# 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