from its current 20% to something in the neighborhood of 30%. While nobody has a crystal ball, when you reflect on the recent spending, and the fact that the country was already massively in debt with an operating deficit, I think we can all agree that our taxes cannot stay the same and they certainly will not decrease. The only option is for all taxes to increase to pay for

Of Professional Interest

the new spending.

I can say with relative confidence, based on my experience in dental and dental specialty transactions, that this perfect storm of conditions will lead to unprecedented dental M&A activity in the final quarter of 2021.

My advice to you is this: If you have any thoughts about listing your practice, or considering a transition, you must start the process immediately. And for those of you looking to grow through making acquisitions, I recommend you speak with your banker, line up capital, and be ready to strike at an opportunity with a motivated seller who is racing against the tax clock.

Bill Barrett is the chief executive officer of the law firm Mandelbaum Salsburg P.C., and co-chair of the firm's National Dental Law Center. Over the course of his career, Bill has quarterbacked hundreds of successful dental practice transitions, and served as the go-to general counsel for prominent dentist-entrepreneurs across the U.S. In addition, Bill is the author of [Pain Free Dental Deals](#), and the newly released book [The DSO Decision](#). Mandelbaum Salsburg is a Corporate Friend of NYCDS.

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Legislative Update

Kenneth B. Cooperman, DMD

Legislative Chair



As we move into the latter part of 2021, NYCDS has been moving forward with our legislative agenda at full speed. Over the last few months, we have been working hard to open lines of communication with many local legislative leaders. We want to offer ourselves as a resource for dental issues as well as for broader health and wellness issues across the board. In addition, we wish to be looked upon as an ally as we work to raise COVID awareness and to facilitate access to and administration of the vaccines which will make our world safer.

As part of this legislative effort, we have inquired whether there is an interest among our local elected officials in permitting dentists to opt into being able to administer vaccines to help combat the COVID pandemic in the future. This would require an expansion of the current scope of dental practice in New York State. We are also promoting awareness of the proposed Medicare expansion to include dentistry, and what this would mean to practicing dentists. State Senator Andrew Gounardes spoke to our membership at our September General Meeting, and New York State Senator Brad Hoylman had a zoom meeting with NYCDS leadership to discuss some of these issues.

We look forward to continuing our efforts to develop meaningful relationships with our local leaders, to make room for New York City dentists at the table when decisions are made.

NYSDA House of Delegates 2021



Representatives of the Society's leadership, along with two Columbia University dental students, at the NYSDA House of Delegates in August.

The annual NYSDA House of Delegates Meeting, postponed this year due to COVID concerns, was held on 8/13-15 in Jersey City. The event brings organized dentistry leaders throughout New York State together to consider a variety of resolutions to improve the practice of dentistry. The meeting strives to represent the diverse dental community of New York.

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FALL 2021 Continuing Education Program Calendar

SEPTEMBER 2021

W-9/22	7:00 PM-8:00 PM	ACD Mentoring Lecture: Advances in Implant Technology	Dr. Gwendolyn Reeve
F-9/24	12:30 PM-1:30 PM	8 Powerful Strategies to Ensure a Thriving Practice	Dr. Roger Levin
Th-9/30	12:15 PM-1:30 PM	Introduction to 3D Printing in the Dental Practice	Dr. Elisa Praceri

OCTOBER 2021

W-10/6	9:00 AM-1:00 PM	Basic Life Support/ CPR (in person) SOLD OUT	Marc Reilly Rescue Resuscitation
T-10/19	12:30 PM-1:30 PM	Common Claims Against Dentists	Al Anthony Mercado, Esq.
W-10/20	6:00 PM-7:00 PM	ACD Mentoring Lecture: Advances in Periodontal Alternatives	Dr. Chris Chondrogiannis
W-10/27	9:30 AM-4:30 PM	Cosmetic Pearls for the General Practitioner (in person)	Dr. Marty Zase

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NYCDS acted as your link to the latest in COVID-19 information and safety protocols, fielded countless inquiries, provided PPP loan assistance, distributed PPE to so many of you, and maintained our advocacy work with city and state lawmakers. But the work doesn't stop there. This year we are partnering with Henry Schein to conduct an eight-part Road to Recovery webinar series to provide you with best information to revitalize your practice. We also have an important two-part series on DSOs that will be of interest to all dentists, scheduled for the fall.

Pick any day that week, any procedure you would like, and designate those funds to the Society to ensure that we can continue offering the same level of support and programming to you, our valued members. Donation details to be shared soon via email and social media.

The portion of your annual dues that NYCDS receives does not cover the many services and programs we provide. By donating just one procedure to NYCDS you will have an impact on our future.

October 11 – 15, any day that week, any procedure you choose, we're counting on you!

2022 ADA Life Members

Congratulations to the following NYCDS members who have achieved Life Membership in the American Dental Association, reflecting 30 years of continuous membership.

James Abjanich	Fred Grapel	Stewart Neidle	Stephen Tympanick
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The Importance of Complying with Medical Record Requests

Steven H. Cho, DDS

Ethics Committee Chair



The Ethics Committee recently received multiple complaints from patients stating that their dental providers are not providing them with their medical records when requested. After following up with the providers, the following reasons for why records were withheld were found: 1) a patient did not pay for copies of the medical record, (it is costly to duplicate dental models); 2) one provider gave the original records to an attorney for a malpractice suit and the attorney's office could not re-locate them; and 3) another already gave copies, but the patient lost them, so the office didn't feel obligated to provide another copy.

New York State dentistry practice guidelines state, "Health professionals are required to maintain records for each patient that accurately reflects the evaluation and treatment of the patient according to section 29.2(a)(3) of the Rules of the Board of Regents. All patient records must be retained for at least six years, with the exception of records for minor patients, which must be maintained for at least six years and for one year after the minor patient reaches the age of 21. Under Section 18 of the Public Health Law, patients have the right of access to their records under most circumstances. If you deny access to records to a patient, you have an obligation to inform the patient of his/her right to appeal to the Office of Record Access of the Department of Health."

To avoid problems when patients request their records, all entries should contain accurate and complete information for all treatments and communications, including those done in-person and by telephone, letter, or electronic means.

Ultimately, patients have the right to know what is kept in their medical records. Since the dentist owns the physical medical record of his or her patients, it is therefore the property of the dentist. The information in the record, however, is the property of the patient. There is a distinction between the two. While patients do not have the right to possess the original record, they do have the right to see and to request and obtain a copy of it. Copies of records should be sent without being altered. If a correction needs to be made to the document, all errors should be rectified with a single-line strikeout and the date the correction was made. There should be no attempt to hide information. In fact, changing a patient's record with the intent to deceive is highly unethical and unprofessional conduct.

Since patients have the right to their own medical information, dentists must release information to patients or to a third party at the request of their patient within a reasonable timeframe. The dentist is obligated to provide all records if requested, including radiographs and models. The state health department considers 10 to 14 days to be an appropriate amount of time for a practitioner to respond to such a request. In most cases, a reasonable fee may be charged for copying records. The law allows charging no more than 75 cents per page plus postage for paper copies of medical records. Dentists may also charge for actual reproduction costs, specifically for radiographs and models.

With regards to potential costs, it is vastly important to note that a patient cannot be denied access to records solely because he or she is unable to pay for copies of records, nor can records be withheld from patients due to the nonpayment of dental bills. If a provider refuses to release a patient's records until an outstanding invoice is paid, such action can have negative consequences for the provider.

The New York State Board for Dentistry has determined that refusal to provide a patient with medical records, despite outstanding bills, is grounds for disciplinary action by the Office of Professional Discipline. Note that there is no statute of limitation for charges of professional misconduct. Moreover, if a patient believes that you have violated his or her health information privacy right by not giving medical record access, the patient has the right to file a HIPAA Privacy Rule Complaint with the U.S. Department of Health and Human Services (HHS) Office for Civil Rights.

In summary, keep accurate records, comply with record requests, and release copies of the records rather than the originals. If there is ever a malpractice action or complaint against you, having well-kept records are crucial and can be your best defense.

There are no apparent benefits that stem from denying patients access to their records or denying them copies. Complying with the proper way to handle medical records will keep you far from engaging too closely with our Ethics Committee and from run-ins with the Office of Professional Discipline. Staying up to date on the best and most ethical practices will help you succeed and even thrive as a healthcare provider. Your patients will thank you and you'll also thank yourself.

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