Is It Legal?: 10 Questions about Legal Functionality to Include in Your RFP

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by Melissa Swanfeldt

Is there something missing from your request for proposal (RFP)? You and your colleagues on the EHR selection team have sweated through identifying and detailing the clinical functions and features required of your new system. But what about the business requirements? The RFP you send vendors should request information on legal as well as clinical functionality. Without the ability to meet your organization's standards for a legal health record, an EHR system will fail to provide your organization with a valid business record, and its value will be greatly diminished.

First and foremost, you must define what functionality and system features will support your organization's definition of the legal health record. It is important that you review your current bylaws, state laws, federal regulations, accrediting agencies, and payer guidelines when writing or reviewing this definition.1 It is also important to educate the members of the selection team on legal health record requirements and the importance the legal record plays within your healthcare organization.

Consider asking vendors the following 10 questions when you evaluate EHR systems:

1. Does the system support the level of security access you require (e.g., user ID, password length, smart card, biometrics such as fingerprint or retinal scans)?
2. Does the system support role-based or user-based access controls to ensure that only users with a need to know have access to information?
3. If your organization is involved in a health information exchange project such as a regional health information organization or a community EHR, does the system support your participation? You don't want information originating from your healthcare organization to be mismanaged when it leaves your system.
4. Does the system provide the appropriate back-up protocol to ensure data recovery in the case of hardware failure?
5. Can the system date and time stamp each entry in the record? Include your requirements for the data elements to be included (e.g., author's last name, first name, title, and credentials).
6. Does the system support your electronic signature requirements? Does the electronic signature feature support:

   - Message integrity, providing the signer with accurate representation of the healthcare information being signed
   - Authentication, confirming the user's identity
   - Multiple signatures

7. Can the system terminate a session after a predetermined period of inactivity?
8. Does the system provide audit capabilities that support version control, security, and access controls? These include:

   - Entering and exiting the system
   - Loading new versions of code and updates to data files, system tables, and dictionaries
   - Remote access connections
   - Data archiving

9. Does the system support your requirements for archiving and long-term storage? Do you have related storage and hardware requirements?
10. How does the system support storage and access to multi-media files such as PACS images? Often EHR systems link to PACS images and do not store them directly, so they may have different hardware and storage requirements.

As an HIM professional it is important that you have a voice in the selection of an EHR system. It is important that you understand who will use and have access to the information, how it will be used, and where it will be stored. HIM knowledge of EHR standards and legal record requirements will be a key component in successful system selections.

Note

1. AHIMA. "Update: Maintaining a Legally Sound Health Record--Paper and Electronic." *Journal of AHIMA* 76, no. 10 (2005): 64A-L. Available online in the FORE Library: HIM Body of Knowledge at www.ahima.org.

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