AHIMA
American Health Information Management Association®

Legal EHR Conference: Ensuring Health Record Integrity

Hyatt Regency McCormick Place – Chicago, IL - August 18-19, 2008

Monday, August 18 – Day 1

8:00 – 8:30 a.m	**Registration** Continental Breakfast (*provided by AHIMA*)
8:30 - 9:00 a.m.	**Welcome and Keynote: Medical Records and the Law** Mark E. Frisse, MD, MBA, MSc; *Vanderbilt Center for Better Health*
9:00 - 10:00 a.m.	**Panel: Multidisciplinary Perspectives and Issues on the Legal EHR** Mark E. Frisse, MD, MBA, MSc; *Vanderbilt Center for Better Health* Darren L. Lacey, Esquire, CISO; *Johns Hopkins University* Kirk J. Nahra, Esquire; *Wiley Rein LLP* Moderator: Jill Calahan-Dennis, JD, RHIA; *AHIMA*
10:00 - 10:15 a.m.	**Networking Break**
10:15 - 11:15 a.m.	**Break-out Session 1** **Introduction to the Legal EHR: New HIT Standards and Certification Requirements** Bonnie S. Cassidy, MPA, RHIA, FAHIMA; *CCHIT* Michelle Dougherty, MA, RHIA, CHP; *AHIMA* New to the legal EHR? This session provides the critical foundational concepts that will bring you up to speed. In addition, hear about critically important developments in the standard and certification area including a new HL7 EHR-S Records Management and Evidentiary Support standard and a snapshot of the CCHIT efforts to develop EHR functionality criteria to address privacy and compliance as part of the certification process. **Break-out Session 2** **Effective Negotiations and Contracting: War & Peace – True Stories of the EMR** Melissa Markey, Esq.; *Hall, Render, Killian, Health & Lyman* Jane Eckels, JD; *Partner, Davis Wright Tremaine LLP* This panel brings experts together explore how a successful implementation process begins at the Request for Proposal stage; how the EMR license agreement impacts implementation, and real world traps - and solutions seen in EMR implementations. Presenters will provide best practices for maximizing the effectiveness of contract negotiations for EHR system contracts and other HIT procurement projects. Focus will be on practical suggestions for successful negotiations based on real world experience with contract successes and failures.
11:15 a.m. - 12:15 p.m.	**Break-out Session 1** **Legal EHR: Key Messages for Leadership** Carlton Cottrell; *ChartOne* Make your case to the CFO and CIO by determining the value of a legal EHR and justifying it financially. This session covers the concept of a legal EHR and identifies how does it differ from a point-of-care EHR. **Break-out Session 2** **EHR Standards Landscape Panel** Barbara Drury, BA, FHIMSS; *Pricare Inc.* Reed D. Gelzer, MD, MPH, CHCC; *Advocates for Documentation Integrity* Learn the results of a recent survey of EHR products and functionality to support basic medical-legal functional requirements. This session also projects a roadmap toward future robust medical-legally sound EHRs. To address the gap, interim risk-reduction strategies and tools will be discussed and provided.
12:15 - 1:15 p.m.	**Lunch** (provided by AHIMA)

1:15 - 2:15 p.m.	**Break-out Session 1** **The Medical-Legal Compliant EMR-System in 7 Steps** Reed D. Gelzer, MD, MPH, CHCC; *Advocates for Documentation Integrity and Compliance* This session reviews the Seven Step Process Model(c) from ADIC which provides an overarching HIM and Compliance model for EHR uptake applicable to both the new installation setting and an installed system.
	Break-out Session 2 **Managing E-mail for the Legal EHR** Deborah Kohn, RHIA; *Dak Systems Consulting* E-mail is a critical component of the legal EHR, but can be an enormous and complex problem. The presentation covers managing Protected Health Information (PHI) E-mail, strategies for legal EHR E-mail management and why E-mail must be managed like other legal EHR documents.
2:15 - 2:30 p.m.	**Networking Break**
2:30 - 3:30 p.m.	**Break-out Session 1** **Do Not Fold, Spindle, or Modify: Fidelity in EHR Output Reports** Katherine L. Ball, MD, *Johns Hopkins University;* EHR output reports are critically important yet often overlooked. This session stresses the importance of accurate EHR outputs and reports, provides real-world case examples of risks caused by discrepancies, and make suggestions for change.
	Break-out Session 2 **Beyond Theory – Lessons Learned in Developing the Legal EHR "Document"** Debra S. Nelson, RHIT; *Trinity Health* Hear one organization's experience moving the legal EHR theory into reality. This session explores appropriate members on the implementation team, provides recommendations on how to shape its scope, guides on delineating the legal EHR definition including the infrastructure needed, personnel, systems/data flow and other considerations.
3:30 - 4:30 p.m.	**Break-out Session 1** **Electronic Health Records: The CLIA Complication to Inclusion of Lab Results** Kathryn A. Roe, J.D.; *Neal, Gerber & Eisenberg LLP* Donald E. Horton, J.D.; *Laboratory Corporation of America* This session provides an explanation of the law controlling dissemination of lab results and discusses the implications and potential solutions for lab results dissemination for electronic health information exchange.
	Break-out Session 2 **No! Don't Tell Me: Copying and Pasting in Electronic Health Records** Michael M. Vigoda, MD, MBA, *University of Miami Miller School of Medicine* Copy and paste is a hot topic that elicits strong (and often dueling) reactions. This session covers issues of copying/pasting by clinicians, reviews common practices and identifies how problematic it has become. As a physician, Dr. Vigoda will focus on finding balance between physician productivity (and ease of use of EHRs) with the need to prevent/detect inappropriate documentation practices.
4:30 - 5:00 p.m	**Building a Data Governance Model on the Legal EHR Foundation** Sandra L. Nunn, MA, RHIA, CHP; *Presbyterian Healthcare Services* Development of a data governance model includes standards development and master policy/procedure management for legal EHR and other allied systems. This session discusses an enterprise content management suite of a core healthcare taxonomy model. This session provides a great segue to Day 2 of the conference by discussing the importance of a solid data governance model as a core foundation for efficiently managing e-discovery requests.
5:00 p.m.	**Networking Reception**

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Tuesday, August 19 – Day 2

7:30 - 8:15 a.m.	**Optional Early Riser Session: The Basics of e-Discovery** Ronald J. Hedges; *Nixon Peabody LLP*
8:00 - 8:30 a.m.	**Continental Breakfast** (provided by AHIMA)
8:30 - 9:45 a.m.	**General Session: e-Discovery and Healthcare Panel** Kevin F. Brady, Esquire; *Connolly Bove Lodge & Hutz LLP* Ronald J. Hedges; *Nixon Peabody LLP* Tom McClean, MD; *Veterans Administration Hospital, Kansas City* Michael C. Theis; *Partner, Hogan & Hartson, LLP* Moderator: John Blum; *Loyola University of Chicago School of Law*
9:45 – 10:00 a.m.	**Networking Break**
10:00 – 11:00 a.m.	**Break-out Session 1** **e-Discovery: What does it Mean for You?** Joe Fournier, J.D., C.P.A.; *ChartOne Inc.* This session looks at a complicated legal topic and breaks it down into easy-to-understand language using cases to illustrate. It includes what led to the creation of the new rules, rules required today, best ways to comply and how the law might be expected to change as technology evolves. **Break-out Session 2** **Records Management and Litigation** Michael C. Theis; *Partner, Hogan & Hartson, LLP* This session will tackle some of the gnarly problems that can arise in healthcare litigation, including issues involved in responding to subpoenas, implementing litigation holds, handling Protected Health Information in discovery, working with outside counsel on document production, and admitting health records, including electronic health records, at trial. There will be a special emphasis on dealing with health records in investigations and prosecutions brought by the government.
11:00 a.m. – 12:00 p.m.	**Break-out Session 1** **Advanced Legal Considerations for the EHR – FRCP & Security** Barry S. Herrin, JD, FACHE; *Smith Moore LLP* Security and the e-Discovery – are they complimentary or competing concerns? This session looks at the HIPAA Security Rule, the Federal Rules of Evidence concerning e-discovery, and the current issues surrounding the development of a "legal" EHR and provides information about how to harmonize these complimentary and competing concerns. **Break-out Session 2** **Development of a Legal Hold Policy and Procedure** Nigel McClammy; *Denver Health* Keith Olenik, RHIA; *The Olenik Consulting Group* This session provides a "real-life" example of how one organization is preparing for electronic discovery and the requirement of implementing a legal hold. Attendees will be provided with recommendations on how to develop their own strategy for legal holds based on Denver Health's experience.
12:00 – 1:00 p.m.	**Lunch: Information Networking Discussions**

1:00 - 2:00 p.m. **Legal EHR and e-Evidentiary Issues: Early Focus on Authentication & Custodianship**
Kimberly Baldwin-Stried, MBA, MJ, RHIA; *KBS Consulting-LCTA*
Katherine L. Ball, MD; *Johns Hopkins University*
Kevin Brady, Esquire; *Connolly Bove Lodge & Hutz, LLP*
Authentication provides a means to determine that the evidence is what the proponent claims it to be. Experts of the L-EHR systems need to provide evidence of the integrity and trustworthiness of the media and computer systems they used to generate the computer output of an EHR.

1:00 - 2:00 p.m. **Computer Forensics**
Cuyler Robinson, EnCE, CISSP; *Navigant Consulting, Inc.*
Attendees will learn how computer forensics relates to healthcare systems and electronic health records. This overview session will cover computer forensic examinations and the possible findings from an examination; providing attendees knowledge on a situation they may one day be required to address.

2:00 – 3:00 p.m. **Break-out Session 1**
Reducing the Costs of e-Discovery
Norman P. Jeddeloh, Attorney at Law; *Arnstein & Lehr, LLP*
Gerald DeLoss, Attorney; *Gray Plant Mooty*
Often the costs of e discovery responses are greatly increased because of missteps in the process. This presentation will explore means to reduce those costs through effective identification of search terms, search locations, search tools, and production formatting. It will explore the use of search best practices to assist in the defense of the inevitable motion to compel to avoid a court ordered re-search.

Break-out Session 2
e-Discovery: Case Application
Jean Bishop and Ritchie Miller; *Deloitte Financial Advisory Services LLP*
This session provides a data driven and computer forensic based overview of the e-Discovery process. Through discussion of mock case examples, we focus on specific questions and practical aspects of the process.

3:00 - 3:30 p.m. **What's Next? The Emerging Issues for e-Discovery and the Legal EHR**
Don't miss this final session where you hear from leading experts who put on their prognosticator hat and tell you what challenges and issues they believe are around the corner. A must attend in planning your next steps.

Total CEUs: 14