

Legal EHR: New Practices, New Skills

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Defining the legal EHR is a key strategy that AHIMA has been working on for several years. The FORE Library: HIM Body of Knowledge is growing on this important topic thanks to the work of HIM, legal, and IT experts serving on AHIMA's e-HIM® work groups. In addition, an HIM-led Health Level Seven draft standard for the legal EHR will soon be ready for ballot and, if approved, will be reflected in future versions of conformance criteria for EHRs.

On June 18–19, AHIMA will sponsor the Legal EHR Conference-Ensuring Health Record Integrity. It promises to be a seminal event, with a faculty of multiple stakeholder experts addressing important topics such as evolving EHR case law, e-discovery, HIM best practice, health information exchange, and risk and fraud management. For more information on this conference, go to <http://www.ahima.org/meetings>.

E-Discovery

Responding to subpoenas from attorneys is a critical HIM work process that requires in-depth understanding of how the EHR captures and stores data, including metadata that reveals much about the who, what, and when of the healthcare process so important to attorneys in malpractice cases.

Electronic prompts and alerts, e-mail, voice files, and other e-records will also be subject to discovery. And it is not just individual electronic records.

As we learn in “E-Discovery,” the manipulation of electronic secondary data to reveal patterns of practice will also be a new tool for litigators. Part of the debate regarding what is discoverable in electronic records falls back on the continuing discussion of what constitutes a legal EHR. “New federal e-discovery rules have lawyers searching for freshly discoverable health records, and HIM professionals digging into their systems,” points out writer Chris Dimick.

The sidebar “Preparing for e-Discovery” offers practical advice about the prerequisites of e-discovery and managing legal EHRs. Advice includes updating the organization's information management plan, learning how information is stored in EHRs, and learning how departmental systems feed the EHR.

In “Printing Electronic Records” Gina Rollins presents advice from experts experienced in helping organizations wean themselves from hitting the print button when they want to access a record. Like all behavior change, this requires ingenuity, patience, and resolve, and we are again reminded that in transitioning from HIM to e-HIM, the challenge is not the technology, but the skills to manage new work processes and help people adapt.

Best Practice Research from the Field

Organizational development experts understand that anchoring change in the culture of an organization is by far the most challenging aspect of change leadership, and it often takes years to achieve.

In a 2006 survey of HIPAA privacy and security compliance, Margret Amatayakul and Mitch Work found that HIPAA compliance is an uphill battle even after an initial surge to become compliant, suggesting that it is not yet part of the culture. Without reinforcement, backsliding is expected. Research shows, for example, that a formal compliance assessment process correlates to stronger compliance.

We are making good progress in understanding the challenges of designing electronic health records and e-record management processes to ensure a legally sound business record. We have yet to really study best practices and the skills and tools required to fully achieve them.

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