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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)
- See: <http://www.discoveryresources.org/> ;  
<http://www.computerforensicsworld.com/>

# 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

# HIPAA 2...

- 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