

MEDICAL RECORD ACCESS

Recent regulatory changes have caused a paradigm shift in how health care providers need to think about and manage patient data in order to comply with a complex web of interconnected legal requirements. The patient medical record, and more specifically the Designated Record Set, is no longer viewed as the property of the provider. Rather, it is information about an individual that is held by the provider for the benefit of the individual and must be made available and shared by the provider for legally permissible purposes, including treatment, payment and health care operations, consistent with the privacy controls of HIPAA and other applicable state and federal data privacy laws. For providers, this shift can be seen in the enactment of the Information Blocking Regulations, the amendment to the Conditions of Participation, legal class actions on the handling of patient data and the substantial number of patient access investigations by the Office of Civil Rights. Providers are now required to simultaneously ensure compliance with patient privacy obligations while also ensuring that the patient, patient personal representatives, authorized third parties and other permitted persons, such as health care providers and public health authorities, have the meaningful ability to access, exchange and use patient data. This requires evaluating existing practices in the clinical environment for classifying (flagging) patient information and ensuring that both the patient portal and the HIM department are capable of timely producing data consistent with historical and new legal obligations.

HALL RENDER ADVANTAGE

Our attorneys and advisors have a deep understanding of this regulatory overlay, our clients' health care operations and the functionality and limitations of various associated technology solutions, which uniquely positions us to advise clients on these issues. In addition, our attorneys and advisors have worked with providers to develop and update privacy policies, procedures and processes to align with the developing legal requirements and obligations associated with access to health information and train their workforces. Such steps are necessary to ensure compliance with today's privacy laws.

LET'S GET STARTED

Hall Render has developed a toolkit containing a sample policy and procedure, diagrams, flowcharts and related documentation to assist clients in understanding, implementing and assessing compliance with the Information Blocking Rule's exceptions and requirements. In addition, we provide periodic updates with written analyses of issues that are trending across clients and the industry. The content of the toolkit is perpetually licensed for the subscriber and its controlled entities for internal distribution. The toolkit is provided as a subscription service for a periodic flat fee. To learn more about the Information Blocking Toolkit or how we can support your organization in navigating patient data access and privacy, contact us today.

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