

The Personal Health Record and Its' Impact on HIPAA Patient Rights



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Objectives

- Gain knowledge about the Personal Health Record that is part of the RPMS EHR and who may access it.
- Gain current knowledge of HIPAA patient rights regarding restriction and correction of patient information.
- Revise clinic procedures to incorporate PHR roll-out to patients.




Introduction to Terms

Term	Definition
Message Agent	Person at the local site who receives, triages, and shares messages as appropriate. May be a clinic clerk, nurse, case manager, physician, or other health care provider who has completed the HIPAA agreements.
PHR	The Personal Health Record includes two applications: <ol style="list-style-type: none"><li data-bbox="1052 706 2173 749">1. A patient portal for viewing health information and<li data-bbox="1052 749 2237 849">2. An administrative application linking the patient's PHR account with his/her medical record(s).
PHR Administrator	Person at local facility who assigns and removes registration privileges for PHR registrars. (May also be a registrar)
PHR Registrar	Person who connects a patient's PHR account with his/her medical record. This individual will provide ongoing support to patients and will be able to reset passwords, etc.
Secure Message	An encrypted email that may contain personal health information.



What is a Personal Health Record

- ▶ Indian Health Service has created a personal health record (PHR) that will assist patients in accessing some of their medical information via a web browser at home or on a mobile device.
 - ▶ Patients will be able to view, download, and transmit demographic information, medications, lab results, problems, vital signs, immunizations, and other visit-related information.
 - ▶ The PHR will help address one of the major focal points of MU by encouraging patient engagement.
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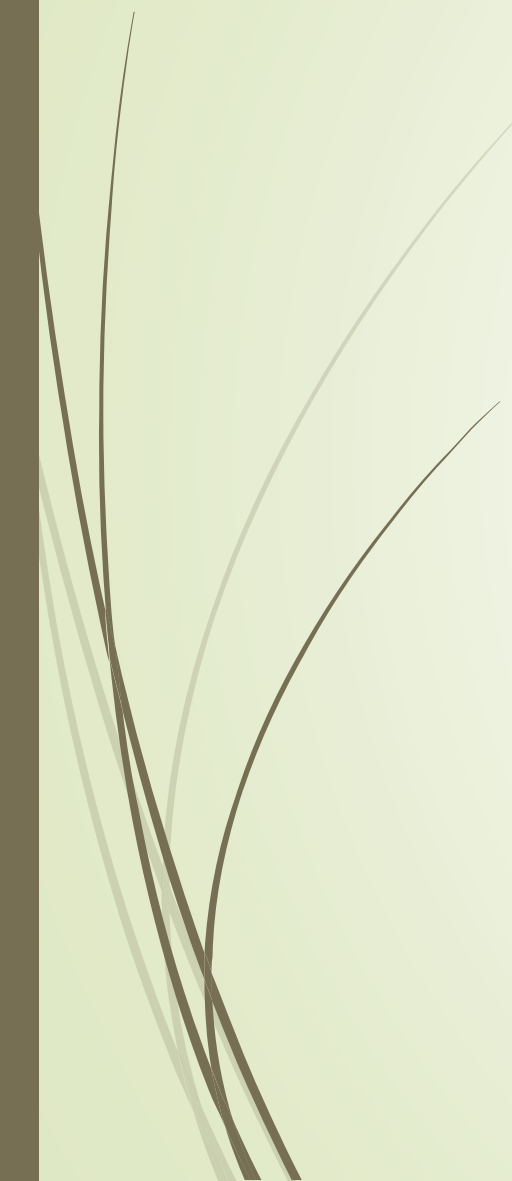


Gaining Access to the PHR

- Patient sets up PHR account
- Staff member validates the patient's identity according to clinic policy
- Staff member links patient's PHR and medical record account(s). Note: using the Master Patient Index (MPI) allows multiple RPMS EHR accounts to be linked
- Patient is able to view health information online. NOTE: If the patient receives care in more than one place, he or she can see information from each place with the same PHR account




How Does it Work

- The information available to patients comes from the Consolidated Clinical Document Architecture (CCDA) (used by the Health Information Exchange).
 - Since the CCDA is updated with changes at least every 24 hours, patients are assured timely access to their most recent medical record information.
 - However, not all information in the patient's medical record will be available. A small set of highly sensitive data will not be provided to patients through the PHR in accordance with federal and state laws.
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Who Can Access the PHR?

- Patients who set up an account and are validated
 - The patient may choose to share account information with another individual
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DIRECT messaging (Secure email)

- ▶ In addition to permitting patients to view their health information, the PHR will allow patients to interact with their health care team through secure email messages.
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Preparing for the PHR

- Identify the PHR administrator.
- Identify the PHR registrar(s).
- Create a process for patients to meet with the PHR Registrar.
 - Who will register patients?
 - At what point during the visit will they be registered?
 - Will the PHR registrar be a full-time position or have assigned duties?
 - How will patients know who to contact?



Prepare for Secure Messaging

- ▶ Identify the message agent(s).
 - ▶ Create a plan and policy for assigning message agents.
 - ▶ How will message agents distribute information to the appropriate clinical staff?
 - ▶ Will providers contact patients directly, or will the message agent send all messages?
 - ▶ In what time frame will patient messages be reviewed and acted upon?
 - ▶ What is the plan for forwarding messages when the message agent is out of the office?

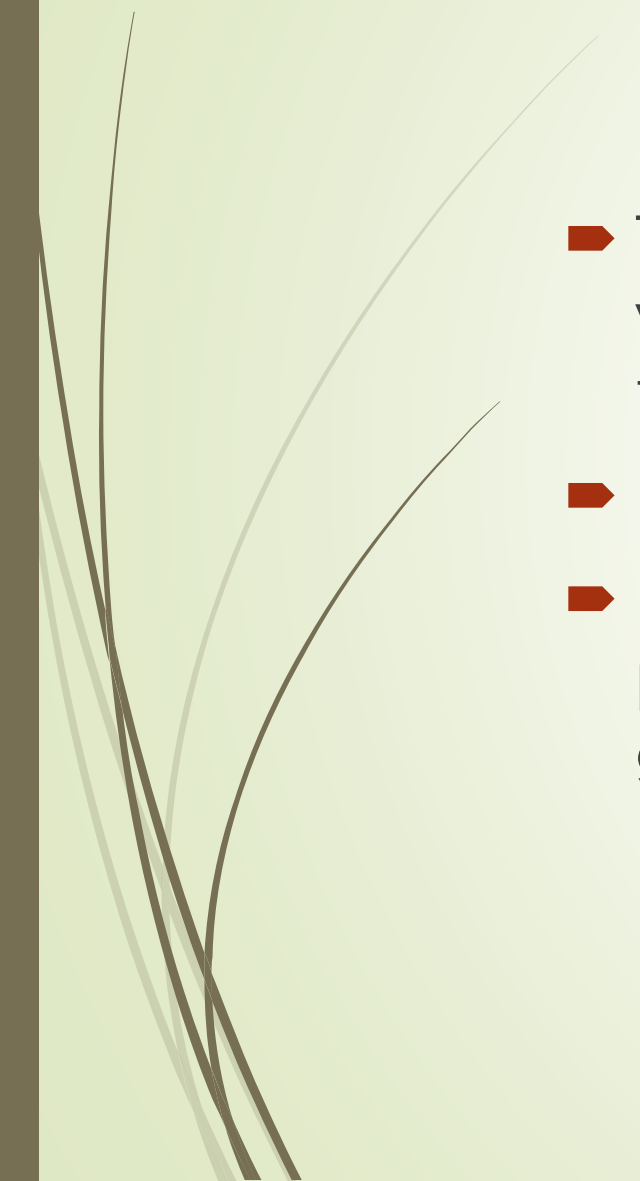


PHR Preparation

- Develop a PHR awareness campaign and identify resources to make patients aware of the PHR.
- As go-live approaches, provide information explaining how patients register for a PHR account.
- Create clinic workflow
- Develop Policies and Procedures
- Revise Notice of Privacy Practices?

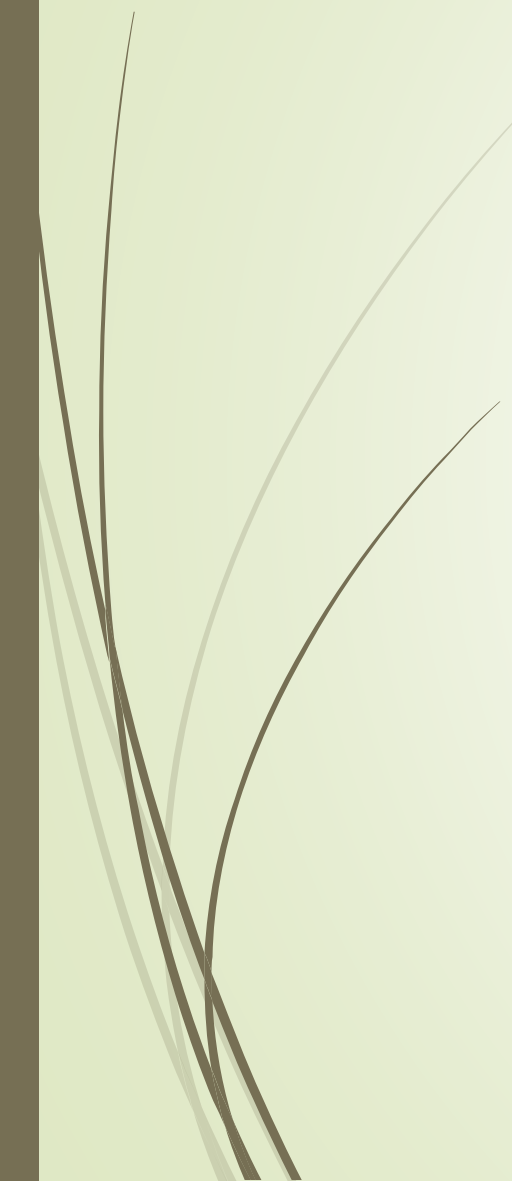


What about HIPAA???

- ▶ The Health Insurance Portability and Accountability Act was put in place to GRANT patients rights with regard to their personal health information
 - ▶ HIPAA is intended to protect patients
 - ▶ HIPAA does NOT prevent providing information to patients. In fact, HIPAA does just the opposite by granting rights to patients
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HIPAA Patient Rights

- Accounting of Disclosures
 - Right to Access
 - Restrict Access
 - Request Correction
 - No Release to Insurance (if patient pays cash)
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HIPAA and PHR Intersect

- Accounting of Disclosures
- Right to Access
- Restrict Access
- Request for Amendment (Correction)
- No Release to Insurance (if patient pays cash)

Right to Request Amendment

- ▶ Patient requests amendment. Note: Clinic may require a “written request”.
- ▶ The health care provider or health plan must respond to the request within 60 days. One 30 day extension is allowed.
- ▶ The response may be:
 - ▶ “Yes” if the provider agrees that the information is incorrect
 - ▶ “No” if (1) the provider does not agree (2) the provider did not create the information (3) the information is not within the designated record set
- ▶ If the facility created the information it **must** amend the information if it is inaccurate or incomplete.
- ▶ If the provider or plan does not agree to the request, the patient has a right to submit a statement of disagreement which must be added to the patient’s record.

Reference: <http://www.hhs.gov/ocr/privacy/hipaa/administrative/combined/hipaa-simplification-201303.pdf>



Steps to Prepare

- ▶ Review facility P&P for HIPAA patient rights with emphasis on request for amendment
- ▶ Insure that policy corresponds to electronic health record
- ▶ Reeducate clinic staff



Questions/Discussion





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