

How and when is HIPAA changing?

How do we remain compliant?

*How will HIPAA changes affect our business associate agreements?*

What is The American Recovery & Reinvestment Act (ARRA)?

How can ARRA stimulus funds help us establish electronic medical/health records?

# MEANINGFUL USE, PRIVACY

and

# ELECTRONIC HEALTH RECORDS

## Rules, Regulations & Opportunities



**PROGRAM NOW INCLUDES:** Up-to-date Meaningful Use analysis, guidelines and steps to accomplish for eligibility for Electronic Health Record Incentive Funding. This overview is a must for healthcare professionals working to archive meaningful use payments while also meeting HIPAA Privacy and State medical record requirements.

*Presented by:*

**The Legal Health Record Dream Team**

Michael Lowe, Esquire and Kelly McLendon, RHIA

This seminar also includes sponsors that illustrate how meaningful use and compliance can be achieved with the latest EHR System, IT Support, Insurance & Banking Programs



## Seminar Overview

This 2-day seminar will answer these questions and more. It will present perspectives on the vast subject of electronic medical/health legal records (EMR/EHR) from the views of a practicing board-certified health attorney and a credentialed record management expert. While this subject area is vast and ever-changing, these two professionals will present their current views on what they consider the most important elements in any discussion about EMR/EHR, federal incentives through ARRA, HIPAA security, documentation, disclosure and maintenance of the best records for any healthcare provider's defense. They will also focus on liabilities, consequences and how to protect against them. Physician practice, clinic, ambulatory surgical center and hospital needs will all be addressed.

*"This was one of the best and most helpful seminars I have attended in a very long time and would definitely recommend it. Speakers were excellent, well informed, and willing to explore answers when unable to provide them immediately."*

- Susan Rivelli, Health Information Manager  
The Hospice of the Florida Suncoast

**NOTICE: All Breaches of Privacy between September 23, 2009 and December 31, 2009 must be reported to the Office of Civil Rights by March 1, 2010. Are you prepared? This Seminar will advise you of what you need to know to be in compliance and will provide information on the latest HIPAA Privacy, including breach notification and restrictions.**

**Kelly McLendon has created a Privacy Toolkit, many of which he will share with the group. Kelly has studied the entire set of Rules for Certified EHR's and Meaningful Use, if you are considering a EHR— now is the time to learn about what and how to get the funding.**

## Highlights Include

- Review of Federal laws and rules on privacy, security, ownership and proper handling and release of records, including the new HIPAA Security Regulations
- Current information on Florida medical record laws and rules, including Florida Statutes, DOH and Board of Medicine
- How the HIPAA changes affect the release of records and interact with the Florida medical records laws
- Review of the current regulatory environment, including AHCA, the Florida Department of Health and the OCR (HIPAA enforcement agency at HHS)
- EHR/EMR contracting provisions to maximize ARRA stimulus benefits
- Do's and don'ts to look for in any EMR/EHR contract
- Design and implement best practices, policies, procedures for a compliance plan
- Effectively negotiate EMR/EHR agreements and tailor the software to your entity
- The latest on eDiscovery rules and issues they are creating
- Practical advice on the various types of subpoenas and current trends in civil breach or privacy and other lawsuits arising from medical records disclosure issues and how to prevent such litigation/claims
- An in-depth look at the duties and obligations of a records custodian
- How to conduct internal investigations
- How to handle/defend government investigations
- Complete review of Meaningful Use criteria and requirements to achieve them
- Real world examples of how other facilities are meeting ARRA and Meaningful Use challenges



*(and will continue to create)*



## Who Should Attend

- HIM Directors
- Privacy & Compliance Officers
- Risk Managers
- CIO & IT Managers
- Medical Informaticists
- Physician & Clinic Office Managers
- Release of Information Specialists
- Patient Accounts and Billing Managers
- Diagnostic Imaging Department Directors
- Any Healthcare Record Custodians
- Document Management Vendors
- Vendors creating any type of EHR or EMR record solutions



## Learning Objectives

- Understand the details of the Meaningful Use Final Rule
- Up-to-date knowledge about HIPAA, CMR regulations, Florida statutes, and rules managing medical records
- New Federal and Uniform eDiscovery Rule discussions and tools to manage the necessary cataloging of EHR / EMR systems for future litigation
- How to create and manage a sound electronic record program and perform record custodian tasks in today's complex regulatory and legal environment
- How to institute legal holds in litigation responses
- What records to maintain and how to legally release information from medical records
- Does an EMR increase or decrease physician liability? ...the biggest question of today's physicians
- Awareness of issues that must be managed in EMR documentation and the use of templated Histories & Physicals and notes
- What is important to address when contracting for an EHR or EMR
- Sound medical record release, consent and authorization practices
- Policies and Procedures to best create defensible Legal Health Records
- Clinical documentation improvement, coding and billing along with how an EHR both helps and hurts the objectives of your revenue cycle and liability reduction

## Program Overview

- Meaningful Use Final Rule in depth review
- ARRA Overview
- New HIPAA rules for BAs, Vendors, new disclosures and reporting, certified EHR reimbursements for hospitals, physician offices and much more.
- Scenario discussions
- Key stakeholders in legal health records
- What your legal counsel should bring to the table
- Overview of HIPAA, CMS regulations and Florida Statutes regarding medical records
- Consents, authorizations, super confidential information
- Fees and charges
- Special considerations for super confidential, mental health, substance abuse and pediatrics
- Legal process overview and rules of evidence for both Florida and Federal law
- Legal health record planning, including eDiscovery
- Liabilities and consequences
- EHR & EMR, a wealth of confusion
- CCHIT
- HL-7 EHR standards and legal health record functional profile
- Ambulatory EHR (EMR) templates and functionalities from a physician users perspective
- EHR contracting
- Common EHR implementation questions, including what the vendor and purchasers should expect to provide
- Continental breakfast, lunch and break provided

*"A health care information consultant and health care attorney teaming together in a seminar was simply superb! Both were very approachable and gave a wealth of information. I especially liked the forms to download and use in our own practice to build upon and to insert our practice name! A very well thought out program!!"*

*—Betty Gray, Operations Manager  
Tall Plastic Surgery Clinic*



## Conference Materials & Handouts

In keeping with 'Green' business principals this seminar is presented without paper handouts. All conference materials, slides, templates, forms, GAP checklists, policies, procedures, business associate agreements, notice of privacy practices, etc. will be available to paid attendees. Prior to the seminar, attendees will receive an email with a link to the related materials. The Health Information Xperts Legal Health Record Toolkit (a \$199 value) is also included in its entirety as is the HIX ARRA Overview.



## CEU Credits Available

10 CEU Credits will be applied for through the American Health Information Management Association (AHIMA).

## Seminar & Registration

**Orlando, FL - October 21 & 22**  
UCF Executive Development Center  
36 West Pine Street, Orlando, FL 32801

**Registration & Check-in:** 7:30 a.m. | **Seminar:** 8:30 a.m. - 5:00 p.m.

**\$499** - first organizational member registration  
**\$199** - each additional organizational member registration

**To register visit:**  
[www.knowledgeconnex.com/legalhealthseminar.asp](http://www.knowledgeconnex.com/legalhealthseminar.asp)

**To obtain more information please contact:**  
Mr. Michael Lowe (407) 332-6353 ask for Collette  
E-mail: [cpridgen@lowehealthlaw.com](mailto:cpridgen@lowehealthlaw.com)

**Alternate Contact:**  
Kelly McLendon (321) 268-0320  
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[www.hixperts.com](http://www.hixperts.com)





## About the Speakers/Presenters

### Kelly McLendon, RHIA

Kelly is president of Health Information Xperts, a consultancy specializing in AARA, HIPAA, HIM operations and efficiencies, electronic document management, electronic health records, HIPAA Privacy, ARRA Meaningful Use and Legal Health Records project planning and management.



With more than 30 years of experience in record and information systems, his expertise spans the breadth of health information and electronic record systems, from managing HIM operations to designing an industry-leading electronic document management system for HIM, registration and patient accounts. Kelly is also an accomplished speaker, author, including a textbook on Legal Health Records for AHIMA and a 30-year member of the American Health Information Association (AHIMA).

In recognition of his achievements, Kelly was recently awarded the Florida Health Information Association's (FHIMA) highest honor, Distinguished Member for 2008 and was also honored with the AHIMA Visionary Award in 2003.

Kelly has chaired the FHIMA Legislative Committee since 2007 and was responsible for a complete rewrite of the FHIMA Legal Manual. He has a long list of activities and posts held within the organization, including serving on the board of directors.

*"The purpose of this seminar is to educate attendees with the most up-to-the-minute best practices—in relation to legal health records."*

### Michael R. Lowe, Esq.

Michael is board certified in health care law by The Florida Bar. His practice focuses on all aspects of business, corporate, transactional, litigation, regulatory, operational and administrative matters in the health care law arena.



Michael regularly represents clients in medical records and HIPAA privacy regulations issues, managed care contracting and reimbursement matters, the preparation, review and negotiation of physician employment agreements, Medicare/Medicaid fraud and abuse prevention, defense and reimbursement issues, medical staff privilege cases, professional licensure and disciplinary actions, voluntary self-disclosure cases, physician-hospital contracts, compliance plan development, and health care regulatory analysis and counseling matters.

Licensed in both Florida and Georgia, Michael is a member of the health law sections of the Florida Bar, Georgia Bar and American Bar Associations. Additionally, he is a member of the American Health Lawyers Association. He received his B.S. degree in history from the United States Naval Academy and his M.A. degree in national security studies from Georgetown University, and is a former naval aviator and Desert Storm veteran. Michael graduated summa cum laude from the University of Alabama School of Law, where he earned his J.D. degree. He is a frequent lecturer on various health care law topics.





**October 21 - 22**  
**Orlando, Florida**  
UCF Executive  
Development Center  
*Downtown Orlando*

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