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SI 655
Management of Electronic Records

Week 12 – April 13, 2009

Records and Accountability Environments:
Healthcare Sector
OUTLINE

• Final Session plan
• Overflow from last week...Corporate Sector
• Healthcare Sector
Final Session – Week 13: April 20

• Course summary

• Course Project discussion
  – Investigate environment for accountability
    • Laws, rules, regulations, and/or policies that were broken or are alleged to have been broken.
  – Identify consequences of inadequate rk for
    • Principals directly involved in the case,
    • Victims of the failure of recordkeeping systems
    • Public at large.
  – Identify potentiality for rk mitigation via
    • Policies
    • Technologies
    • Tools
    • Best practices
Best Practices Ex.: Computer Forensics

• Critical resource for law enforcement, auditing, Fortune 100 companies

• Uses: assist investigations > computer evidence; discovery; intrusion detection; recovery of temporary and deleted files

• Tool:
  – Enterprise Response, Auditing, and Discovery (ERAD)
    • Noninvasive disk imaging on any disk connected to network
    • Noninvasive KW search and retrieval across network
    • Noninvasive audit and compliance checking re: usage policies via KW search and retrieval (Patzakis)

SOX - Implications for Electronic Records

- Increased awareness of recordkeeping requirements in publicly traded companies
- Increased market for ERM systems
- Jobs for analysts, designers, auditors, and trainers for implementation
- Impact on corporate behavior remains to be seen
Context/Environments

- **Context is important**
  - Legal/Policy
  - Organizational
  - Functional
  - Technological
Organizational Environment

- **Structural**
  - Stable hierarchy
  - Laissez-faire
  - Distributed, collaborative, “emergent”

- **Cultural**
  - Rule-bound / compliant
  - Process / production oriented
  - Innovative, dynamic, re-configurable
Cultural Issues

• Jamaican Bank failures vs. US accounting scandals

• Jamaican Banking RK issues:
  – Missing, incomplete, untrustworthy and inaccurate records
    • damaged operational control (financial management, loan and deposit, risk, fraud)

• US Accounting RK issues
  – Incident reporting; improper destruction; mismanaged retention; falsification...

• Institutional vs. personal motivations
  – Many motivations for alternative / compliant RK reinforces need for control systems
  – Sociotechnical environment: usable........perfect records

(Lemieux)
Healthcare
Healthcare
Discussion questions

• What do you know about what can be done with your medical records?
• What control do you have over who uses them?
• What differences might electronic medical records make?
• Are the benefits worth the cost?
• Is medical privacy an illusion?
Healthcare

• Where do recordkeeping and accountability requirements come from?
• How does one locate them?
• What are the specific challenges in the environment?
• How is electronic records management being implemented?
• How are requirements enforced?
Where do recordkeeping and accountability requirements come from?

- Long standing practice
  - Information need for medical practice
    - Tracking interventions
    - Protocols for best practice
    - Division of labor and hand-offs
    - Research
    - Cumulative record
Special Challenges

• Complexity (language, volume, multiplicity of actors)
• Conflicts of interest
• Mobility of patients
• Privacy
• Integration with practice
Medical Records – Complexity

• Requirements come from many sources
  – Government (federal, state)
  – Private Sector (suppliers, insurance...)
  – Professional standards of practice
Multiple Uses

- Diagnosis and patient care
- Communication among specializations
- Hand offs
- Eligibility and billing
- Performance monitoring and improvement
HIPAA 1...
(PL 104-191, August 21, 1996)

• Privacy provisions
  - Individuals must be able to access their record and request correction of errors
  - Individuals must be informed of how their personal information will be used
  - Individuals “protected health information” (PHI) cannot be used for marketing purposes without the explicit consent of the involved individuals
• Individuals can ask covered entities which maintain PHI about them to take responsible steps to ensure that their communications with the individual are confidential

• Individuals can file formal privacy-related complaints to the Department of Health and Human Services (HHS) Office of Civil Rights
HIPAA 3...

- Covered entities must document their privacy procedures, but they have discretion on what to include in their privacy procedure.
- Covered entities must designate a privacy officer and train their employees.
- Covered entities may use an individual’s information without the individual’s consent for the purposes of providing treatment, obtaining payment for services and performing the non-treatment operational tasks of the provider’s business.
HIPAA 4...

- Electronic Data Exchange Standards
  - Security provisions
  - Administrative safeguards
  - Physical safeguards
  - Technical safeguards

See also:

http://www.hhs.gov/ocr/privacy/index.html
http://www.hipaa.org/
http://www.cms.hhs.gov/hipaaGenInfo/
Long-term retention of healthcare records

- Medical history
- Prior conditions
- Adverse reactions
- Delayed reactions