

Nardone Law Group, LLC  
www.nardonelawgroup.com

300 E. Broad Street, Suite 490, Columbus, Ohio 43215  
614-223-0123

## The New Age Word of Mouth: How Online Reviews are Impacting Your Practice

By Cassi Niekamp, RevLocal

When I am consulting daily with doctors and other small business owners on their online marketing efforts it is almost inevitable that the subject of online reviews naturally comes up. Typically, this conversation starts out somewhat fear-based, for a majority of doctors feel they have a large lack of control in this arena and in most instances they are correct. Word of mouth marketing now happens in an online setting and for many people that can be unsettling. However, it is a huge opportunity to market your practice well if your marketing efforts are done proactively and not reactively. Read: you must get your heads out of the sand for Pete's sake!

Today, patients feel it is a given that each practice has their own website. However, many more patients are looking to third party sub-search engines to view a more unbiased angle on your practice and level of care. Where can these reviews on your practice be found? Many of the popular review sites are Google+, Yelp, Yahoo!, Doctor Oogle, Angie's List, Vitals, and the list goes on. These sites give consumers access to photos of the outside of your practice, the inside patient waiting area, operatories, friendly staff photos, and reviews from current and past patients. In this Amazon crazed society we are living in, reviews are a part of our daily purchase paths. I study my husband's purchase paths all the time without him knowing. What plumber did he chose when I clogged our drain full of potato peels last month? How did he know that the lamb chops were excellent at a nearby restaurant prior to even being seated? You guessed it. Online reviews.

But what should you do if you have current negative reviews? First and foremost, it is important to not take a negative review personally. Once you've taken a few deep breaths, respond to the review as graciously and as kindly as possible. I would advise having a second person examine your response before posting it just to make sure it's free of anger.

Your second action item would be to encourage other satisfied patients to leave reviews to essentially "bury" that negative review. Review sites rarely, if ever, allow a review to be fully removed even if it's medically unfounded. That's why a proactive response is needed so you're not left playing defense. For our clients, we implement a review marketing program that is a much more aggressive and proactive way to manage and syndicate patient reviews online. Might I

### Inside This Issue

<b>The New Age Word of Mouth: How Online Reviews are Impacting Your Practice</b>	
By: Cassi Niekamp, RevLocal	1
<b>The DEA's Reschedule of Hydrocodone Combination Products and How It Affects Your Dental Practice</b>	
By: Brooke Mangiarelli, Paralegal	2
<b>Upcoming Events</b>	2
<b>Having an Effective Record Retention Policy Can Help Save Time, Money, and Trouble</b>	
By: Will Gutmann, Law Clerk, JD Candidate at Ohio State University Moritz College of Law	3
<b>Are You (and Your Practice) Ready To Bring On an Associate?</b>	
By: Ashley Privett, Esq., MBA	4

mention that the search engines love when your patients interact with your brand online? This enhances your local search marketing efforts (or Google places elevation), but is not the only indicator for how you'll show up either.

Truly, in this wild west we call online marketing, there is no substitute for a great online partner who will help guide you in this and take the worry of it all off of your plate. Go find them and win at this online review thing!

If you are interested in contacting RevLocal's Cassi Niekamp with any questions or concerns, you may do so via email at [cniekamp@RevLocal.com](mailto:cniekamp@RevLocal.com).

**RevLocal**<sup>TM</sup>  
Revolutionizing Local Search

RevLocal, a full service digital marketing agency, was founded on the belief that the Internet has forever changed consumer behavior. The Internet has revolutionized the way prospects are finding your business and it is your job to adapt. Visit [RevLocal.com](http://RevLocal.com) or call (800) 456-7470 for more information.

## The DEA's Reschedule of Hydrocodone Combination Products and How It Affects Your Dental Practice

By Brooke Mangiarelli

In an attempt to curb the growing misuse of prescription medications, a new reschedule of hydrocodone combination products ("HCPs") went into effect on October 6, 2014 that rescheduled HCPs from Schedule III to Schedule II of the Controlled Substances Act. Pursuant to this reschedule, HCPs, or any drugs that contain a mixture of hydrocodone and another substance, are now classified as having the highest potential for abuse of any drugs with accepted medical use. According to the Federal Register, HCPs are the most frequently prescribed drugs in the United States, with nearly 137 million prescriptions dispensed in 2013 alone. Under this reschedule, brand name HCPs commonly prescribed for pain management, such as Vicodin, Norco, Lorcet, and Lortab, are now considered Schedule II drugs and will be subject to stricter rules and regulations associated with Schedule II substances. In addition, cough syrups containing hydrocodone, such as Tussionex and Novasus now fall under the Schedule II category as well.



### What Does This Mean for Your Dental Practice?

- A reschedule of HCPs from Schedule III to Schedule II means stricter regulatory controls on those who handle and prescribe HCPs.
- Pursuant to these new regulations, prescriptions for HCPs issued on or after October 6, 2014 will not be authorized for refills. Authorized HCP prescriptions issued before October 6, 2014, however, may be dispensed only if they are refilled before April 8, 2015. After April 8, 2015, refills on HCP prescriptions issued prior to October 6, 2014 will no longer be authorized.
- According to the DEA, pharmacies will not be able to issue new Schedule II prescriptions, even if those prescriptions are tied back to original prescriptions issued before the new reschedule went into effect.
- Pursuant to these new regulations, dentists and other prescribers will have to physically write all prescriptions for HCPs. Pharmacies will no longer be able to accept

prescriptions that are submitted by telephone or fax. Any electronic submission of HCP prescriptions will be pursuant to varying state law.

- Dentist and other prescribers will, however, be permitted to call-in HCP prescriptions under emergency circumstances.
- The recent reschedule will also reduce the number of pills that can be prescribed at one time. Multiple prescriptions may be issued at one time, however, to ensure patients receive up to a 90-day supply.
- Pursuant to state law, some nurse practitioners, physicians assistants, and clinical nurse specialists may lose their ability to prescribe Schedule II substances, or have their current abilities limited.
- Dentists and other prescribers of Schedule II substances are encouraged to take an exact inventory account of all HCPs. According to the Ohio State Pharmacy Board, these inventories should have been taken before the reschedule went into effect.
- Effective January 1, 2015, all HCP prescribers in Ohio will also be required to conduct annual drug inventories of Schedule II controlled substances. More information regarding these inventories can be found at [pharmacy.ohio.gov/inventory](http://pharmacy.ohio.gov/inventory).

In sum, it is important for dentists and other HCP prescribers to be aware of these new, stricter regulations and the effects they may have on your practice. Since many laws regarding Schedule II substances vary across state lines, the best approach is checking the specific laws of your state to see how these changes will affect both your practice and its patients, and to ensure that you are able to maintain the quality of both your dental practice and its patient care.

## Upcoming Events/Deadlines

### December 4<sup>th</sup> – 5<sup>th</sup>, 2014

Paragon Management's Year End Event is being held at the W Washington D.C. in our nation's capital. Visit [TheParagonProgram.com](http://TheParagonProgram.com) for details

### December 15<sup>th</sup>, 2014

Deposit fourth installment of estimated income tax for 2014. A worksheet, Form 1120-W is available to help you estimate your tax for 2014

### December 24<sup>th</sup> – 26<sup>th</sup>, 2014

Nardone Law Group offices will be closed.

### January 1<sup>st</sup>, 2015

Nardone Law Group offices will be closed.

## Having an Effective Record Retention Policy Can Help Save Time, Money, and Trouble

By Will Gutmann

A common issue that all dental practices must address involves how to effectively organize and maintain their records and files. One of the most efficient solutions is for the practice to develop and implement a formal policy for record retention. A record retention policy can help a dental practice streamline business, employee, and patient procedures, as well as alleviate stress in the event of any litigation or an IRS tax audit. Furthermore, having a formal record retention policy can improve the overall efficiency of a practice, helping to ensure compliance with pertinent federal and state law. This article is intended to provide a broad overview of effective record retention policies and to answer some common questions that a dental practice may have.

### What is Record Retention?

One of the keys to running a successful business or dental practice, as well as avoiding any potential liabilities, is records management. In the past, businesses would either ship obsolete documents and records to an offsite storage facility or simply destroy them. Today, smart businesses recognize the importance of managing a record from the moment it is created, which helps improve overall efficiency and can be the saving grace should the business undergo an audit or litigation. A proper record retention policy should cover everything from business and financial records, to employment and patient records. Having a consistent and reliable method of retaining your records can both strengthen your dental practice and prevent future headaches. This is where a formal record retention policy can help.

From a practical standpoint, a record retention policy makes sense. Organized business records can help determine the effectiveness and efficiency of your dental practice, ensuring the practice is not overspending or being wasteful. Further, even though no one likes to think about being examined by the IRS, an audit is always a possibility. Having a record retention policy can alleviate stress and reduce the burden involved with the examination process. Finally, in the event of litigation, detailed employment and patient records will help protect you, your dental practice, and your patients.

When starting to think about implementing a formal records retention policy for your business or practice, you may have some questions. Common questions we receive regarding record retention deal with *why*, *what*, and *how long* records should be kept.

### Why Keep Records?

Whether or not your practice has adopted a formal records retention policy, federal law may compel your practice to comply with certain regulations. Additionally, there are a multitude of practical reasons why you should maintain your records, such as to help prepare your tax returns, protect your dental practice from litigation, and to protect your patients' confidences.

**NLG Comment:** The proper retention of a document can save a dental practice and a particular dentist from much heartache when it comes to a potential dental board investigation, IRS or state taxing authority audit or examination, litigation, or some other form of controversy. It is always better to rely on written documentation, versus your memory or the oral representation of a third party. Neither a court or a third party is going to care what someone orally communicated to you five years ago, if you do not have written documentation to back it up.

### What Records Should I Keep?

When it comes to developing a records retention policy, Nardone Law Group takes a broad, conservative approach. With the readily available technology of today, almost every piece of paper can be reduced to an electronic record. Therefore, we feel that there is nothing to prohibit a dental practice from effectively organizing and retaining all of its business records.

We do realize, however, that it may not be feasible for you or your dental practice to retain every single document indefinitely, so we encourage our clients to create a customized records retention policy, tailored to the needs and circumstances of each practice. We have adopted an approach for creating an efficient policy by organizing frequently encountered records into four categories. The categories are: (i) Business Records, (ii) Tax and Financial Records, (iii) Employment Records, and (iv) Patient Records. Since the law does not require that all records be retained permanently, these categories provide the shortest periods allowable by current state and federal law, and serve as the foundation for a customized policy for your practice.

With that being said, determining what to keep, and for how long, will depend on how your particular dental practice operates, as well as a variety of other factors. In many instances, the facts and circumstances of a particular dental practice will cause records to be maintained for different amounts of time.

### How Long Must I Retain My Records?

We generally recommend that all records be retained permanently. If permanent record retention is not feasible for your dental practice, however, our dental attorneys will work closely with you to create a customized record retention policy that provides acceptable minimum periods of retention. The length of time you should keep a document often depends on the action, expense, or event that the document records. In implementing a records retention policy, it is also important that a dental practice conduct an annual (or more frequent) file clean-up to dispose of expired or unnecessary documents, as well as to organize the existing records and files.

Implementing a formal record retention policy will streamline your dental practice's day-to-day operations and ensure that you are avoiding potential liabilities. Every file, record, and document should be accounted for, from the moment it is created and until it becomes obsolete. Following this formula will improve the overall efficiency and success of your dental practice, while preventing future headaches.

## Are You (and Your Practice) Ready to Bring On an Associate?

By Ashley Privett, Esq.

Are you ready to hire an associate? Hiring an additional dentist for your practice can have numerous benefits such as growing your practice and providing you with an exit strategy, if you are considering retirement, as the new associate may be a potential buyer of the practice down the road. The problem is many dentists hire an associate without conducting a proper analysis to see whether their practices can support the senior doctor as well as an associate. If you are thinking about hiring an associate for your practice, you need to consider a few factors to ensure that it will be a profitable decision for you and your dental practice. Proper planning is key to avoid any unpleasant surprises.

To ensure that you include all of the factors involved in hiring a new associate, creating an overhead expense analysis is very beneficial. When creating the analysis, you want to lay out the terms of the arrangement, including: the projected number of days the associate will work, the collections per day of the associate dentist's production, and the collections per day of the hygienist who will be working with the new associate.

You will then need to determine the percentage of either net collections or net productions that you are going to pay the associate. Net collections would be the percentage based on the monies your practice actually collects from patients or their insurance companies. Net production would be the percentage based on the associate's actual production.

You must also factor in employment taxes, which include: FICA (Federal Insurance Contributions Act), FUTA (Federal Unemployment Tax Act), state unemployment taxes, and worker's compensation. In addition to taxes, any fringe benefits that you will offer your associate must be calculated in the analysis. Fringe benefits may include: professional dues, continuing education expenses, business expense reimbursements, malpractice insurance, health insurance, and matching 401K contributions, just to name a few. You and the new associate will most likely need to negotiate fringe benefits, but it is important for you to understand what you can afford to offer your new associate before you begin any negotiations.

Creating an analysis helps you visualize how much you will be investing in an associate and how much your practice could potentially profit from hiring an associate. The analysis [to the right] is an example of how to set up an overhead expense analysis.



Employee Compensation Worksheet		
Name		2016
Pay Rate		35% of collections
Projected # of Days Worked	180	
Collections/day for Dr. Production	\$3,000.00	
Collections/day for Hygienist	\$1,000.00	
<b>Total Collections/day</b>	<b>\$4,000</b>	
<b>Proj. Collections in 2016</b>		<b>\$720,000.00</b>
<b>Proj. Total Pay thru [12/31/16]</b>		<b>\$252,000</b>
FICA		\$19,278
OBES		\$172.16
FUTA		\$153.03
Workers' Comp		<u>\$704.09</u>
<b>Total Pay thru [12/31/16]</b>		<b>\$272,307.28</b>
Dues		\$500
Cont. Education		\$1,000
Exp. Reimburse		0
Other Benefits		0
Malpractice		\$3,000
Health Insurance		\$4,200
401K Match		<u>\$10,000</u>
<b>Income Including Benefits</b>		<b>\$291,007.28</b>

Once you complete your analysis, you want to review it carefully and think the deal through to make sure your practice can support a new associate in addition to the staff that you currently have, as well as any additional staff you may need to hire to support a new associate.

**NLG Comment:** Most importantly, we would advise you to work with a dental accountant to ensure that the analysis is correct and other factors are considered as well. That is, the overhead expense analysis is only one factory of many that should be considered when looking to hire an associate.

After you have reviewed the analysis, you need to discuss all of the terms and agreements of the employment relationship with the associate, and have an employment agreement prepared.

As with any major decision, proper planning is vital. Once you think your practice may be ready to bring on another dentist, carefully consider the factors detailed above and make sure it is not only a viable, but a profitable decision for both you and your dental practice.



*Zimmerman & Boltz will be supporting the Firefighters for Kids Toy Drive this holiday season.*

*Unwrapped toy donations can be made at the fire stations in Franklin County until December 24. Firefighters for Kids will also accept gift cards and monetary donations.*

*If any clients or other parties are interested in contributing to the Firefighters for Kids Toy Drive, please contact Tammie Maddy at (614) 939-4700 or Evan Manson at (614) 223-1528.*



**FIREFIGHTERS  
FOR KIDS  
TOY DRIVE**



The Firefighters for Kids program accepts new unwrapped toys for children ages 0-14. They will also accept monetary donations.

## Year-End Tax Planning Update

Keep an eye out for Nardone Law Group's year-end tax planning update.

Vince Nardone will be constructing a checklist of items that each individual business owner should scrutinize and explore with their accountant and financial advisor before year-end. If we wait until January, in many instances it will be too late.



## Quote of the Month

“I approached the business of innkeeping from a customer's perspective. I was the host, and the customers were my houseguests. If we give them good value, they will unhesitatingly pay what they think it's worth. That was the first strategy and it continues to this day.”

**Isadore Sharp**  
*Four Seasons: The Story  
of a Business Philosophy*

**Nardone Dental Practice Advisor**



**Want to receive our electronic  
email newsletter?**

Sign up on our dental blog at:  
[www.nardonelawgroup.com/dental-  
blog](http://www.nardonelawgroup.com/dental-blog)

**Nardone Law Group**  
300 E. Broad Street  
Suite 490  
Columbus, Ohio 43215

**Phone:**  
614-223-0123

**Fax:**  
614-223-0115

[information@nardonelawgroup.com](mailto:information@nardonelawgroup.com)

**Website:**  
[www.nardonelawgroup.com](http://www.nardonelawgroup.com)

**Dental Blog:**  
<http://nardonelawgroup.com/dental-blog>

Nardone Law Group  
300 East Broad Street  
Suite 490  
Columbus, Ohio 43215