

Electronic Copy versus Electronic Access

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By Steve Emery and Jan McDavid

Registration for the meaningful use program opened in January, and many HIM professionals and chief information officers are preparing their organizations to meet stage 1 meaningful use criteria. Two of the objectives directly affect an organization's release of information (ROI) process. Participants in the program must provide patients with:

- An electronic copy of their health information (including diagnostic test results, problem list, medication lists, medication allergies), upon request
- Timely electronic access to their health information (including lab results, problem list, medication lists, medication allergies) within four business days of the information being available to the eligible professional

While these objectives are similar, they have different definitions and unique ramifications for the HIM department.

Mandatory: Electronic Copies

Providing patients with an electronic copy of their health information is not a new concept. HIPAA first granted the right to patients-the meaningful use program has updated it and made it more aggressive. Meaningful use mandates that EHRs be able to produce a particular format for electronic data and that facilities provide an electronic copy within three business days of the request. The sidebar "Electronic Copy Objective" compares the HIPAA requirement with the meaningful use objective.

The meaningful use electronic copy objective is part of the core, mandatory set for both eligible hospitals and professionals. Under the objective, eligible hospitals and professionals must provide an electronic copy of the health record to patients who request it in an electronic format. To meet this objective, organizations must show that more than 50 percent of these requests were fulfilled within three business days.

"Patient request" is an important distinction. The patient or his or her personal representative must initiate the process and ask for an electronic copy of their information. Requests from attorneys, payers, and other third parties are not included in this requirement.

Providers then have three business days to send the information electronically in the medium of the provider's choice. The facility or an outsourced ROI service company can deliver the requested information through electronic means, such as a Web portal for secure download, PDF file, CD, or thumb drive.

Electronic Copy Objective

Under HIPAA, patients have a right to receive electronic copies of their health information. The meaningful use program includes a similar measure with differing requirements for compliance.

Rule	Effective Date	% of EHR patients for compliance
HIPAA	February 2010	100% within 30 days of request

Stage 1 meaningful use	Any 90-day period in the first year; the entire 365-day period for subsequent years	More than 50% delivered within 3 business days of request
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Revisiting ROI Workflow

Meeting the meaningful use measure requires HIM professionals track the flow of ROI diligently, including who requested the information, when the information was requested, who received the information, and when it was received. Further, they must ensure that the record (including the discharge summary for hospitals) is completed within three business days following the patient request.

HIM directors should implement these steps now in conjunction with internal ROI management and any outsourced partners.

HIM professionals also must determine which records are stored in a certified EHR and thus eligible for the meaningful use program. There may be workflow issues associated with completing the record within three business days of the patient's request, particularly if the patient requests an electronic copy upon discharge.

For instance, facilities may be challenged to complete all documentation quickly following discharge to allow sufficient time for the release of information within three business days, particularly if multiple departments are involved. Record completion issues will require clinician involvement and high-level executive support.

Regardless of the depth and breadth of an organization's EHR, some information may always be stored outside the EHR, such as e-mail, which may be part of the designated record set but not stored in other systems associated with sophisticated medical technology like radiology. The goal of implementing an EHR is to get patient information into the system and use it to support clinical processes. On the other hand, ROI has a broader goal of distributing and controlling information. HIM professionals must automate and verify their organization's ROI process.

Optional: Timely Electronic Access

The objective to provide patient access to an electronic health record is an optional menu objective for eligible providers and is not required of hospitals at this time.

Timely patient access to health information refers to the patient's ability to access his or her electronic record within four business days of a healthcare encounter. It is probably best accomplished via patient portal technology that allows secure viewing by patients.

Eligible professionals should not allow direct patient access to the EHR due to the privacy and security risks. Further, while the electronic access objective mentions only a subset of the EHR (lab results, problem list, medication lists, medication allergies and brief encounter details), HIPAA requires organizations grant patient access to medical records except specific items the provider judges to be potentially harmful to the patient.

This objective has a very low threshold for incentive payment in stage 1, requiring that only 10 percent of all EHR patients with encounters receive access within the four-day time frame. The final rule indicates the bar was set low because many patients may not have Internet access or be able or interested in using a patient portal.

HIM professionals must be involved in establishing, managing, and monitoring a patient portal. Most physician systems will need to be upgraded to meet this objective and establish an effective patient portal.

ROI Stage 1 Objectives

Two objectives in the first stage of the meaningful use program have a major impact on an organization's release of information functions.

Objective	Measure
Electronic Copy: On request, provide patients with an electronic copy of their health information (including diagnostic test results, problem list, medication lists, medication allergies, and for hospitals, discharge summary and procedures).	More than 50% of requests within 3 business days
Timely Electronic Access: Provide patients with timely electronic access to their health information (including laboratory results, problem list, medication lists, medication allergies).	More than 10% of patients had access to up-to-date information within 4 business days.

Meaningful Use as Driver for ROI

The meaningful use requirements related to ROI are intended to increase the engagement of patients and their families in their own healthcare, thereby achieving a goal of improved wellness.

In both current and future ROI environments, there is a need to balance provider control, privacy, security, and audit trails with the benefits achieved by providing patients access to their own health information. The ability to capture incentive payments in year 1, while difficult, is achievable, particularly when HIM professionals get engaged and involved.

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