

Mandates Encourage E-Discovery

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Today's US healthcare delivery system is facing an unprecedented sea change, led by federal initiatives that will foster a rise in the number of e-discovery requests hitting HIM departments.

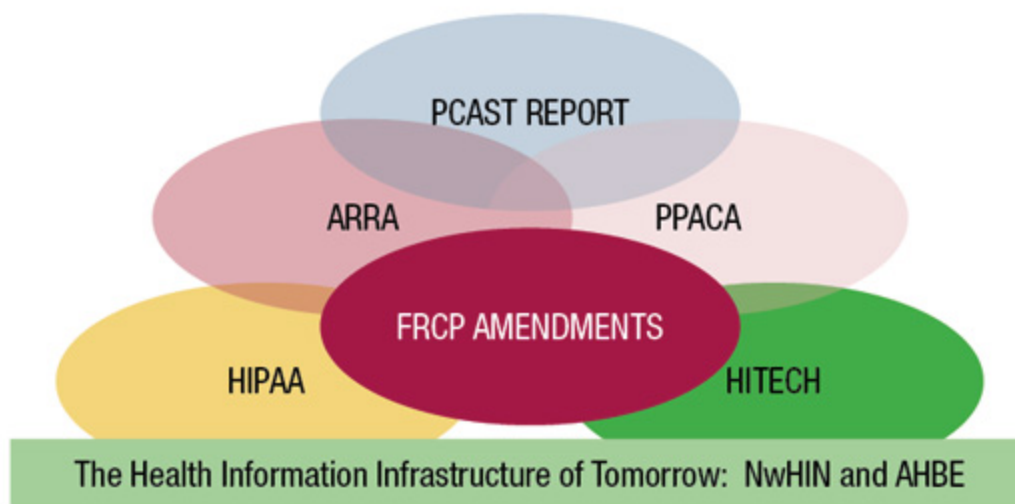
Federal initiatives like the American Recovery and Reinvestment Act, the Patient Protection and Affordable Care Act (PPACA), and the PCAST report are overlapping with the Federal Rules of Civil Procedure (FRCP) to create an entangled environment ripe for e-discovery requests. ARRA and PPACA call on providers to leverage electronic health record systems for improved outcomes, while PCAST is a report from a presidential advisory group that encourages the increased exchange of those records. The Federal Rules of Civil Procedure set the e-discovery guidelines.

Together, these bodies of legislation and rules will work collectively to establish the laws, regulations, and recommendations that govern the privacy, security, and legal standing of electronic health information and health information exchange.

The more providers use electronic records for business and treatment, the more likely those electronic records will be part of e-discovery requests in the event of a lawsuit. E-discovery of those records will increase, meaning HIM professionals need to educate themselves on e-discovery rules and processes.

The Convergence of the FRCP with ARRA and PPACA

Various mandates intersect and overlap to influence FRCP and e-discovery. Graphic created by Kimberly Baldwin-Stried Reich, MBA, MJ, RHIA, CPHQ, co-author of *e-Discovery and Electronic Records*, published by AHIMA Press.



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