



# 4 Easy Ways to Protect Your Practice

## You Can Protect Your Practice From Online Threats

Your practice is digitally connected—to employees, vendors and customers. Your systems store sensitive information. Sensitive business information and customers' and employees' personal data could be at risk from online threats. No business is too small to be a target for online crime—the fact is, small businesses are much more likely to be targeted by cyber-criminals than larger companies.

Did you know that a majority of small and medium-sized businesses who suffer a cyberattack often close as a result? It's hard to recover financially from a cyber-attack. This doesn't have to happen to you!

CISA.gov (Cybersecurity and Infrastructure Security Agency) recommends four simple steps you can take to make your business MUCH SAFER from online dangers.

### **Secure your business...Secure Our World.**

Even just practicing the basics can make a huge difference.



## #1 RECOGNIZE and AVOID PHISHING

Harmful links or attachments could provide unauthorized access to information or infect your network

with malicious code. This can result in data being held for ransom.

Most successful online attacks begin when someone clicks and downloads a malicious attachment from an email, direct message or social media post. These phishing attempts can result in stolen passwords that criminals can use to log in to sensitive accounts to steal data or money. Phishing can also result in the user unwittingly downloading malware that damages systems or installing ransomware that holds systems captive.



## #2 USE STRONG PASSWORDS AND A PASSWORD MANAGER

Passwords are the keys to your digital castle. Just like your housekeys, you want to do everything you can to keep your passwords safe.

### **LONG, UNIQUE, COMPLEX**

No matter what accounts they protect, all passwords should be created with these three guiding principles in mind:

- **Long** – Your passwords should be at least 12 characters long.
- **Unique** – Each account needs to be protected with its own unique password. Never reuse pass-

# Letter from the Editor



## Happy October!

As you read in our front page article, the Cybersecurity and Infrastructure Security Agency (CISA.gov) has launched a year-round program to educate all Americans to help them stay safe online.

We know that this is an excellent and timely venture since hackers and bad actors are constantly upping their sinister attacks. We can't just act on them during "**October is National Cybersecurity Awareness Month.**" We must be vigilant at all times. This program, "**Secure Our World**" will be a constant reminder that we are all responsible to stay safe online.



If you are a client that gets regular onsite visits, you know that we always include a WOW (Words of Wisdom) for each team member when we arrive. I create a helpful Infographic, Tip Sheet, or other advice of the month's topic (along with treats!) It's one of my favorite duties; I try to make the inserts interesting.

Like most things that we need to remember, there's a lot of monotonous reminding; I try to make them a little more interesting as well as beneficial.

Starting this month, you'll be able to access them on our website **ACTSmartIT.com/wows** and, we've created an archive in case you weren't one of the lucky recipients of previous months guidance.. You'll find them all beneficial! You can also sign up for our weekly Security Tips at **ACTSmartIT.com/tips**.

**Please join us in this effort to Secure Our World!**



Regular readers know that David has been complaining about this year's garden's challenges. I finally have good news to report: Our potato harvest was our best ever! The grandkids love getting the chance to dig in the dirt and, even better, I took the 2 largest potatoes and made home made potato chips for lunch!

We hope that you enjoy Fall!



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This way, if one of your accounts is compromised, your other accounts remain secure. We're talking really unique, not just changing one character or adding a "2" at the end – to really trick up hackers, none of your passwords should look alike.

- **Complex** – Each unique password should combine upper case letters, lower case letters, numbers, and special characters (like >,!?). Again, remember that each password should be at least 12 characters long.

As our online lives expand, we've gone from having just a few passwords to today, where we might manage upwards of 100. That's 100 unique passwords to remember if you use strong passwords. Password managers can save users many headaches and make accounts safer by recommending strong passwords.



### #3 ENABLE MULTI-FACTOR AUTHENTICATION

What is multi-factor authentication?

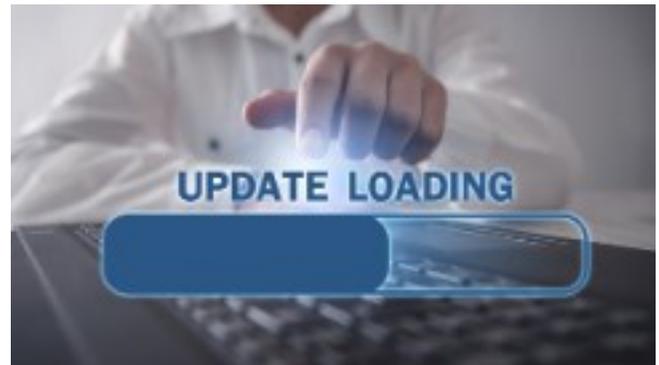
Multi-factor authentication is sometimes called two-factor authentication or two-step verification, and it is often abbreviated to MFA. No matter what you call it, multi-factor

authentication is a cybersecurity measure for an account that requires anyone logging in to prove their identity multiple ways. Typically, you will enter your username, and password, then verify your identity some other way, like with a

fingerprint or by responding to a text message.

It might seem like a lot of work, but once you set up multi-factor authentication, proving your identity usually adds just a second or two to the login process. And the peace of mind that multi-factor authentication provides is well worth it.

We recommend implementing multi-factor authentication for any account that permits it, especially any account associated with work, school, email, banking, and social media.



### #4 UPDATE YOUR SOFTWARE

Flaws give criminals an opening. Programmers publish patches, but you must install them to get their protection. Smaller businesses are often running outdated software because they don't have full-time IT staff keeping up.

This Cybersecurity Awareness Month, we're telling everyone to step away from the "remind me later" button to stay one step ahead of cyber-criminals.

Recently, the Cybersecurity and Infrastructure Security Agency (CISA) launched a new nationwide, year-round cybersecurity program to educate all Americans on how to stay secure online. ACTSmart IT is proud to be a part of that program!

For FREE Weekly Security Tips Emailed to You and Your Team, go to:

<https://actsmartit.com/tips/>

# The Legalities of NonCompetition

Provisions in dental employment agreements and dental practice purchase and sale agreements restricting the abilities to compete after employment as a dentist or after selling a practice, described as restrictive covenants, have been more regulated in Massachusetts since the 2019 Massachusetts NonCompetition Agreement Statute was enacted.

When new employment contracts are signed, all noncompetition restrictions pertaining to post-employment periods must be no longer than one year.

Other complexities of that law still exist, but some major concepts are in the law allowing non-solicitation (of existing customers or patients) provisions to last longer than one year, and allowing noncompetition and non-solicitation provisions in purchase and sale agreements not to have set limits.

Many details in these provisions do not have set statutory regulations but are still subject to legal restrictions courts may impose to make restrictive covenants reasonable to protect existing patient bases from "poaching" by departing employees or owners who decide to locate elsewhere after selling a practice.

Employees or selling dentists must still be free to practice their skills in new areas, which don't provide direct competitive threats to former practices.

These details, which were formerly set by court cases that defined "reasonableness," still must be interpreted by courts if challenged or enforced.

The geographical restrictions on how far from

an existing practice an employee or departing dentist can be prevented by contract from practicing dentistry have a variety of standards depending on each unique situation. Most of the time it has to do with the density of dentists in the area or populations who may be eventual patients.

For instance, in a densely populated urban area such as Boston, a geographic restriction as low as 2 miles could be considered reasonable, but in the more rural western part of the state, 20 miles can be considered reasonable.

Every situation and geographical area needs to be weighed differently. And it is essential to note that non-solicitation provisions requiring no treatment of a current patient base after separation from the practice often have no geographical restriction.

Duration restrictions that don't fit within the parameters of the new statute can be considered unreasonable in some cases. Remembering that a patient was in a practice five years ago might make it difficult to force an employee or even a departing owner to adhere to, so limits must be weighed as to practical considerations regarding the feasibility of either enforcement or obedience to provisions.

There is no one set of answers to these questions in contract negotiations and lawyers usually work through these subjects on a case-by-case basis.

Penalties for violations of noncompetition or non-solicitation provisions are an interesting topic, since taking anyone to court over insignificant violations is costly.



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# and Non-Solicitation Covenants



For that reason, enforcement actions are rarely undertaken. Usually, a court determines penalties based on actual damages to the plaintiff of the harm of breaching the provision. The concept of "liquidated damages" is often inserted into contracts to avoid drawn-out lawsuits by prescribing a set amount for damages for violations.

However, this concept can be considered unlawful if the amount clearly exceeds reasonably anticipated actual damages if not used reasonably.

Taking a former employee to court to require payment of a set high liquidated damages amount for a minor violation (like unintended treatment of a patient not familiar to a dentist) risks backfiring if it is deemed a "penalty."

Massachusetts courts have determined that if a liquidated damages provision is more of a penalty than a reasonable substitute for actual damages, it will be invalidated.

There is a tendency in state statutes and courts to invalidate noncompetition provisions altogether or restrict them to allow for the free flow of employees and ideas in the marketplace.

In dentistry, with the goodwill of a large patient base the most valuable part of a business, far more valuable than tangible assets such as equipment, it does not appear that provisions preventing direct solicitation of patient bases in former practices, and perhaps even setting up new practices nearby without contacting those patients will be going away anytime soon.

# Make the most of your Q4 marketing budget!

September marks the official start of fall with the Autumnal Equinox. The Spark is welcoming the cooler weather (we love a good 'pumpkin latte and flannel day') but despite the drop in temps outside, we are not letting our marketing efforts cool down.



In fact, we're here to remind you that Q4 is the time to turn up the heat on your marketing efforts.

Now is the time to reset before the hectic holiday season and end-of-year craziness. Take a moment to set your business up for Q4 success (when consumers traditionally spend the most).

**BONUS:** plan your fourth quarter right and you can help your end-of-year taxes by investing in marketing. (Yes, marketing is a write-off.) \*\*We're not accountants, though, so check with yours during tax time!

Here's how you can turn over a new leaf and revamp your marketing this fall:

## Reflect

Look back on successes and shortcomings over the past quarter. Figure out what has worked well, where there is room to grow, and where there is untapped potential.

Dig into the data and notice trends within your audiences, platforms, and types of content. If you have no idea where to start, The Spark Social is here to help you! We offer free social media audits and free consultation calls – book here today!

It is also helpful to analyze customer feedback and listen to authentic criticism and suggestions from people who know your business. Both positive and

negative feedback can provide insightful ideas and helpful knowledge to motivate change.

## Refocus

Establish clear goals for the next three months. What do you want to accomplish by the end of 2023? What steps will you take to get there?

Evaluate, update, and potentially redefine your customer profile to more closely align with your goals. This will provide a better sense of direction, helping you focus your efforts and create personalized content that will actually resonate. By refocusing on the basics, you can maximize your marketing potential!

Review your Q4 budget and make the most of your marketing/advertising spending. During these last three months of the year, it is the perfect time to invest in your own success and reach your goals. Depending on your individual goals and capacity, The Spark will work with you to maximize your potential for the end of 2023 and beyond!

## Refresh

Revamp your visuals and create consistency across all platforms with your photo and video content. Lean on your strengths and continue doing what you know works, but also step outside your comfort zone and try new things! Try video content, if you have not already.

We challenge you to create a short TikTok or Reel on Instagram.

Or even a quick educational video on Facebook. Short-form video continues to be one of the most authentic ways to engage your audience

Not sure how to start reflecting on your data? Feeling stuck with refreshing your content and ads? The Spark team is here, pumpkin spice latte in hand, ready to help! Talk to us about your video content, blogs, SEO, and social media.



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## How People Matters at Your Business are Handled, Counts

In my own HR practice, I encounter a wide variety of leadership teams, cultures, workforces, practices. In doing so, I have noticed a pattern of those who experience chronic employee issues, and those who rarely encounter employee issues.



What I have noted that is the obvious distinction between the two, is the existence of policies, standard operating procedures and well publicized practices.

I can draw a correlation between how traffic is controlled with rules, guidance, signs, limits, lights, lines, road tests, etc. and the known consequences for not following the rules of the road. Without the rules of the road, accidents would occur at will... mayhem!

When managing any group of people, no matter

the size of the group, the employee handbook, labor laws, policies, standard operating procedures, job descriptions, training checklists, corrective action documentation, etc., all control how an organization handles people issues and how people are treated in our organization.

This is similar to the rules of the road as without all of these in place, and communicated to the workforce, "accidents would occur at will... mayhem.

Employees need to know the boundaries which they must abide by. However, many practices don't have a handbook which is regularly updated and reviewed. Some practices don't have a policy on how a no call no show will be handled. When there is not stated policy, it becomes arbitrary to the individual or situation.

When you handle employee issues in an arbitrary manner, claims of discrimination tend to arise as employees don't know the guidelines and assume nefarious reasons are in the background for the decisions made by their leaders.

Simply, ensure you have an updated employee handbook, standard operating procedures as to how you want things handled, and the work accomplished, communicated all of this and review with your staff regularly so that everyone understands the parameters with which they are expected to work under.

This is how we avoid the "accident"....mayhem in your workplace.



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## In This Issue:

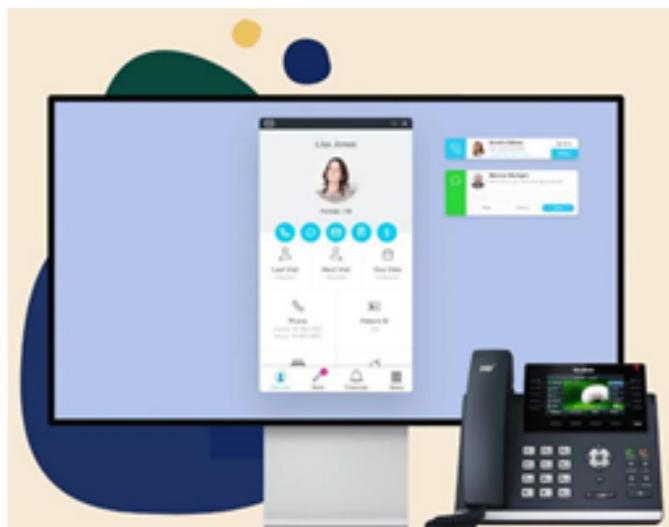
- Secure Our World—4 Easy Ways to Protect Your Practice
- The Legalities of NonCompetition and Non-Solicitation Covenants
- Make the most of your Q4 marketing budget!
- How People Matters at Your Business are Handled, Counts
- And, More!

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***For more info, visit: [ACTSmartIT.com/weave](https://ACTSmartIT.com/weave)***