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

<table>
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<tr>
<th>Term</th>
<th>Definition</th>
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<td>Message Agent</td>
<td>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.</td>
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<td>PHR</td>
<td>The Personal Health Record includes two applications: 1. A patient portal for viewing health information and 2. An administrative application linking the patient’s PHR account with his/her medical record(s).</td>
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<td>PHR Administrator</td>
<td>Person at local facility who assigns and removes registration privileges for PHR registrars. (May also be a registrar)</td>
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<td>PHR Registrar</td>
<td>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.</td>
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<td>Secure Message</td>
<td>An encrypted email that may contain personal health information.</td>
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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.
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.
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
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.
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.
HIPAA Patient Rights

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

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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