

Website worries

Nigel Knott explores the problems the internet brings to a practice.

The latest headline news concerning the travails of News International should provide a salutary warning for everyone who is a member of a regulated profession. The ease with which electronic communications have been intercepted and wireless devices hacked is staggering. It is a reflection not only of the foolishness of those who use the latest Information and Communications Technology (ICT) gizmos with such gay abandon, but also the fact that various laws can be flouted in such a cavalier fashion. In this and other notable cases such as the 2011 National Census and the Sony Play Station lapses, vast amounts of sensitive personal data have been obtained unlawfully for commercial gain. It is one thing having money stolen from an online bank account and remedied with compensation but quite another having sensitive personal details obtained without consent. In the offline and online dental world patient confidentiality is sacrosanct.

The professional use of the internet, including the publication of dental practice websites and the use of electronic and wireless networks to communicate with patients (email), is accompanied by a host of regulations and restrictions concerning confidentiality, professional ethics and security. The latest Care Quality Commission regulations embrace very serious practice sanctions for



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non-compliance and accompanying disciplinary proceedings against culpable General Dental Council registrants.

Breaches

Although there is a lack of truly authoritative data, a clear picture is beginning to emerge concerning the publication of dental practice websites on the internet and the use of electronic communications in dentistry. Less than 50 per cent of dental practices in the UK have a website published on the internet and almost 100 per cent of these fail to comply with the regulations. Email communications are not being sent

and delivered through suitable secure networks and data hosting facilities often fail the 'safe harbour' or 'fortress' data safety tests. A recent personal survey of the *BDJ* Classifieds reveals 25 per cent of the advertisements included email response addresses at Hotmail whilst others were domiciled at AOL, Yahoo and other accounts that fail to comply with the necessary professional regulations concerning email privacy and the security of patient data.

In a recent survey concerning the content of dental practice websites (*BDJ* 210:7 pp 315/316) 25 per cent contravened the law by advertising prescription only medicines (Botox) and 89 per cent advertised tooth

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Whitening products despite the controversy surrounding their use.

The use of online dental directories is another area where there are common examples of advertisements of an extolling, misleading or comparative nature that seek to establish a clear commercial advantage by dentists over their professional colleagues. Some expensive Search Engine Optimization (SEO) strategies give a clear commercial advantage over nearby practices and could be deemed to breach the professional regulations. The new wave of social networking activities is associated with great danger where professional ethics are concerned as the General Medical Council has recently warned.

Examples of unethical online advertising can be found where dental practice websites promote the services of cosmetic clinics offering breast implants and even commercial holiday accommodation. Irregularities, whereby dental practice website addresses listed in a professional directory have been incorrectly linked with funeral directors, garages and hotels have been found.

Offline and online

The traditional offline GDC Codes of Practice and Professional Standards do not translate easily into similar regulations that apply to the online world of electronic communications and use of the internet. Conventional methods of advertising, communication (postage and land line telephone), patient record creation and storage are all being replaced today by computerised digital processing and wireless applications.

The offline storage of paper patient records is well rehearsed and has stood the test of time where confidentiality and security are concerned. Apart from fire, flood, natural disaster or theft, the risks are well known and security is based upon trusted employees relying upon lock and key. Things are very different in the unseen digital world embraced by mobile electronic devices and 'cloud computing' where the use of digitised technology is taken for granted and the security risks all too frequently ignored.

We have reached a watershed in dentistry where the dental profession

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is split roughly into three camps (ICT Natives, ICT Immigrants and ICT Agnostics) where the use of ICT is concerned. Unless very clear regulatory guidelines are published and implemented as a matter of urgency, the GDC will be in danger of having the traditional offline Codes of Practice and Professional Standards overwhelmed and inundated by an online tsunami of unethical behaviour. It is now nearly a decade since *An information technology strategy for NHS dentistry in the 21st century* was published and little has happened since to codify and implement one. Website agencies charge large sums of money in return for creating and publishing websites that could place the practice principal in danger of answering a GDC charge of professional misconduct by breaching professional regulations. The failure of website agencies to produce any reasonable contractual terms of service should immediately provide a warning – *caveat emptor*. Would you buy a service where the conditions of use were the subject of change without warning? Some of the conditions of website use and their privacy policies are truly unreasonable and experience shows that only when a contract is determined does the trouble begin. The present situation in the online world of ICT use in dentistry is unacceptable and it is time for the GDC/BDA/CQC to provide comprehensive guidelines for dentistry and practice principals in particular. Prevention, as we know only too well, is much easier to implement than providing remedial treatment after the damage is done and the horses have bolted.

Patient records

Computers first gained an entry into dental practice with practice management software being used to digitise patient records. More recently, digitised radiography and clinical photography, together with Computer Assisted Design and Manufacturing

technology applications have been added. Banks provide electronic terminals to enable practices to process patient credit/debit card payments electronically and online banking is gaining in popularity. Virtual private networks have been created with additional layers of security and every service provider has to establish suitable safeguards.

The risks increase dramatically when the closed circuit private networks previously confined within a dental practice are connected to the internet. Hacking or viral data corruption is a real hazard and recent headline events highlight the dangers. Unfortunately, the world of the ostrich is not an option for dentists as more and more legislation is removing the traditional offline methods and replacing them with the internet. Accountants and VAT registered businesses are now obliged by Customs and Revenue to communicate electronically via the internet. Many more ICT Agnostics will soon be heading for the exit as the likelihood of all future NHS dental contracts being based upon computerised oral healthcare solutions is inevitable.

The NHS has had a small fortune spent as part of the e-government interoperability framework (e-GIF) initiative published in 2000 to improve electronic communications and increase efficiency within healthcare. Meanwhile dental practices have been left out in the cold and practice principals have the unenviable task of choosing outside agencies operating in the private sector for advice and internet service provision. There are no suitably 'accredited' professional providers and the task difficult as can be appreciated from having a brief look at the welter of dental legislation that must be complied with. Employing people who understand the intricacies of using ICT in a heavily regulated professional environment is not an easy task.

In my article next month I will shed light on the design, structure and content of dental practice websites that fulfill all of the professional regulations and the following month I will deal with electronic communications (email).