

# HEALTH CARE INSIDER

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Electronic Health Records – Benefits And Concerns



## ELECTRONIC HEALTH RECORDS – BENEFITS AND CONCERNS

### INTRODUCTION

As the new year begins, the health care industry is preparing to become compliant with yet another regulation that requires all health care organizations to implement the use of electronic health records (“EHR”) by 2015. The American Recovery and Reinvestment Act (“ARRA”) authorized the Center for Medicare

and Medicaid Services (“CMS”) to provide funding as an incentive to physicians and hospitals that are successful in becoming “meaningful users” of electronic health records. The eligibility for funding began in 2011 and will be phased out as providers are expected to have implemented EHR by 2015 or face financial penalties under Medicare.

### INCENTIVE PROGRAMS

There are two EHR incentive programs with some high level information about each in the chart below:

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**CHOOSING A PROGRAM: MEDICARE OR MEDICAID**

There are two EHR Incentive Programs. CMS oversees the Medicare EHR Incentive Program and the state Medicaid agencies manage the Medicaid EHR Incentive Program. The two programs are similar, but there are some differences between them.

Medicare EHR Incentive Program	Medicaid EHR Incentive Program
Run by CMS	Run by Your State Medicaid Agency
Maximum incentive amount is \$44,000	Maximum incentive amount is \$63,750
Payments over 5 consecutive years	Payments over 6 years, does not have to be consecutive
Payment adjustments will begin in 2015 for providers who are eligible but decide not to participate	No payment adjustments for providers who are eligible for the Medicaid program
Providers must demonstrate meaningful use every year to receive incentive payments	In the first year providers can receive an incentive payment for adopting, implementing, or upgrading EHR technology. Providers must demonstrate meaningful use in the remaining years to receive incentive payments.

Excerpt from (<https://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms>)

**MEANINGFUL USE DEFINED**

Meaningful use is the process of using EHR technology to:

- Improve quality, safety, efficiency and reduce health disparities
- Engage patients and family
- Improve care coordination, and population and public health
- Maintain privacy and security of patient health information

The main focus of the EHR program was to increase transparency of health care data, increase efficiency of health care practices and improve health care services and quality overall.

The following chart outlines the three stages of using the meaningful use criteria to chart the provider's progress of adopting the conversion to electronic health care records.



*Electronic health record benefits far outweigh the concerns but the data needs to remain secure to keep public opinion positive.*



The meaningful use criteria, objectives and measures will or have evolved into three stages:

**Stage 1**  
2011-2012  
Data capture and sharing

**Stage 2**  
2014  
Advance clinical processes

**Stage 3**  
2016  
Improved outcomes

<b>Stage 1: Meaningful use criteria focus on:</b>	<b>Stage 2: Meaningful use criteria focus on:</b>	<b>Stage 3: Meaningful use criteria focus on:</b>
Electronically capturing health information in a standardized format	More rigorous health information exchange (HIE)	Improving quality, safety, and efficiency, leading to improved health outcomes
Using that information to track key clinical conditions	Increased requirements for e-prescribing and incorporating lab results	Decision support for national high-priority conditions
Communicating that information for care coordination processes	Electronic transmission of patient care summaries across multiple settings	Patient access to self-management tools
Initiating the reporting of clinical quality measures and public health information	More patient-controlled data	Access to comprehensive patient data through patient-centered HIE
Using information to engage patients and their families in their care		Improving population health

Excerpt from (<http://www.healthit.gov/providers-professionals/how-attain-meaningful-use>)

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THE MAIN FOCUS OF THE EHR PROGRAM WAS TO INCREASE TRANSPARENCY OF HEALTH CARE DATA, INCREASE EFFICIENCY OF HEALTH CARE PRACTICES AND IMPROVE HEALTH CARE SERVICES AND QUALITY OVERALL.



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### BENEFITS OF ELECTRONIC HEALTH RECORDS

Most people that have visited their doctor or hospital over the last few years have noticed that the medical staff is utilizing a variety of portable electronic devices (laptops, tablets, etc.) to document and update conversations and testing being performed. The accessibility of medical tests and records provides a wealth of information at the doctor's fingertips. The quality of the visit and service is much better as the treatment is now almost on a real-time basis. You no longer have to wait for a phone call or mail to receive your test results or diagnosis. More efficient communication was one of the key features of the new requirements.

Patients can now access a limited amount of their medical records online, view test results, future appointments, etc. and can actually create a health plan for themselves. Personal health and fitness devices can be integrated into these plans by using activity trackers like Fitbit. This increase in data availability to the patient and doctor will change the medical profession in providing future services, as this data will now become available to the doctor without having to rely on conversations with the patient.

### CONCERNS OF ELECTRONIC HEALTH RECORDS

As with all new modes of technology, availability of data and communications come concerns about access to that data. Security is one issue that always seems to popup. Who will be able to access your health care data? Will it be secure? What are the requirements of the health care provider to make sure it is secure?

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Rules (Privacy & Security) and CMS' meaningful use requirements provide for the security of your health care data including EHR. Under HIPAA, covered entities must have:

- Safeguards in place to protect patients' health information

- Minimum and limited usage and sharing to accomplish its intended purpose
- Privacy agreements with their service providers who perform functions or activities on their behalf
- Procedures to limit access to patients' health information as well as the implementation of training programs for employees about how to protect patients' health information

These security requirements will help to prevent identity theft and will reduce reputation and financial losses of all parties involved.

### MINIMIZE RISKS OF ELECTRONIC HEALTH RECORDS

There are many ways to minimize the risks associated with EHR. Compliance with various regulations is certainly a good starting point. As with most security standards, they are just a minimum level of control that helps to reduce risk of unauthorized access. They do not guarantee that a breach will not occur. So going above and beyond the minimum requirements is a good policy to have as well as good monitoring practices.

Keeping your security policies up to date for any changes in the information technology environment is critical. The changes can be changes in hardware, software or even processes and procedures. Make sure to map out where the data resides and how it travels to make sure that it is protected at all times.

Physical and logical controls are very important to prevent unauthorized access. Data in hard copy form should be just as secure as if it resided on a server or mobile device. Password configurations have to be complex and enforced to be effective. File cabinets and file rooms should be secured also with a need-to-know policy enforced.

Data should be encrypted whenever possible to reduce risk of accidental loss of mobile devices. Storage of data through a third party should also be encrypted to reduce loss of reputation and financial loss should a breach occur.

If cloud service providers are utilized, make sure that they are compliant with any relevant regulations if they fall under the new expanded definition of business associate. Obtain proof of this compliance and a statement of compliance report (either SSAE 16 or SOC 2) to provide proof of adequate controls.

### CONCLUSION

Electronic health record benefits far outweigh the concerns but the data needs to remain secure to keep public opinion positive. This will lead to necessary but additional costs to the providers. The benefits need to be marketed to consumers to help recoup the costs.



More efficient communication was one of the key features of the new requirements.



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## PROVIDING VALUE TO THE HEALTH CARE INDUSTRY

Today's growing and advanced health care industry is a fast-paced environment where regulatory issues, competition, and rapidly changing consumer expectations converge. Managing risks and realizing opportunities becomes a more important focus as health care organizations decide how they will adapt and evolve their business models for long-term survival.

Ensuring today's actions will lead to achieving long-term goals can be a major challenge for anyone. Many health care organizations are unable to address the issues at hand and consider the "big

picture" because they are overwhelmed with urgent matters and patient care. UHY LLP's National Health Care Practice brings an understanding of the industry together with innovative solutions that have a positive impact on bottom line. We understand the challenges facing health care providers and facilities.

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