


Analog Records In A Digital Age -- Pitfalls for Discovery Involving Electronic Health Records

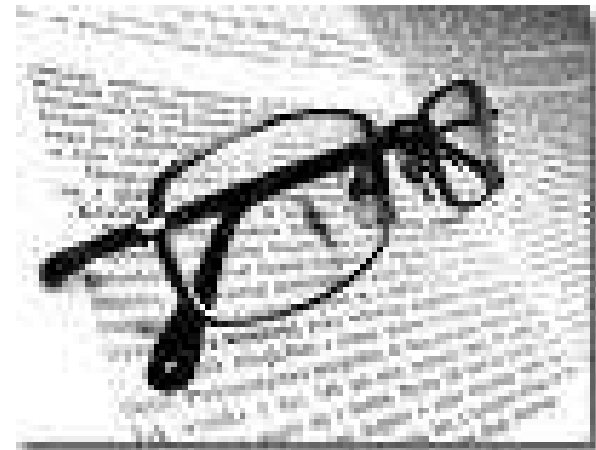
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Associate General Counsel
MultiCare Health System, Tacoma, WA**



New eDiscovery Rules

Comprehensively Address
Electronic Discovery
For All Federal Court
Actions

Expect State-Equivalents
Soon

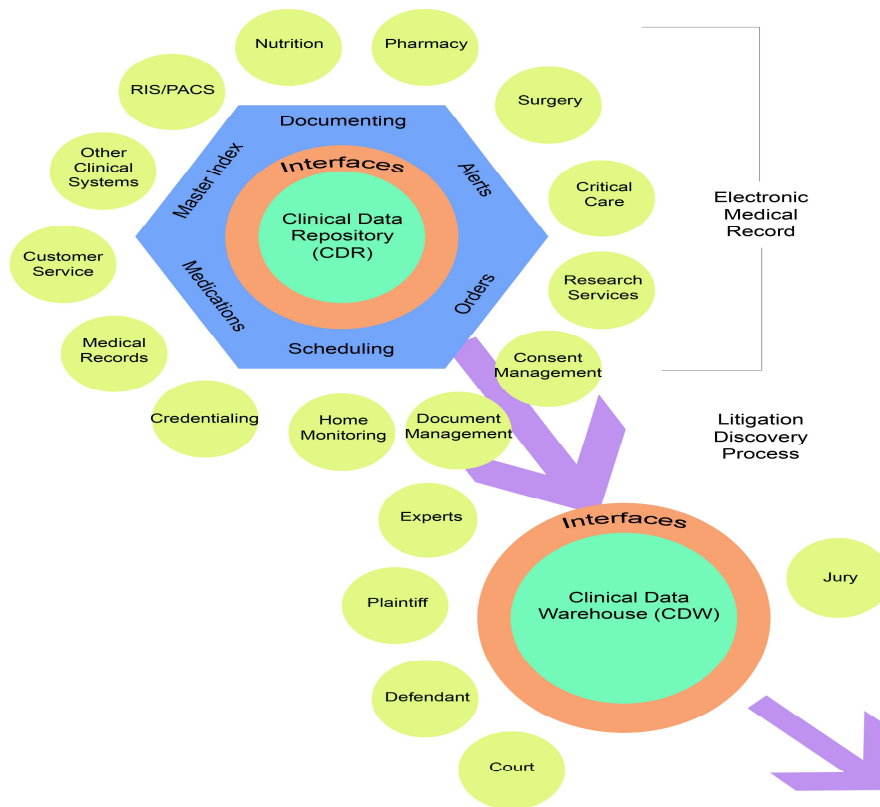


It Takes A Village?

Or: What does
any of this have
to do with me?

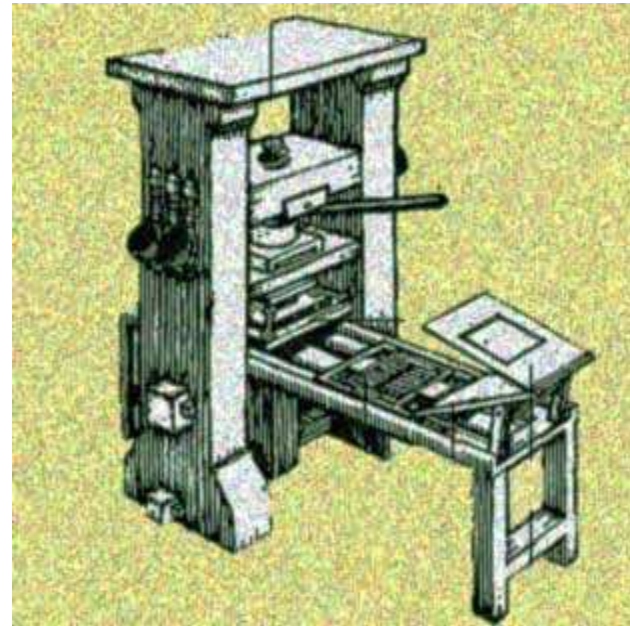


Sources of Legal Medical Record:



What's going on?

- Rapid Expansion of Electronic Health Records
- Courts Catching Up With Digital World
- Dramatic Events Involving Discovery Abuse



Lawyers & Judges Playing Catch Up

- eDiscovery Rules Emerging
- Historically tried to treat digital records much like paper predecessors
 - All output to paper?
 - Digital format?
 - Costs? Who should bear the burden?
 - Disruption?

Discovery Abuse Seemingly Rampant

- *Zubulake v. UBS Warburg*
 - Famous (Infamous!) Discovery Abuse Case
 - Millions invested
 - Court Sanctions – Increasing Severity
- *KPMG - Intentional Concealment?*
- *Enron – Fire Up the Shredders?*

Sarbanes-Oxley

- "I feel like a bad storm's coming, and I don't know what it is or when it's going to hit," the CIO said
- Imposes penalties of fines and/or up to 20 years imprisonment for *altering*, *destroying*, mutilating, concealing, falsifying records, documents or tangible objects with the intent to obstruct, impede or influence a legal investigation.



"Time Out Rule"

- *Zenith Radio Corp. v. Matsushita Electric Industrial Co.*, 478 F. Sup. 889, 959 (E.D. Pa. 1971).
- http://www.texasbar.com/saywhat/weblog/buchmeyer_article_archive/Feb83.asp
- See page 25 of your handout

Do You Remember When?



Currently Civil Rule 34 Allows Any Party to Inspect & Copy:

Writings, drawings, graphs, charts, photographs, phonorecords, and *other data compilations from which information can be obtained*, translated, if necessary, by the respondent through detection devices into reasonably usable form

New CR 34 allows access to:

- any designated documents or **electronically stored information** — including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations **stored in any medium** from which information can be obtained

And Companion Rules Speak Directly to “Form” of Access:

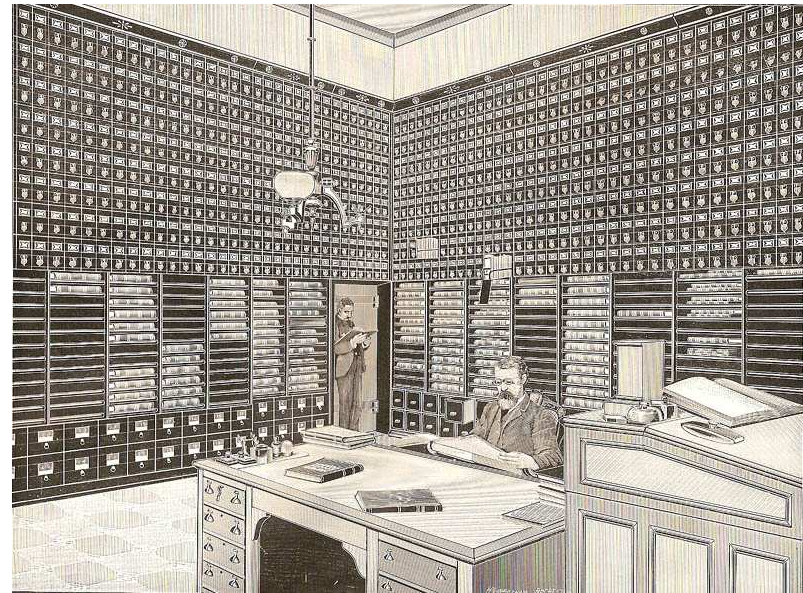
- If a request does not specify the form or forms for producing electronically stored information, a responding party must produce the information in a form or forms **in which it is ordinarily maintained** or in a form or forms that are **reasonably usable**

Rule 26 Imposes New Burdens On All Parties:

- **A party must now, without awaiting a discovery request, provide to other parties a copy of, or description by category and location of, electronically stored information.**

Think About That:

- Description By
 - Category
 - Location
- Of:
 - Electronically Stored Information
- Can you do this now?



What Are They Really Asking For?

Metadata is data *about* data

- How Much Metadata In Print Documents?
- Increasing Application of Document Search Tools

```
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68.36775610831316 -65.5776070108278 -62.78735179896306 -59.99702010849129 -
57.20663152764324 -54.4161995260862 -51.625733674938246 -48.83524096625058 -
46.044726631101675 -43.254194665350944 -40.46364817811503 -37.67308962904533 -
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```

But What About Other Elements?

Compare A Single Lab Encounter to
the Printed Output of that Event:

“I wonder if
Mickey’s labs are
back?”



Check Inbox: Results Pending: High Priority Matter Waiting

The screenshot displays a web-based medical information system interface. The main window is titled "Hyperspace - INFORMATION SERVICES - MMG Release". The navigation bar includes options like "Desktop", "Action", "Patient Care", "Scheduling", "CRM/CM", "Reports", and "Tools". A secondary navigation bar contains "Back", "Forward", "Home", "Schedule", "Chart", "Encounter", "Tel Enc", "Refill Enc", "In Basket", "Patient Lists", "Staff Msg", and "Secure".

The "In Basket" section is active, showing a list of results. The table below summarizes the data shown in the interface:

P	Status	Visit	Patient	Enc Type	Test	New	Results	Rslt Date	P	Prov
	New	09/13/2...	Mouse, Mickey M	Office V...	TSH REFLEX FT4: CBC...	2	2 of 6	09/13/2...		Joh

Below the table, a "Results" summary is provided:

Counts	New	Total
	1	1

A legend explains the symbols used in the interface:

- High Priority (Red exclamation mark)
- Low Priority (Blue downward arrow)
- Abnormal (Purple diamond)
- Previous Abnormal (Blue circle)
- Carbon Copy (Pink X)
- Work Assigned To You (Green plus)
- Work Taken By You (Blue plus)
- Work Assigned To Your Pool (Green plus)
- Work Taken By Others (Green minus)

Abnormal Lab Results for Mickey:

Epic Hyperspace - INFORMATION SERVICES - MMG Release

Desktop Action Patient Care Scheduling CRM/CM Reports Tools Help

Back Forward Home Schedule Chart Encounter Tel Enc Refill Enc In Basket Patient Lists Staff Msg Secure Print Log Out

Home Mouse, Mickey M

Mouse, Mickey M Age Sex DOB MRN Allergies Type PCP Alerts INS MyChart
 45 yea M 12/27/1960 1378339 No Known Drug Allergy (None)* HAWKINS, RIC* HM 23:REGENCE Inactive

Lab Report Close X

Results CBC WITH DIFF (Order# 22327593)

Result Status Information **Abnormal** Final result (9/13/2006 4:22 PM) **Provider Status** Open

Component Results	Component	Value	Range	Status
	WBC	5.3	4 - 12 th/mm3	
	RBC	5.5	4.5 - 6 mil/mm3	
	Hgb	16.5	14 - 18 g/dL	
	Hct	48	40 - 54	
	MCV	99 (A)	80 - 98 fL	
	MCH	32.4	27 - 33 pg	
	MCHC	34.3	32 - 37 %	
	RDW	11 (A)	11.5 - 15	
	Pit	301	150 - 450 th/mm3	
	Differential type:	Automated		
	Neuts	50.1	45 - 77 %	
	Lymphs	35.4	12 - 44 %	
	Monos	13.0	4.0 - 13.0 %	
	Eos	1.4	0.0 - 5.0 %	
	Basos	1.0	0.0 - 1.5 %	
	Abs neuts	2.5	1.8 - 7.8 th/mm3	
	Abs lymphs	1.8	0.8 - 3.3 th/mm3	
	Abs monos	0.5	0.2 - 1.0 th/mm3	

Exit Workspace Back Links Copy Refresh Print

FRANK 4:40 PM

Let's Go To The Chart for Review:

The screenshot displays a web-based medical information system. The main window is titled "Hyperspace - INFORMATION SERVICES - MMG Release". The interface includes a navigation menu with options like "Desktop", "Action", "Patient Care", "Scheduling", "CRM/CM", "Reports", and "Tools". A toolbar contains various icons for actions such as "New Msg", "Refresh", "Sgit", "Search", "Display", "Properties", "Reply", "Forward", "Doge", "Review", "Tel Enc", "Letter", "Reflex", "Rslt Note", and "Dial".

The central area shows a list of results for a patient named Mickey M. Mouse, dated 09/13/2006. The results are categorized by "Status" (Read), "Visit" (09/13/2006), "Patient" (Mouse, Mickey M), "Enc Type" (Office Visit), "Test" (TSH REFLEX FT4: CBC Wl...), "New" (2), "Results" (2 of 6), "Rslt Date" (09/13/2006), and "Prov" (John).

Below the list, a detailed view of the patient's chart is shown. The patient's ID is 1378339, name is Mouse, Mickey M, and birth date is 12/27/1960. The chart status is "Inactive".

The lab results are for a "CBC WITH DIFF [85025A]" with order number 22327593. The final result is "9/13/2006-Abnormal, Open". The results are as follows:

Component	Value	Flag	Low	High	Units	Stat
WBC	5.3		4	12	th/mm3	
RBC	5.5		4.5	6	mil/mm3	
Hgb	16.5		14	18	g/dL	
Hct	48		40	54		
MCH	99	A	80	98	fL	
MCHC	32.4		27	33	pg	
MCHC	34.3		32	37	%	
RDW	11	A	11.5	15		
Plt	301		150	450	th/mm3	

Let's Document The Review:

The screenshot shows a web-based medical application window titled "Hyperspace - INFORMATION SERVICES - MMG Release". The interface includes a menu bar with options like "Desktop", "Action", "Patient Care", "Scheduling", "CRM/CM", "Reports", and "Tools". Below the menu is a navigation bar with icons for "Back", "Forward", "Home", "Schedule", "Chart", "Encounter", "Tel Enc", "Refill Enc", "In Basket", "Patient Lists", "Staff Msg", and "Secure".

The main content area is titled "Results - 1 New of 1" and contains a table with the following data:

P	Status	Visit	Patient	Enc Type	Test	New	Results	Rsult Date	P	Prov
!	Read	09/13/2006	Mouse, Mickey M	Office Visit	TSH REFLEX FT4: CBC.Wl...	2	2 of 6	09/13/2006		John

Below the table, there is a section titled "In Basket Hotkey List" with the following information:

1378339 Mouse, Mickey M 12/27/1960 M

MyChart Status: Inactive

CBC WITH DIFF [85025A] Order #: 22327593
 Final result: 9/13/2006-Abnormal, Open

Component	Value	Flag	Low	High	Units	Stat
WBC	5.3		4	12	th/mm3	
RBC	5.5		4.5	6	mil/mm3	
Hgb	16.5		14	18	g/dL	
Hct	48		40	54		
MCV	99	A	80	98	fL	
MCH	32.4		27	33	pg	
MCHC	34.3		32	37	g/dL	
RDW	11	A	11.5	15		
Plt	301		150	450	th/mm3	

Links for "Details:22327593" and "Routing:22327593" are provided at the bottom right of the results section.

Badabing:

EDM Hyperspace - INFORMATION SERVICES - MMG Release

Desktop Action Patient Care Scheduling CRM/CM Reports Tools Help

Back Forward Home Schedule Chart Encounter Tel Enc Refill Enc In Basket Patient Lists Staff Msg Secure Print Log Out

Home Mouse, Mickey M

Mouse, Mickey M Age: 45 yea Sex: M DOB: 12/27/1960 MRN: 1378339 Allergies: No Known Drug Allergy Type: (None)* HAWKINS, RIK* Alerts: HM 23:REGENCE INS: Inactive MyChart

Snapshot Chart Review - filtered (records loaded: 22 (more records to load), records satisfying filter: 22) Last refresh: 04:34 PM

Chart Review

Results Review

Flowsheets

Problem List

History

Letters

Demographics

Graphs

Growth Chart

Health Mainten...

MyChart Result...

Hotkey List

Exit Workspace

Encs Labs Imaging Procs ECG Other Orders Meds Episodes Letters Notes/Trans Referrals Misc Reports

Date/Time	Test	Status	Encounter Type
09/13/2006 4:2...	UA MICROSCOPIC (NO CULTURE)	In process	Office Visit
09/13/2006 4:2...	TSH REFLEX FT4	Final result	Office Visit
09/13/2006 4:2...	CBC WITH DIFF	Final result	Office Visit
09/13/2006 3:4...	UA CULTURE IF INDICATED		Office Visit
09/13/2006 3:4...	CHEMSCREEN 18		Office Visit
09/13/2006 3:4...	LIPID PANEL		Office Visit
10/14/2005 10:4...	UA CULTURE IF INDICATED	Final result	Office Visit
10/14/2005 10:4...	UA MICROSCOPIC (NO CULTURE)	Final result	Office Visit
10/14/2005 10:3...	CBC WITH DIFF	Final result	Office Visit
10/14/2005 10:3...	CHEMSCREEN 18	Final result	Office Visit
10/14/2005 10:3...	LIPID PANEL	Final result	Office Visit
10/14/2005 10:3...	TSH REFLEX FT4	Final result	Office Visit
10/14/2005 10:2...	URINE CULTURE	Final result	Orders Only
10/14/2004 4:0...	UA CULTURE IF INDICATED	Final result	Office Visit
10/14/2004 4:0...	CBC WITH DIFF	Final result	Office Visit
10/14/2004 4:0...	CHEMSCREEN 18	Final result	Office Visit
10/14/2004 4:0...	LIPID PANEL	Final result	Office Visit
10/14/2004 4:0...	TSH REFLEX FT4	Final result	Office Visit
04/09/2003 10:3...	UA CULTURE IF INDICATED	Final result	Office Visit
04/09/2003 10:3...	CBC WITH DIFF	Final result	Office Visit
04/09/2003 10:3...	CHEMSCREEN 18	Final result	Office Visit
04/09/2003 10:3...	LIPID PANEL	Final result	Office Visit

Applied Filters: Canceled Orders(default) Refresh

FRANK Results 4:34 PM

Let's Sort Results by Test Type:

The screenshot displays the Epic Hyperspace interface for a patient named Mickey M. The patient's information includes: Age 45, Sex M, DOB 12/27/1960, MRN 1378339, Allergies (None), Type HAWKINS, RIC, Alerts HM, INS 23-REGENCE, and MyChart Inactive. The interface shows a 'Chart Review - filtered' window with 22 records. The 'Labs' tab is selected, and a table of lab results is displayed. The table has columns for Date/Time, Test, Status, and Encounter Type. The results are sorted by test type, showing CBC WITH DIFF, CHEMSCREEN 18, LIPID PANEL, TSH REFLEX FT4, and UA CULTURE IF INDICATED. A yellow bar at the bottom indicates 'Applied Filters: Canceled Orders(default)'. The status bar at the bottom shows 'FRANK' and '4:37 PM'.

Date/Time	Test	Status	Encounter Type
09/13/2006 4:2...	CBC WITH DIFF	Final result	Office Visit
10/14/2005 10:3...	CBC WITH DIFF	Final result	Office Visit
10/14/2004 4:0...	CBC WITH DIFF	Final result	Office Visit
04/09/2003 10:3...	CBC WITH DIFF	Final result	Office Visit
09/13/2006 3:4...	CHEMSCREEN 18		Office Visit
10/14/2005 10:3...	CHEMSCREEN 18	Final result	Office Visit
10/14/2004 4:0...	CHEMSCREEN 18	Final result	Office Visit
04/09/2003 10:3...	CHEMSCREEN 18	Final result	Office Visit
09/13/2006 3:4...	LIPID PANEL		Office Visit
10/14/2005 10:3...	LIPID PANEL	Final result	Office Visit
10/14/2004 4:0...	LIPID PANEL	Final result	Office Visit
04/09/2003 10:3...	LIPID PANEL	Final result	Office Visit
09/13/2006 4:2...	TSH REFLEX FT4	Final result	Office Visit
10/14/2005 10:3...	TSH REFLEX FT4	Final result	Office Visit
10/14/2004 4:0...	TSH REFLEX FT4	Final result	Office Visit
09/13/2006 3:4...	UA CULTURE IF INDICATED		Office Visit
10/14/2005 10:4...	UA CULTURE IF INDICATED	Final result	Office Visit
10/14/2004 4:0...	UA CULTURE IF INDICATED	Final result	Office Visit
04/09/2003 10:3...	UA CULTURE IF INDICATED	Final result	Office Visit
09/13/2006 4:2...	UA MICROSCOPIC (NO CULTURE)	In process	Office Visit
10/14/2005 10:4...	UA MICROSCOPIC (NO CULTURE)	Final result	Office Visit
10/14/2005 10:2...	URINE CULTURE	Final result	Orders Only

Let's Compare Today's Results To Mickey's Prior Tests:

Epic Hyperspace - INFORMATION SERVICES - MMG Release

Desktop Action Patient Care Scheduling CRM/CM Reports Tools Help

Back Forward Home Schedule Chart Encounter Tel Enc Refill Enc In Basket Patient Lists Staff Msg Secure Print Log Out

Home Mouse, Mickey M

Mouse, Mickey M Age Sex DOB MRN Allergies Type PCP Alerts INS MyChart
 45 yea M 12/27/1960 1378339 No Known Drug Allergy (None)* HAWKINS, RIC* HM 23:REGENCE Inactive

Snapshot Laboratory Results Close X

Component	Reference Range	4/9/2003	10/14/2004	10/14/2005	9/13/2006
WBC	4-12 th/mm3	5.9	7.1	5.3	5.3
RBC	4.5-6 mil/mm3	5.40	5.19	5.09	5.5
Hgb	14-18 g/dL	17.1	16.5	16.5	16.5
Hct	40-54	51.0	49.2	48.0	48
MCV	80-98 fL	94.5	94.9	94.3	99 (A)
MCH	27-33 pg	31.7	31.8	32.4	32.4
MCHC	32-37 %	33.6	33.5	34.3	34.3
RDW	11.5-15	11.4 (L)	11.7	12.3	11 (A)
Plt	150-450 th/mm3	257	310	301	301
Differential type		Automated	Automated	Automated	Automated
Neuts	45-77 %	55.7	66.2	50.1	50.1
Lymphs	12-44 %	29.8	22.6	35.4	35.4
Monos	4.0-13.0 %	12.9	8.0	12.0	13.0
Eos	0.0-5.0 %	1.3	1.0	1.4	1.4
Basos	0.0-1.5 %	0.3	2.2 (H)	1.1	1.0
Abs neuts	1.8-7.8 th/mm3	3.2	4.6	2.6	2.5
Abs lymphs	0.8-3.3 th/mm3	1.8	1.6	1.9	1.8
Abs monos	0.2-1.0 th/mm3	0.8	0.6	0.6	0.5
Abs eos	0.0-0.4 th/mm3	0.1	0.1	0.1	0.1
Abs basos	0.0-0.2 th/mm3	0.0	0.2	0.1	0.1

Value of selected cell: 5.9

Key ● Abnormal/Panic Dates in Columns Rows Copy to Clipboard Print Flowsheet Graph Region

Exit Workspace

FRANK 4:38 PM

Now, Let's Compare With the Print Output Of Mickey's Labs:

Results		CBC WITH DIFF (Order# 22327593)		
Result Information	Status Abnormal	Final result (9/13/2006 4:22 PM)		Provider Status Open
Component Results	Component	Value	Range	Status
	WBC	5.3	4 - 12 th/mm3	
	RBC	5.5	4.5 - 6 mil/mm3	
	Hgb	16.5	14 - 18 g/dL	
	Hct	48	40 - 54	
	MCV	99 (A)	80 - 98 fL	
	MCH	32.4	27 - 33 pg	
	MCHC	34.3	32 - 37 %	
	RDW	11 (A)	11.5 - 15	
	Plt	301	150 - 450 th/mm3	
	Differential type	Automated		
	Neuts	50.1	45 - 77 %	
	Lymphs	35.4	12 - 44 %	
	Monos	13.0	4.0 - 13.0 %	
	Eos	1.4	0.0 - 5.0 %	
	Basos	1.0	0.0 - 1.5 %	
	Abs neuts	2.5	1.6 - 7.8 th/mm3	
	Abs lymphs	1.8	0.8 - 3.3 th/mm3	
	Abs monos	0.5	0.2 - 1.0 th/mm3	
	Abs eos	0.1	0.0 - 0.4 th/mm3	
	Abs basos	0.1	0.0 - 0.2 th/mm3	
My MultiCare Status:	This result is currently not released to My MultiCare through MyChart.			
Reviewed by List	Reviewed By JOHNSON, FRANK on Wed Sep 13, 2006 4:34 PM			
Order		CBC WITH DIFF [85025A] (Order# 22327593)		
Patient Information	Patient Name Mouse, Mickey M	Sex Male	DOB 12/27/1960	SSN xxx-xx-3210
Order Information	Order Date 9/13/2006	Ordering User Frank Johnson	Department Kent Fp	
Order Providers	Authorizing Provider Frank Johnson		Billing Provider Frank Johnson	
Document List	Order Document List			

Which Do You Prefer?

- Online Access?
- Print Version?



Result Information		Status	Final result (9/13/2008 4:32 PM)		Provider Status
Abnormal					Open
Component Results	Component	Value	Range		Status
	WBC	6.5	4 - 12 $\times 10^9/L$		
	RBC	5.5	4.5 - 6 $\times 10^{12}/L$		
	Hgb	16.5	14 - 18 g/dL		
	Hct	48	40 - 54 %		
	MCV	85 (A)	80 - 98 fL		
	MCH	32.4	27 - 33 pg		
	MCHC	34.3	32 - 37 %		
	RDW	11 (A)	11.6 - 16 %		
	PL	301	150 - 450 $\times 10^9/L$		
	Differential type	Automated			
	Neut	60.1	45 - 77 %		
	Lymph	36.4	12 - 44 %		
	Mon	13.0	4.0 - 13.0 %		
	Eos	1.4	0.0 - 5.0 %		
	Bas	1.0	0.0 - 1.5 %		
	Abn neut	2.5	1.8 - 7.8 $\times 10^9/L$		
	Abn lymph	1.6	0.8 - 3.3 $\times 10^9/L$		
	Abn mono	0.5	0.2 - 1.0 $\times 10^9/L$		
	Abn eos	0.1	0.0 - 0.4 $\times 10^9/L$		
	Abn bas	0.1	0.0 - 0.2 $\times 10^9/L$		
My MultiCare Status: This result is currently not released to My MultiCare through MyChart.					
Reviewed by List		Reviewed By: JOHNSON, FRANK on Wed Sep 13, 2008 4:34 PM			
Order		CBC WITH DIFF [85025A] (Order# 22327593)			
Patient Information	Patient Name: Mouse, Mickey A	Sex: Male	DOB: 12/27/1960	SSN: XXX-XX-3210	
Order Information	Order Date: 9/13/2008	Ordering User: Frank Johnson	Department:	Department: Karl Fp	
Order Providers	Authorizing Provider: Frank Johnson	Billing Provider: Frank Johnson			
Document List	Order Documents List				

All Is Not Lost

- Still Potential For Courts To Weigh the Burden

BUT:

- Increasingly, courts are expanding access and shifting, at least initially, the burden and cost of providing access to the party who owns or controls the data

Developers & End-Users Must Collaborate:

Developing Criteria:

- Requires planning and intentional design
- Requires more than achieving the desired functionality
- Must explicitly attend to both functional and non-functional requirements
- Requires ongoing vigilance to verify that all requirements are being met throughout the life cycle of the software

Evolving Issues in E-Discovery

What has changed?



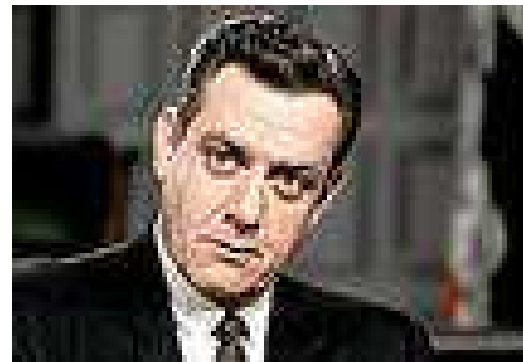
Education Needed



- Board of Directors
- Senior Management
- CIO
- Bottom Line: Budgetary and Operational Impacts

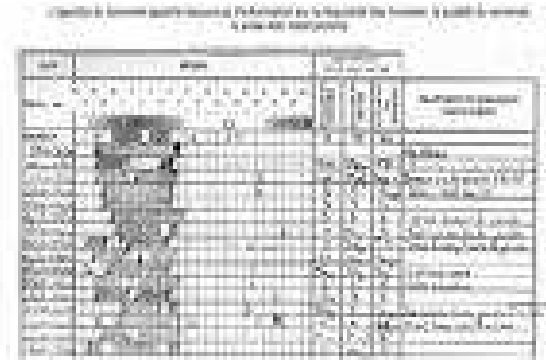
Outside Counsel

- What should your outside counsel know about your data management processes?
- Documentation?
- Updates?
- Process Control?



Witness Preparation

- Digital Providers Accessing Analog Records?
- Can you provide real-time access to the electronic chart?
- Feasibility in trial? Depositions?



The image shows a document with a grid-like structure, possibly a deposition transcript or a legal form. The text is very small and difficult to read, but it appears to be organized into columns and rows. There are some headings and what looks like a list of items or questions. The overall appearance is that of a scanned document with low resolution.

Inventory of Electronic Sources

- Primary
- Backup
- Transient
- Home Systems
- PDAs
- Third Party Vendors
- Consultants

Metadata

- Disclosure Catalog
- Manual or Automated?
- Retroactive to when?
- Systems approach? P&Ps?

Litigation Hold

- Pending?
- Threatened?
- Contemplated?



Privilege

- Pre-screening for privilege?
- Peer Review?
- Quality?
- Attorney-Client?

Special Categories

- HIV
- Drug & Alcohol
- Mental Health
- STDs
- Employment
- Workers Comp
- Research

Native Format Disclosures

- Time Machine?
- Static vs. Moving Target?
- Additions?
- Changes?
- Sub-Routines? Amendments?
Preservation?

Attestation & Validation

- New Meaning?
- Best Practices?
- Disclaimers?
- HIM vs. IS/IT?

Legal Medical Record

- Best Practices
- Defining LMR vs. Designated Record Set
- Document Retention Plan
- Authentication
- Replication

Safe Harbors

- Compliance Plan
- Hold Management – Automated Processes
- Good Faith Efforts

Hardware Retention

- Plan for retention and operability?
- Training?
- Methodology for porting key data elements?
- Functionality?

Information Management Plan

- Team Involved?
- Who Owns Process?
- Disaster Recovery / Business Continuity?

IT Infrastructure Analyses

- Telecommunications
 - Network Architecture
 - Network
 - WAN/LAN
 - Security
 - Storage
- Information Standards
 - ISO 9000/ISO 14000/ISO 26000
 - ISO 27000/ISO 27001/ISO 27002
 - ISO 20000/ISO 20001
 - ITIL
 - ITSM
 - ITIL/ITSM
 - ITIL/ITSM
 - ITIL/ITSM
- Software
 - Operating System
 - Database
 - WebSite
 - CRM/ERP
 - Project/Task Management
 - Communication
 - ERP
 - CRM
 - ERP
 - ERP
 - ERP
- Hardware
 - Computer Architecture
 - Server/Storage
 - Network Storage
 - Server/Storage
 - Server/Storage
 - Server/Storage

Compliance



- Role of Compliance Department
- Audits
- Control Processes
- Authentication of Recoverability?
- SOX
- JCAHO

Vendors / Vendor Relationships

- Standard Data Format?
- Portability?
- Responsibility for Maintaining Accessibility Post Contract?

WA State Law

- **Chapter 70.02 RCW**
- **Medical records — health care information access and disclosure**
- **RCW 70.02.160**
- **Retention of record.**
- A health care provider shall maintain a record of existing health care information for at least one year following receipt of an authorization to disclose that health care information under RCW 70.02.040, and during the pendency of a request for examination and copying under RCW 70.02.080 or a request for correction or amendment under RCW 70.02.100.

Hospital Records:

- **RCW 70.41.190**
- **Medical records of patients — Retention and preservation.**
- Unless specified otherwise by the department, a hospital shall retain and preserve all medical records which relate directly to the care and treatment of a patient for a period of no less than ten years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a hospital ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The department shall by regulation define the type of records and the information required to be included in the medical records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

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