# Legal Burdens Related to EHR's-Initial Outline

# Introduction

# Functions of the EHR

## Communication

 Retrieving Information

 Documenting information

 Transmitting information

## Documentation- EHR as the legal record

 Availability of information

 Non-availability of information

 Correctness of information

 Control of information/Security

Timing of information entry (need for tracking metadata as well as final signed record)

# Potential Burdens

## Regulatory requirements

 Meaningful use- excessive documentation/ meaningless activities

 CMS billing requirements, anti-fraud requirements

## Data Entry into legal medical record

 Information errors of entry into EHR

 Use of scribes with potential for miscommunication

 Free text entry?

 Automatic data entry to minimize entry burden

 Use of pre-filled templates

 Cut and Paste

## Billing Requirements

 For CMS- inadequate documentation can lead to fraud

 Documentation requirements for uses of mid-level providers/scribes: were you there? Another level of required documentation

## Specific Legal issues with documentation

 Individual factors

 Usability

 Personal comfort

 Clinical workflow

 Chaos?

 Can lead to disruptive data entry, incorrect data

 Time constraints

 Delays in data entry (pajama time) with incorrectly remembered information

##  Interoperability Issues

 Data does not come across

 Data comes across incorrectly

 Data comes across in an inaccessible manner (note bloat/deluge)

 Too much information can lead to critical information being missed, or communications being missed- liability implications

# Communication Steps- Potential legal issues are overlaid at every step

 Data Retrieval

 Data Interpretation

 Documentation of current interaction

 Data transmission

 Data reception