

# EHR Forum

## February 17, 2011

### Meeting Summary

#### Participants

Jay Caturia, Winchester Hospital  
Thomas Ciano, USI  
Patricia Cox, Steward Health Care (nee Caritas Christi)  
Jory Curran, New England Quality Care Alliance  
Robert Dupuis, Concordant  
Irene Germano, Emerson Hospital  
Myrna Jean-Charles, MACIPA  
Barbara Lund, Massachusetts eHealth Collaborative  
Ginger Lyons deNeufville, MACIPA  
Paula Magnanti, Strategic Healthcare Solutions  
Trish Manning, MACIPA  
Debbie McDonough, USI  
Allison Perkins, Beth Israel Deaconess Medical Center  
Ann Rosas, Regis College  
Craig Schneider, Mass. Health Data Consortium  
Nakhle Tarazi, MD, Steward Health Care and Mass. Health Data Consortium  
Paula Touliopoulos, MD, Diagnostic Radiology  
Janie Tremlett, Concordant  
Darlene Venditelli, PPOC

#### Summary

##### *Welcome and Announcements*

**Ginger Lyons deNeufville**, Executive Director, Mt. Auburn Cambridge IPA  
**Craig Schneider**, Director of Healthcare Policy, Mass. Health Data Consortium

The Consortium will be working with the Massachusetts e-Health Institute to put on the Governor's Conference on Health Information Technology, May 9-10 in Worcester. The first day will be plenary sessions in the ballroom with nationally-known speakers, and the second day will be workshops on topics such as patient consent, Regional Extension Centers, payment reform, and telemedicine. Exhibitor registration is opening in early March, and attendee registration will open by the end of March. A flyer with further information is attached.

The MHDC Year in Review 2010 was released on February 4<sup>th</sup>. An electronic version is attached, and please see this document to learn about the many activities that the Consortium conducts. We also encourage all attendees of the EHR Forum to become members, and appreciate the support of those who are already members.

#### *Project on Patient Experience of Care with EHRs*

**Nakhle Tarazi, MD**, Physician, Steward Health Care/Caritas Christi; Elliot M. Stone Intern, Mass. Health Data Consortium

Dr. Tarazi is the Consortium's Elliot M. Stone Intern for 2010-11. The MHDC Board created this internship program to honor Elliot's memory, and Dr. Tarazi is the fifth participant in the program. His project is to learn about the patient experience of care when EHRs are implemented (please see the handouts). He is seeking practices that have implemented EHRs within the last six months – three years that are willing to have him interview patients on a Friday between now and May. If one of your practices may be able to host his interviews, please contact him at [Tarazi.n@husky.neu.edu](mailto:Tarazi.n@husky.neu.edu).

#### *Risk Assessment for Meaningful Use*

**Robert Dupuis**, Practice Director for Infrastructure and Security, Concordant

(please see handout)

Practices need to be aware of the privacy and security risks as they implement EHRs and try to meet the meaningful use criteria. Lost records can average \$282 per record in costs to an organization, which means that a breach involving hundreds of thousands of patients could cost more than \$1 million. Complexity is the enemy of security. Do not assume that your risk assessment from five years ago applies to today – a lot has changed in the interim.

Discussion:

Q: What drives risk for individual practices?

A: The office manager tends to drive compliance, privacy, and security, and the physical layout is a factor as well.

Q: This work is resource-intensive. Are there templates or checklists for policies and procedures to make it easier?

A: Yes, there are self-assessment templates. The Massachusetts 201 checklist is a good one, and may be found at the mass.gov website. It is probably best to develop these at the group level and then drive it down to the practice level.

Comment: Barbara Lund said that the New York Regional Extension Center has recently developed a template, and it is attached to this summary.

Q: Shouldn't there be an assessment at the state and federal level, where this data is being aggregated?

A: That is an excellent point.

#### *Cyber Liability Coverage*

**Tom Ciano**, Senior Vice President, USI New England  
**Deb McDonough**, Senior Vice President, USI New England

(please see handout)

The number of breaches has been constant in recent years, but the number of records per breach has risen dramatically. The cyber liability field is a new marketplace, and products can be tailored to the organization. The underwriting process may be intrusive, but it is somewhat less so than a few years ago. It is a lengthy process, and information technology is integral to the underwriting analysis. Make sure that your policies cover paper as well as electronic records.

Discussion:

Q: Do non-profits have a different level of liability than for-profits?

A: They have the same liability, but the Attorney General has discretion regarding how aggressively to prosecute. The Massachusetts AG is currently more focused on education than on prosecution.

Q: Practices are dealing with the move from self-hosted to remote-hosted data. Is there wrap-around coverage that protects you from remote host errors?

A: Your organization is ultimately responsible. If the vendor errs, the physician practice will have to litigate to recover damages. Your biggest exposure is third-party contracts.

Q: Do we have to renegotiate contracts that were signed before Mass. 201 was enacted? The switching costs from one EHR vendor to another is huge, so it is hard to threaten to drop them.

A: The vendors are also subject to the law and regulations, but it is up to you to perform due diligence.

Q: One of the meaningful use criteria is to give patients an electronic version of their chart. How do we do this safely and efficiently?

A: An encrypted flash drive or a patient portal would probably be best.

Q: What if the patient loses the flash drive?

A: Once it is in the patient's hands and not in transit, there should be no liability.

### *Next Meeting*

The next meeting of the EHR Forum will be held on Thursday, April 28<sup>th</sup>, 8:30 – 10:30 at the Consortium's office. The agenda will be sent out in late March, but we will reserve at least half of the meeting for the Roundtable on Sharing of Tools to Prepare Practices for Meaningful Use.