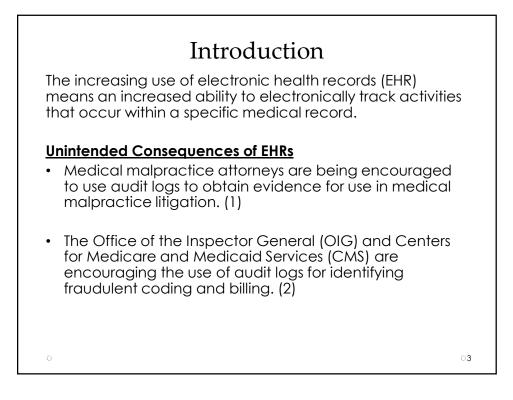
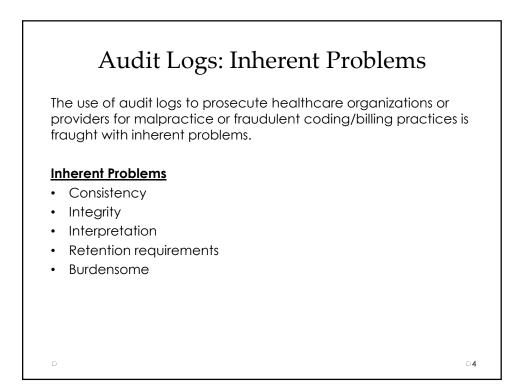
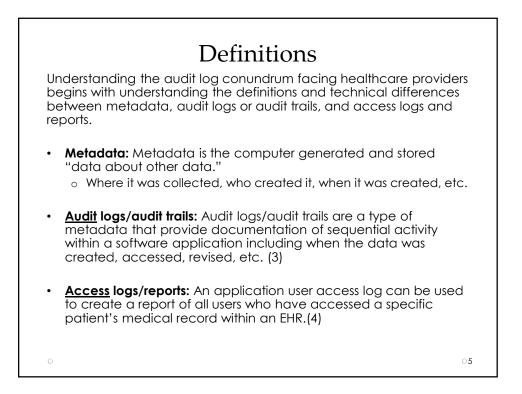
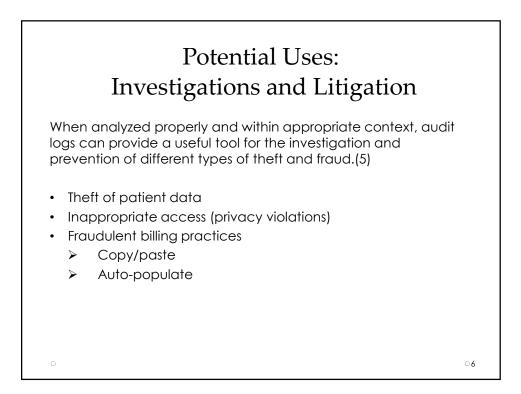


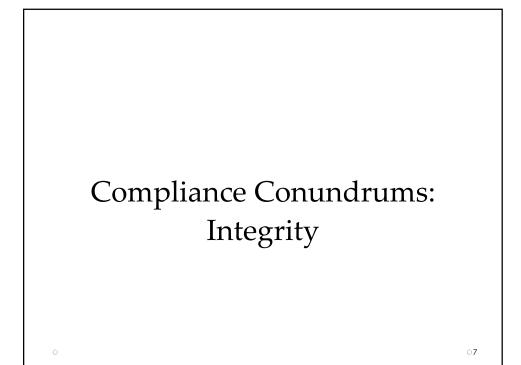
Prologue
ACME Health System: December 2012
<ul> <li>Patient: Sixteen year old boy who suffered hemorrhagic stroke is undergoing repair of the malformed vein mass. During embolization of the malformed vein mass a tragic medical error occurred.</li> </ul>
<ul> <li>Prognosis: Lifetime paralysis, aphasia, memory loss, impaired cognitive function.</li> </ul>
<ul> <li>Litigation: Electronic health record (EHR) and accompanying audit logs requested during discovery.</li> </ul>
• <b>The physician:</b> Found guilty of medical malpractice due to a failure to calibrate equipment.
• <b>Evidence:</b> The electronic health record (EHR) audit logs indicate a failure to calibrate equipment before the procedure.
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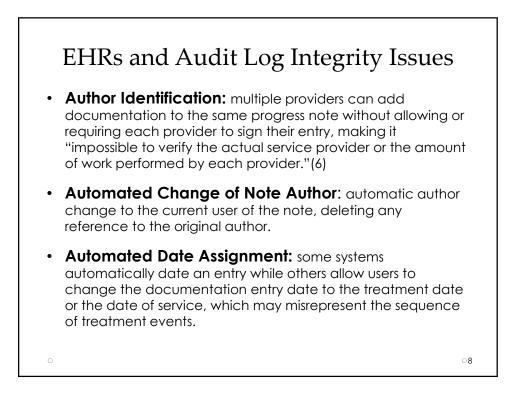


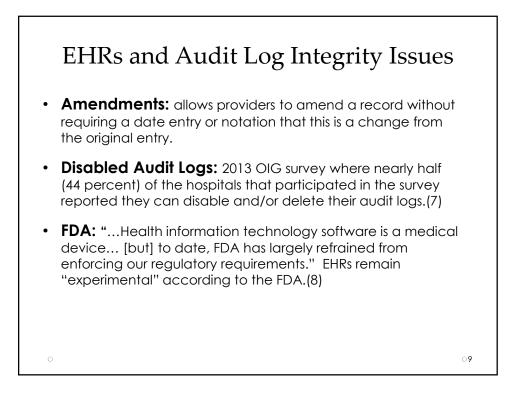














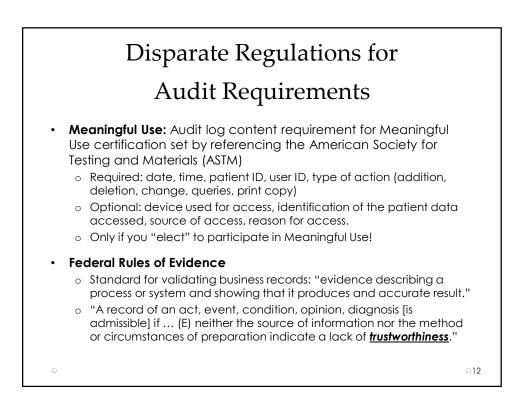
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## Disparate Regulations for

## Audit Requirements

- HIPAA Security Rule: Requires "audit controls" by implementing "hardware, software, and/or procedural mechanisms that record and examine activity in information systems that contain or use electronic protected health information."
  - Does not specify how this should be accomplished, or who should examine the data. Different employee functions may recognize different problems: IT may recognize hacking, but miss fraudulent billing issues or clinical data integrity issues.

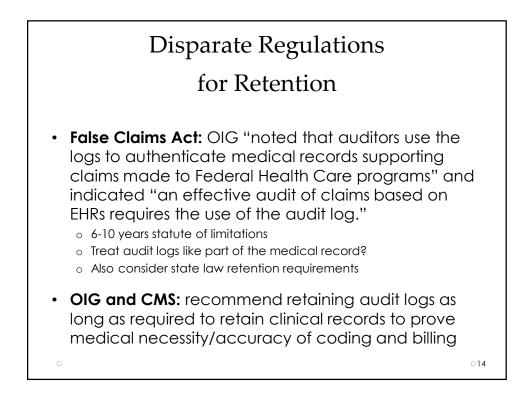
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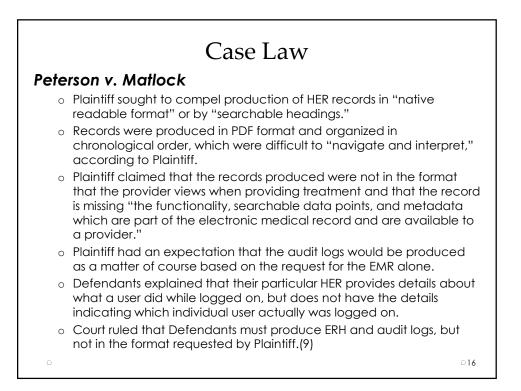


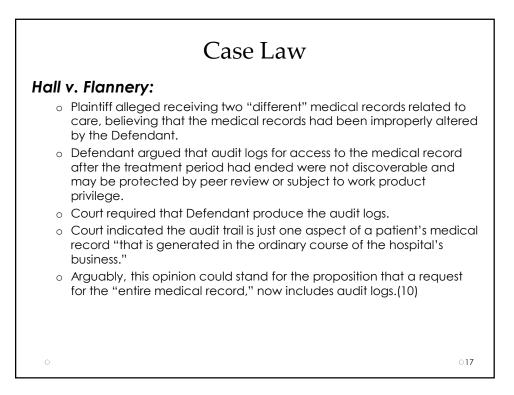
- HIPAA Security Rule: 6 year retention requirement is for documentation created pursuant to the rule (i.e., incident reports, policies, sanctions, etc.)
- HITECH: Accounting of Disclosures requirement vs. access report
   Accounting of Disclosures 6 years
  - Access Report disclosures through an EHR 3 years
- Meaningful Use:
  - Audit log retention requirement 6 years
  - o But, participation in Meaningful Use is voluntary

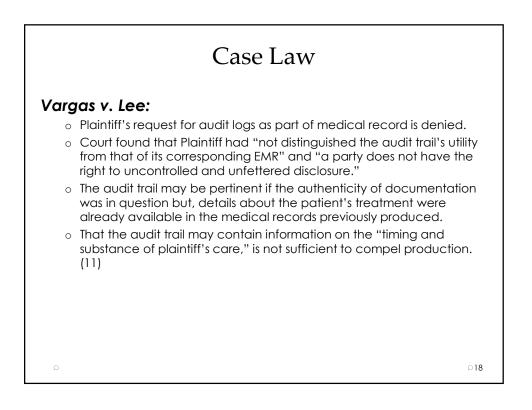
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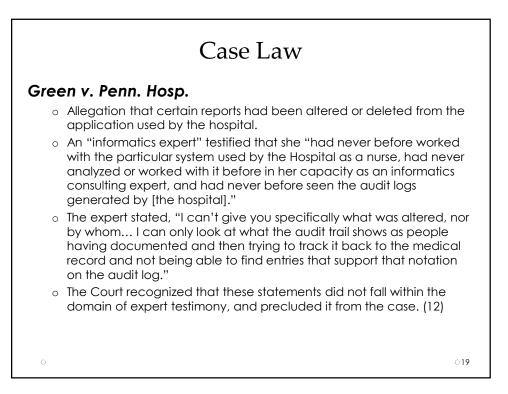


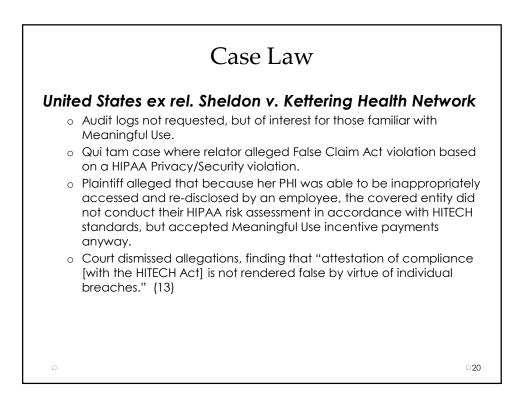






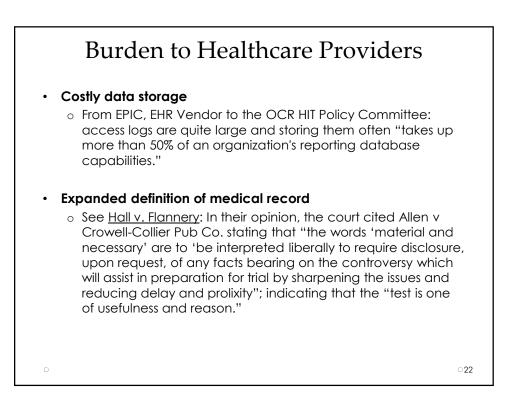


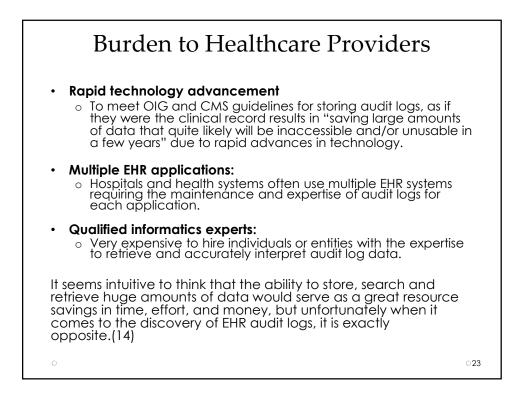


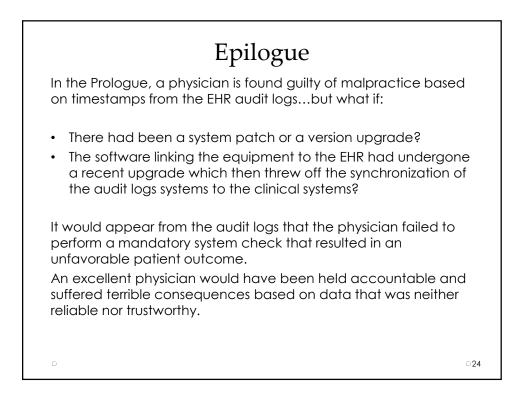


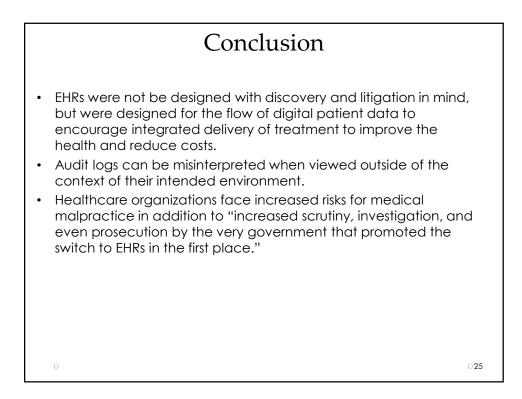
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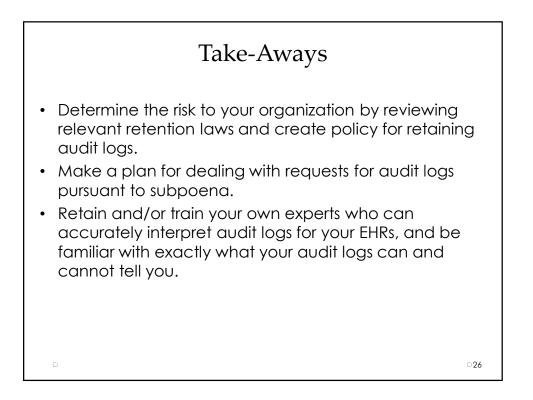


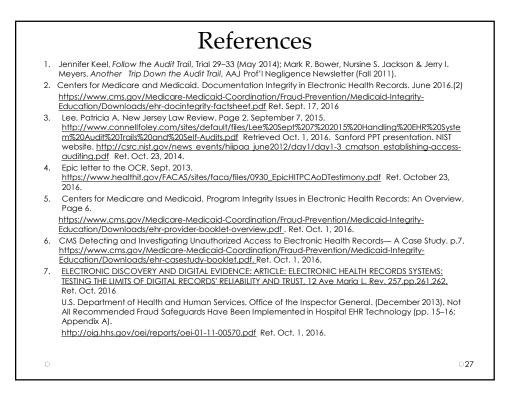












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