

On the Right Side of the Law

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by Anne Zender, MA, editor

HIM professionals need to know the correct and legal way to do things to keep their departments and organizations running smoothly. Jan Van Dyne, JD, RHIA, needs to know the correct and legal way to do things to advise clients-healthcare organizations of all types and sizes-to keep them on the right side of the law.

Van Dyne is an attorney with Squire, Sanders & Dempsey LLP, an international law firm based in Cleveland (her office is in Columbus, OH). She doesn't try cases in courtrooms but instead advises clients on business and regulatory issues. "I assist clients in considering opportunities and strategies, help them to understand the regulatory impact on business projects, and help them achieve goals with the least amount of risk," she says.

Giving Her Advice

Her clients range from hospitals and healthcare systems to other provider types. Client projects include advising clients on how new regulations, such as HIPAA, affect their business operations, assisting clients in responding to investigations by the Department of Justice or HCFA, and structuring joint ventures, mergers, and acquisitions to ensure they fit within the regulatory restrictions while at the same time achieving the clients' goals. Van Dyne's role often is to evaluate proposed transactions and review pertinent regulations to help these organizations make the best business decisions, and-if she sees problems ahead-suggest alternatives.

Van Dyne's background as an HIM professional has uniquely qualified her for this role. Before becoming an attorney, she worked as an HIM director in hospitals and in an ambulatory care clinic, as well as coordinating the services of a nationwide data abstracting company and serving as a long-term care consultant. She also has had oversight responsibility for quality assurance, utilization review, and medical staff functions. "All of these touch on legal aspects of healthcare, so that might have first focused me on the legal area," she says.

Van Dyne changed course when she realized she wanted different career opportunities. She decided that a law degree, coupled with her healthcare experience, would give her added opportunities and career flexibility, so she went to law school. After receiving her JD, Van Dyne started to practice law about six years ago.

A Unique View of HIM

Just as her HIM background has given her a unique perspective on her law practice, Van Dyne's law work has given her a new way to look at healthcare, particularly in terms of the legal and ethical challenges HIM professionals face.

Two of the most significant areas in which HIM professionals face ethical challenges, Van Dyne believes, are in compliance and information privacy. In the compliance realm, she says, HIM professionals are logical leaders in playing a key role in ensuring documentation, coding, and billing are correct. "We have a responsibility to be informed about all requirements and regulations that impact this function," she says. "We need to be sure things are done correctly, and make sure our colleagues understand that as well," she says.

As for privacy, she says, the increasing demand for patient information presents a growing challenge in this area. With their knowledge and training, HIM professionals currently have a unique opportunity in this area to seek out positions in which they can work to ensure that information is handled properly and to be involved in projects to address these issues, she believes.

She may work in a different arena, but Van Dyne finds, like her HIM colleagues, that she needs to keep up with an ever-growing amount of information to stay current. She relies on her favorite professional journals, attends seminars, and endorses teleconferences as an easy education method. "Teleconferences can be one or two hours out of your day, and you get a lot of people's perspectives," she says.

The most important skill is to develop self-discipline, she says. "Dedicate time each week to learning," she advises. "It's a lot of work, but be patient and invest in yourself, and it will pay off."

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