

Arctrieval



Parent Care
Management Services, Inc.

**Tips to Fast-Track
Accessing Medical Records**

Introductions



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Agenda

- Welcome
- PCMS overview
- Frustrated with medical records?
- Federal healthcare law overview
- Strategies, insider tips and best practices for requesting records
- Getting the “patient rate”
- Arctrieval overview
- Q & A



PCMS—Attorney Services Overview

- Impartial evaluations of elders and disabled individuals
- Medical record evaluation
- Court report preparation
- Expert witness testimony
- Access specialists for competency exams



We handle the difficult client issues so you don't have to!

PCMS—Client Services Overview

- Care level consultation—options and choices
- Care Management
- Crisis Intervention
- Cost effective ongoing services
- Resource access—people, outside services, and equipment



We ensure your clients get the care they need and deserve!

PCMS Team—Covering the Inland Empire



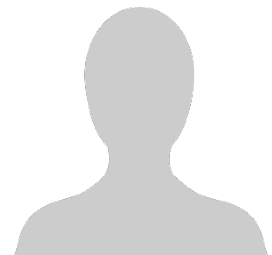
Carolyn Michaelis-Moe, RN, MPA, helping people find solutions for elder-care problems for over 26 years



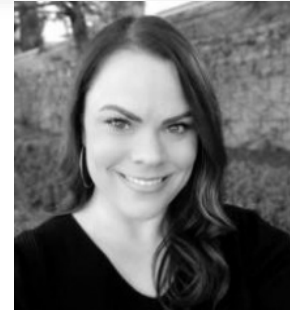
Cheryl Bergey, RN
Extraordinaire! Solving Medical issues, managing medical systems for clients



Leezett Casal, Gerontologist, knowledgeable in assisted living functions and in-home care



Rebecca Follett, Office Manager



Arlene Peterson, Gerontologist, solving system function problems, managing complex issues with clients



Eduard Popa, Social Worker with extensive experience in community resources



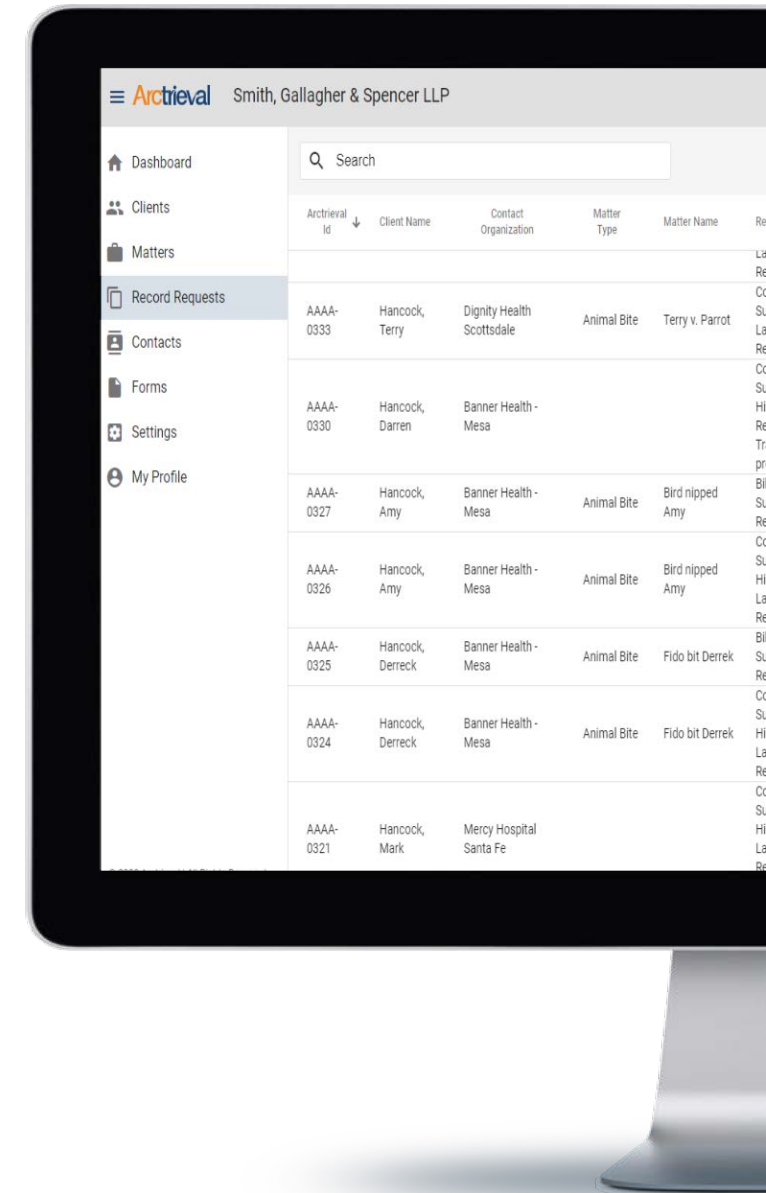
Deanna Johnson, Admin. Asst., our technical issues resolver as well as the pleasant voice on the phone

Why Arctrieval was Invited to Share Information

- Medical Records are Important for Probate
- Medical records used to determine competency or capacity
- Prove that he is no longer capability of making his own decision
- Mental treatment information—diagnosis

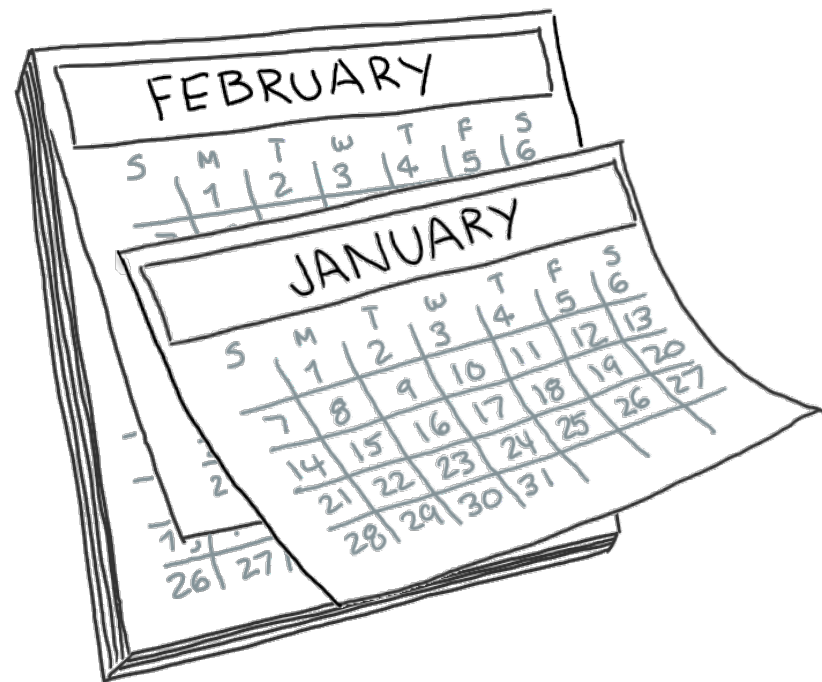
Arctrieval Introduction

- Worked with hospitals and doctors for over 10 years to manage the release of information for protected health information—process over 50K requests per year.
- Changing medical records retrieval industry
- User-friendly web-based software tool for legal and medical professionals
- Combine industry knowledge and technology to create innovative solutions
- Key directives for Arctrieval Legal
 - Receive medical and billing records in 30 days or less
 - Cut staff time for issuing and following up on requests
 - Reduce retrieval and copy fees



Frustrated with medical and billing records?

Waiting months for records to arrive



Spending hours following up on missing records



Paying outrageous retrieval and copy fees for records



Federal Healthcare Law Overview

Leveraging Federal Healthcare Law

Federal Healthcare Law Overview-Part 1

- Health Insurance Portability & Accountability Act of 1996

- ...an individual has a right of access to inspect and obtain a copy of protected health information...[medical records, bills & radiology]
- ...the covered entity may impose a reasonable, cost based fee...
- ...the covered entity must act on a request for access no later than 30 days after receipt...



- Health Information Technology for Economic and Clinical Health Act of 2009

- ...individual shall have a right to obtain...a copy...in an electronic format...
- ...individual shall have a right to...to direct the covered entity to transmit such copy directly to an entity or person...
- ...any such choice is clear, conspicuous, and specific...
- ...any fee...if such copy... is in an electronic form shall not be greater than the entity's labor costs...

HITECH

Health Information Technology
for Economic & Clinical Health Act

Federal Healthcare Law Overview-Part 2

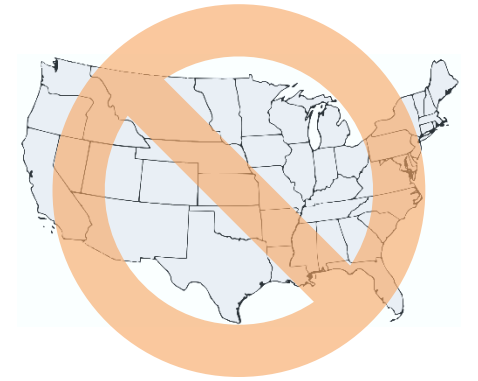
- 21st Century Cures Act of 2016
 - Supports a patient's control of their health care and their medical record through smartphones and modern software apps.
 - ...offering patients access to their electronic health information (EHI) in a single, longitudinal format that is easy to understand...
 - Eight exceptions to not fulfilling requests to access EHI not classified as information blocking
 - ONC Cures Act Final Rule limits definition of EHI to elements in the US Core Data for Interoperability (“USCDI”) standard until October 6, 2022.



Establish, promote and improve uniform rights to access information.

Leveraging Federal Healthcare Law

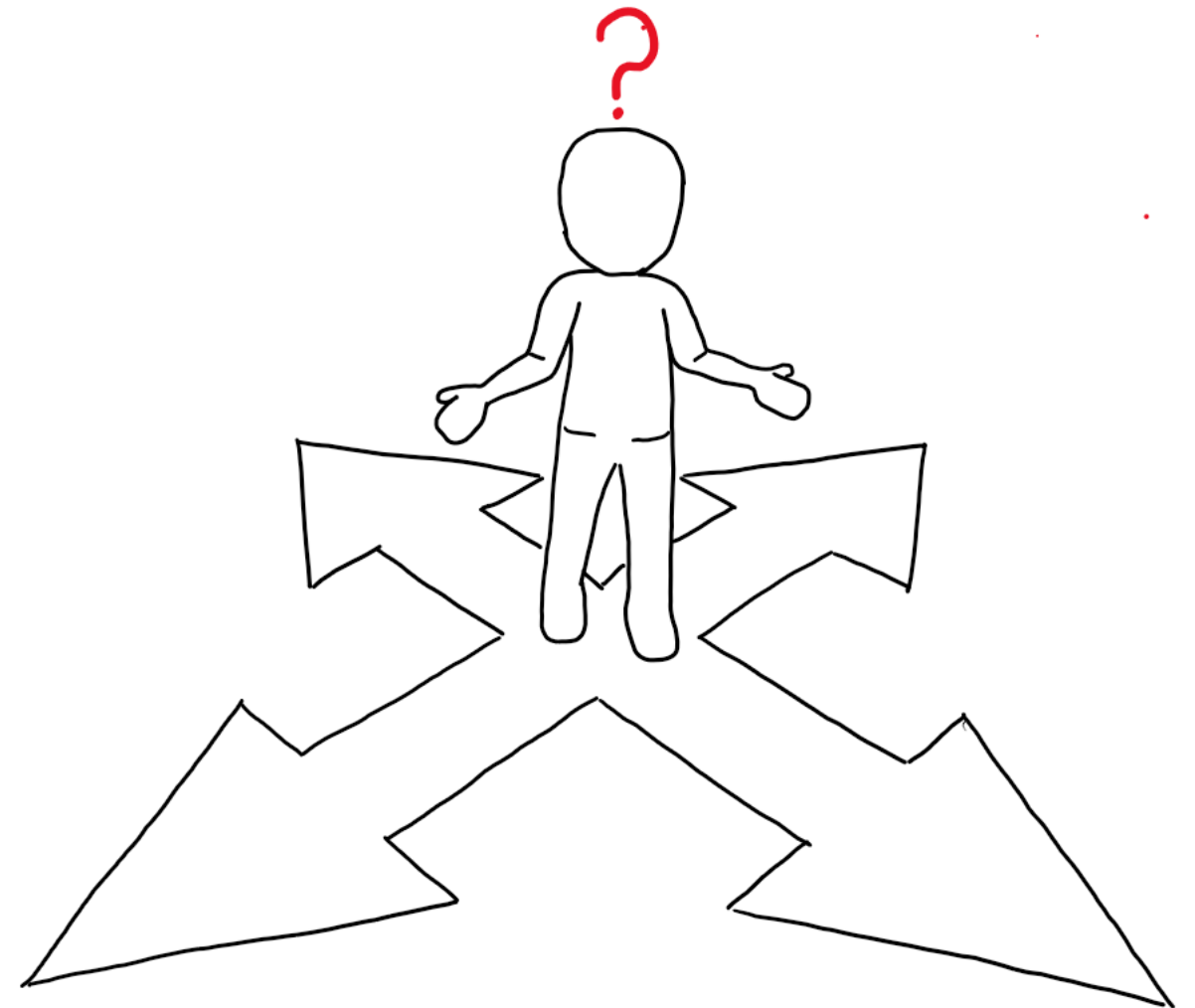
- Most State Laws preempted by HIPAA, HITECH Act and CURES Act because they don't go far enough
- Even with a valid, signed HIPAA Authorization, third parties don't have the same rights as a patient
- Federal Law is on your side and puts you in control
 - Non-compliance is against the law
 - Non-compliance carries civil and monetary penalties
 - Non-compliance opens provider up to government investigation
- Office of Civil Rights has a web-based complaint process to investigate patient rights violations



Options for Obtaining Information Request Types

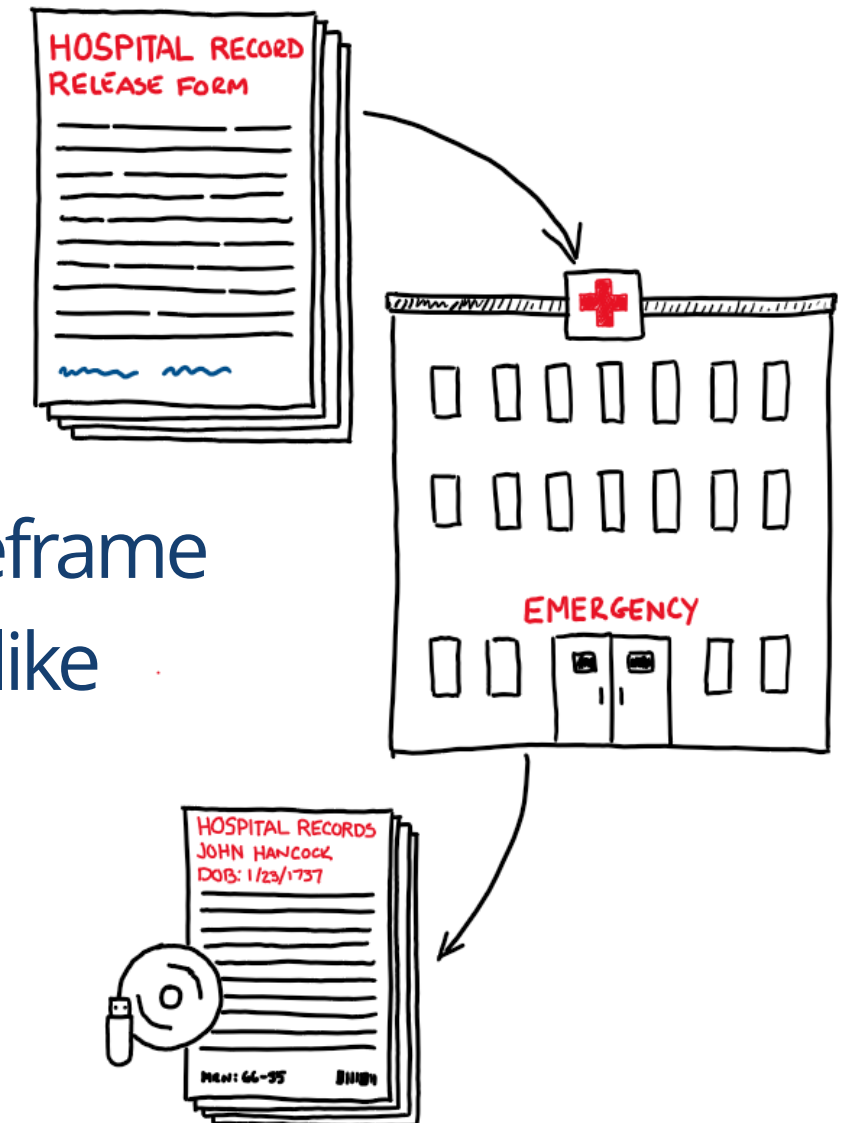
Options for Third Parties to Obtain Records

- Provider's Record Release Form
- Third Party HIPAA Authorization
- Patient Request
- Patient Directed Request
- Subpoena (Not covered today)



Provider's Record Release Form

- Pros
 - If correctly completed, accepted by provider
 - Easier processing—less staff training
- Cons
 - Providers do not have to respond in a specific timeframe
 - Must collect and maintain forms—no two forms alike
 - Must complete form for each provider
 - Records provided electronically or as expensive paper copies
 - No penalties for non-compliance



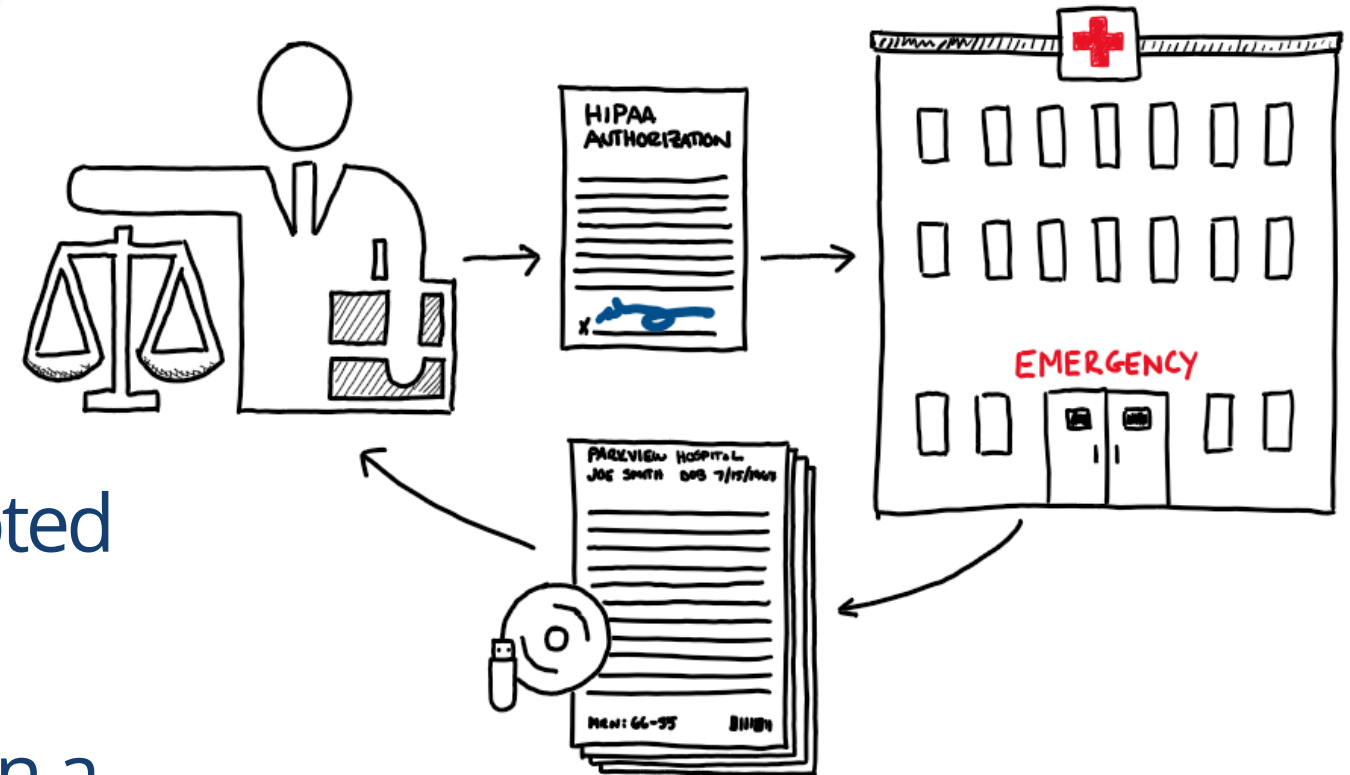
Third Party HIPAA Authorization

- Pros

- Client signs one generic form
- Can be copied and provider information filled in as needed
- 24 years after HIPAA, usually accepted

- Cons

- Providers do not have to respond in a specific timeframe
- Providers can still insist their form is used
- No penalties for non-compliance
- Records provided electronically or as expensive paper copies



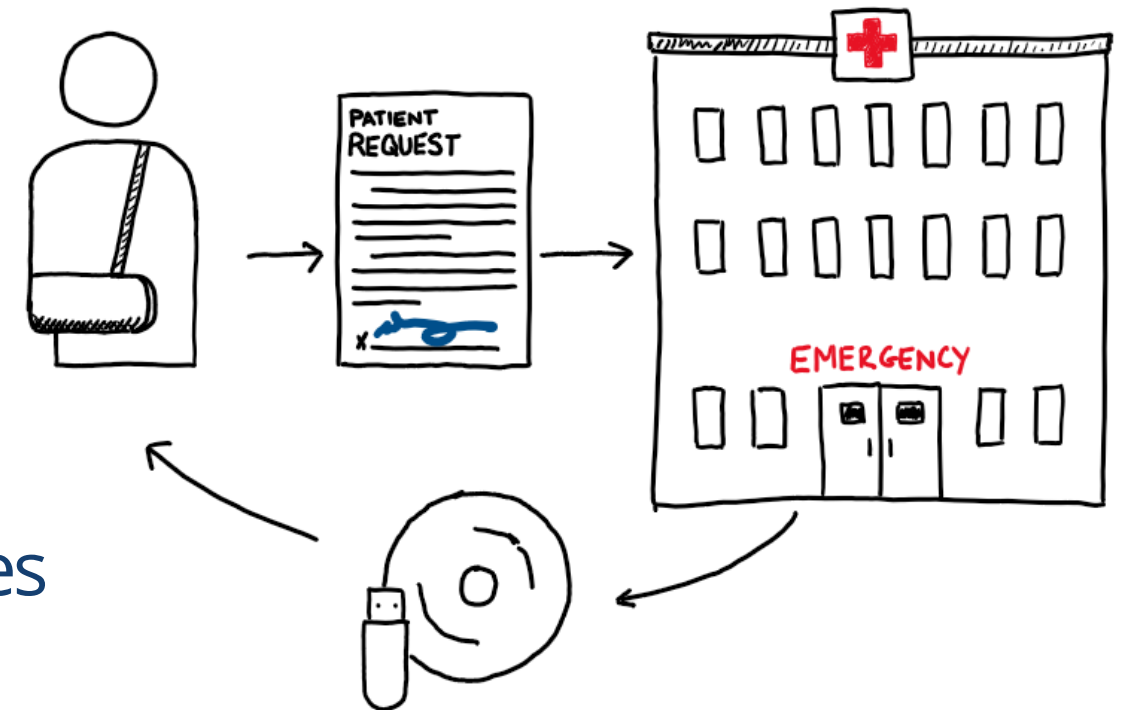
Patient Request

- Pros

- Response required within 30 days per Federal Law--45 CFR 164.524
- Can insist records provided electronically
- Cost-based patient rate applies
- Non-compliance is against the law and carries penalties and fines

- Cons

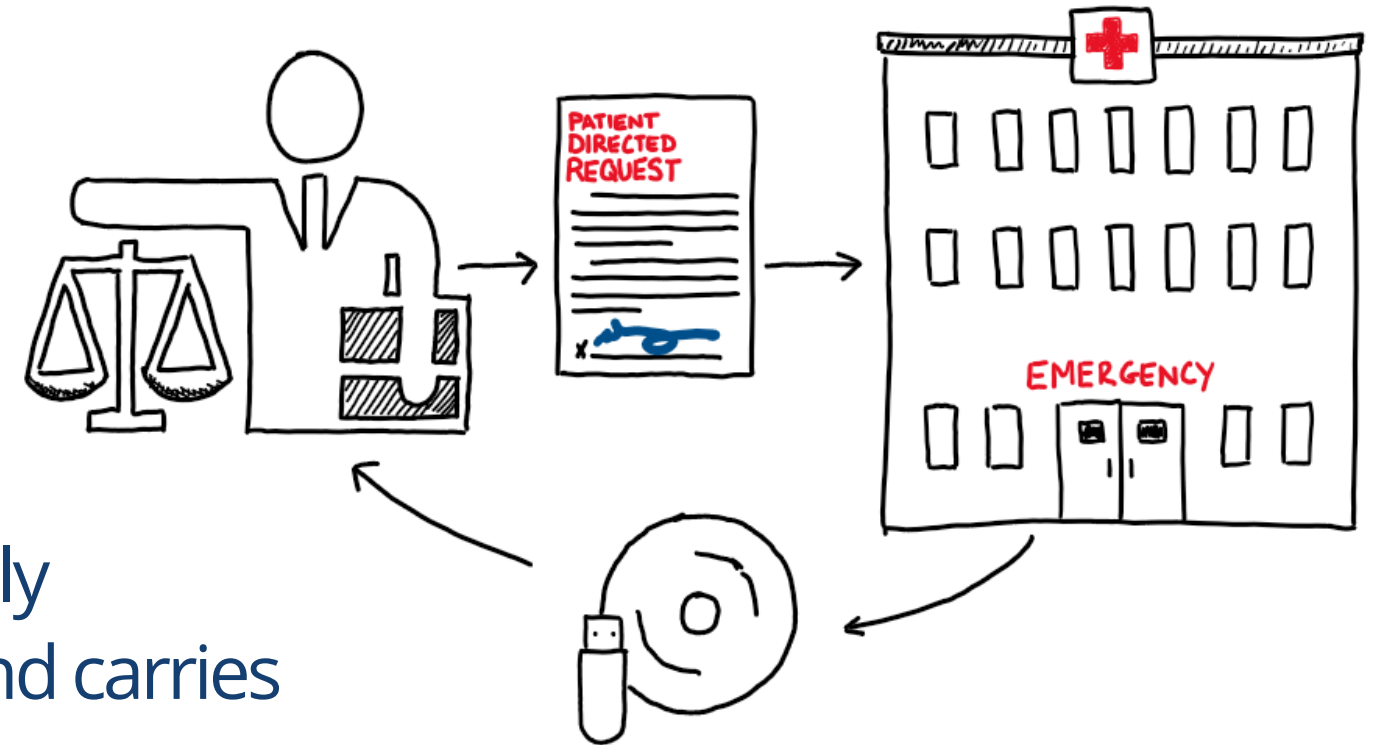
- Additional client involvement
- Each request is specific to a single provider
- Less control of the process
- Without an automated system, client must sign each unique request



Patient Directed Request

- Pros

- Response required within 30 days per Federal Law--45 CFR 164.524
- Records provided electronically
- Complete control of the process
- State rates for electronic records apply
- Non-compliance is against the law and carries penalties and fines



- Cons

- Cost-based patient rate does not apply
- Each request is specific to a single provider
- Without an automated system, client must sign each unique request

Patient & Patient Directed Request Requirements

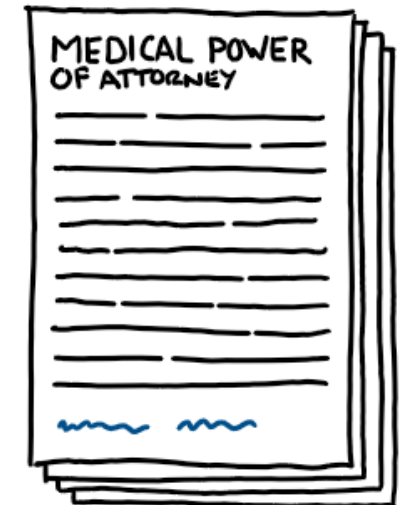
- Applies to individual or their personal representative
- Provider may insist on written request
- Must be “...clear, conspicuous and specific...”
- Each request is unique—cannot use a generic form
- Key elements
 - Facility information—name and address
 - Patient identifiers—name, DOB, SSN and address
 - Types of records sought
 - Dates of service
 - HIPAA and HITECH citations as appropriate



Insider tips, strategies and best practices
for obtaining and managing
medical and billing records

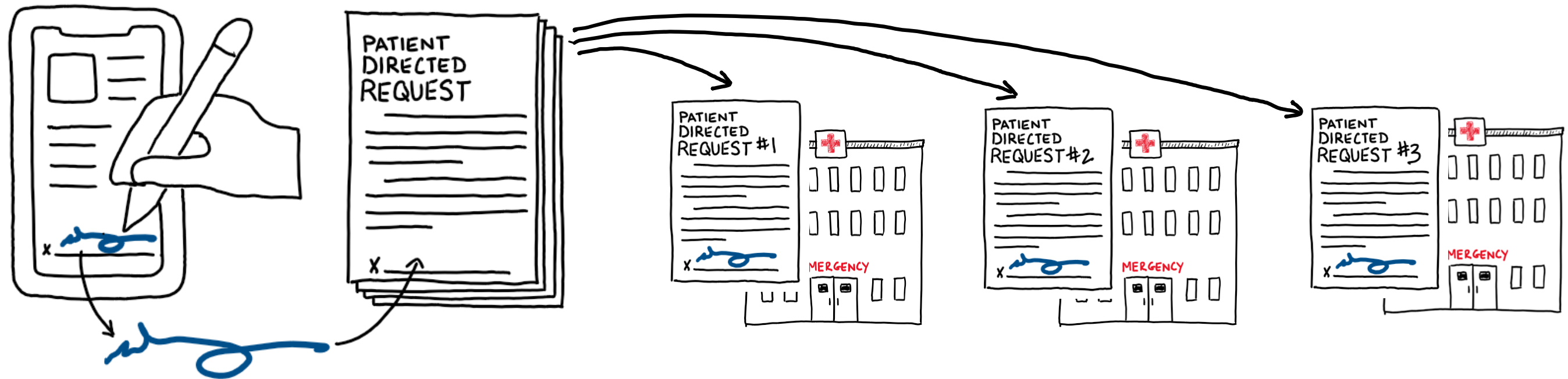
Supporting Documentation

- Whenever possible, supply full documentation
 - Government issued photo ID
 - Birth certificate for minors
 - Death certificate for next of kin
 - Guardianship papers
 - Medical power of attorney
- Confirm patient's identity and status
- Establish relationship between patient and person requesting records



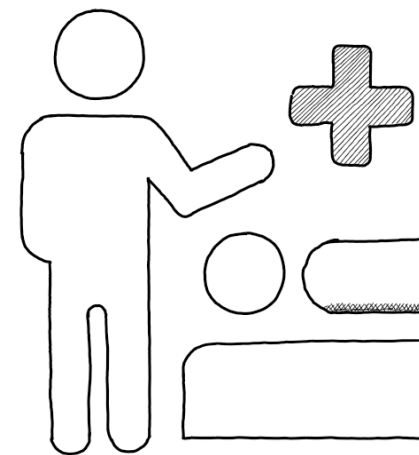
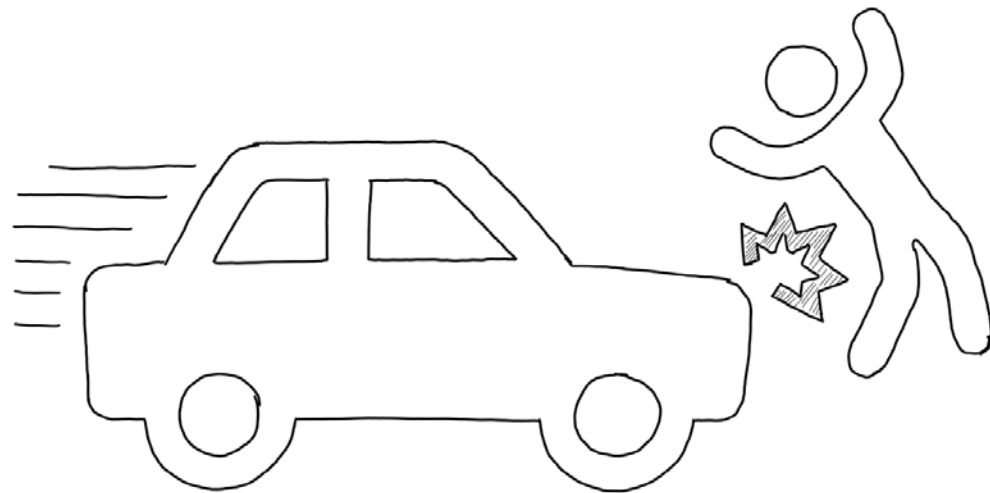
Efficient Workflow for Requests

- Digital Signatures—get permission to use your client's digital signature and apply it to documents as needed
- Document templates—fillable forms (PDF or Word)



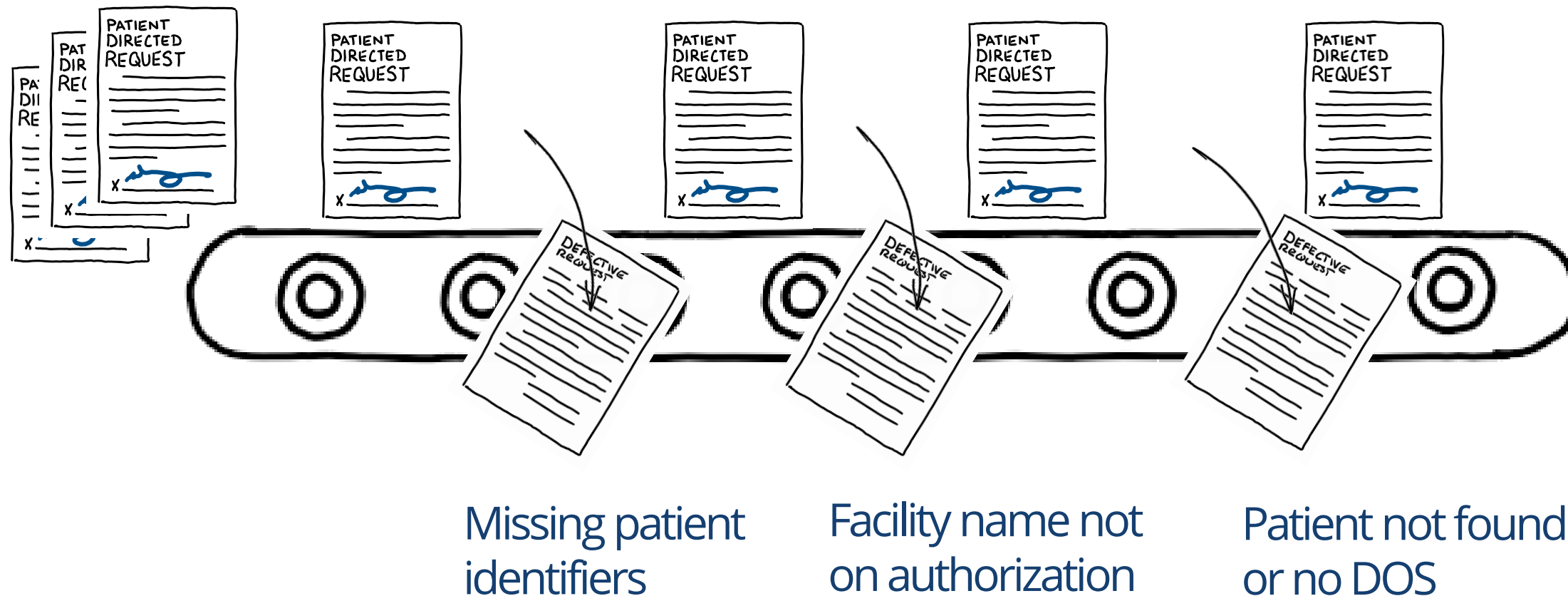
Limit Scope to Minimum Necessary Information

- If you don't absolutely need it, then don't request it
- Don't need progress notes, home care instructions, MAR, doctors orders, nursing notes, telemetry data (unless pursuing medical malpractice)
- Focus on client's injuries, provided treatment, and cost



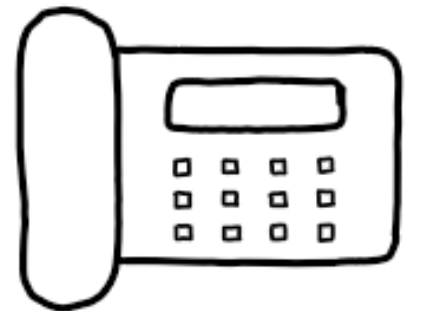
Request Accuracy is Key

- Providers will always mitigate their risk and exposure
- Release of information process filters requests out



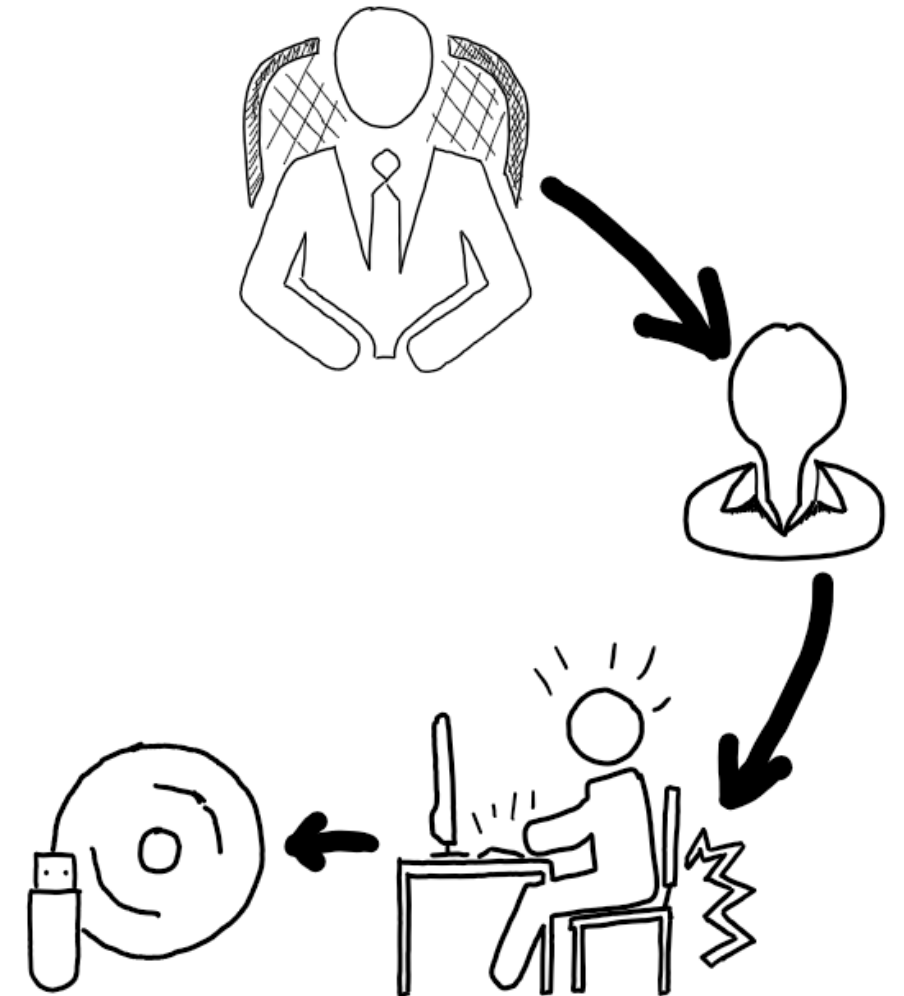
Communication Tracking and Management

- Send requests twice—sent does not equal received
- Centralized management and organization is key. Use some method (Excel, log book, etc.) to track requests and keep everyone updated.
- Document all communication for escalation
- Request follow up frequency
 - 3rd Party HIPAA Authorization—wait 2 weeks and then as many times as you feel is necessary and have time for
 - Patient or Patient Directed—wait 30 days as provided by Federal Law and then go on the offensive



When Escalation is Necessary

- Deliver the correct message
 - Violated patient's rights and will file a complaint with the Office of Civil Rights if you do not resolve it.
- Follow the chain of command to produce results
 - Hospital Administration-CEO, CFO, COO
 - Chief Privacy Officer
 - Risk Management/Quality Assurance
 - Manager or Director of HIM
 - Office Manager



Getting the HIPAA (HITECH) Patient Rate

- On January 23, 2020, Judge Amit Mehta vacated certain HHS 2013 Omnibus Rules and 2016 Guidance
 - Broadening of Patient Rate in 2016 is a legislative rule and violated the Administrative Procedure Act
 - Court cited the HITECH Act is silent on allowable fees for PHI when directed to 3rd party
- How to do it?
 - Send PHI to client's mailing address
 - Can be any address as long as the "resident" accepts the mail
 - Must be physical address and no PO Boxes
 - Cost based patient rates apply

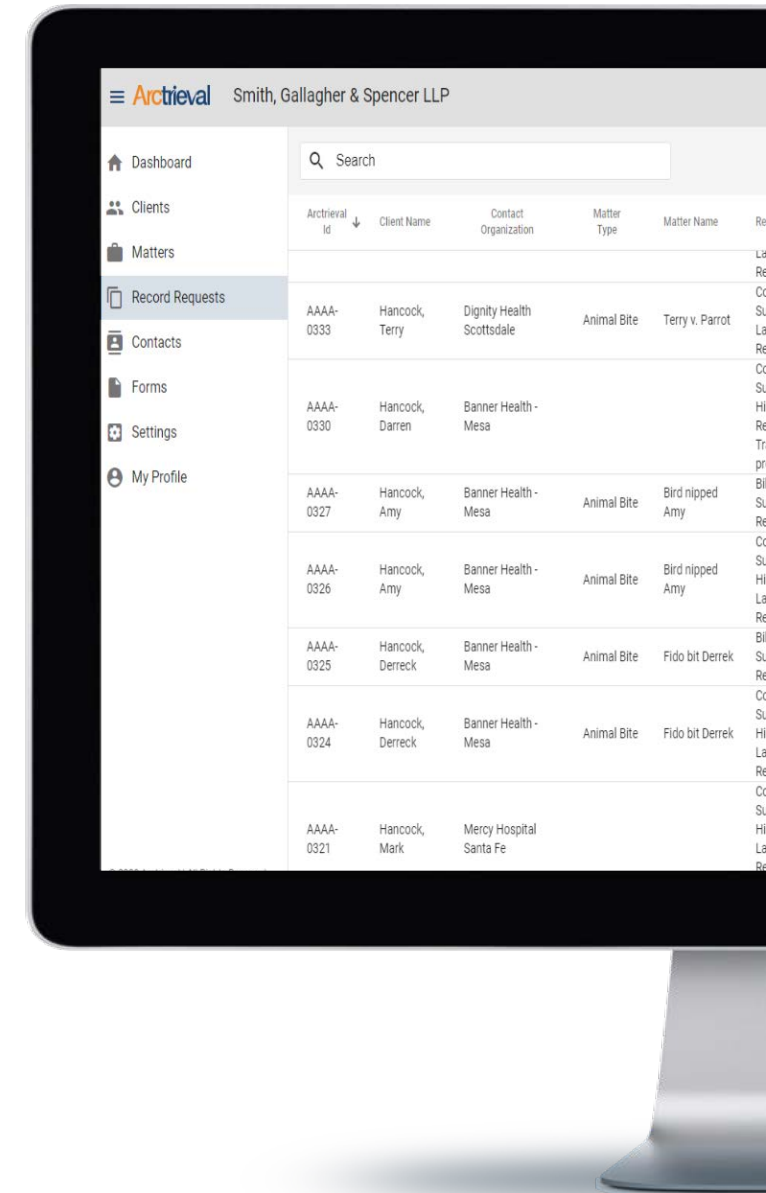
Summary

Results you can expect ...

	Traditional Methods HIPAA Authorization		Arctrieval Best Practices
Delivery time	2 months, 3 months, or more	→	30 days or less
Requests received without any follow up	30%	→	90%
Requests requiring follow up	70%	→	10%
Provider or copy service record production fees	\$100's to \$1,000's per case	→	\$10's to \$100's per case
Effort expended obtaining client records	Too much effort and too many hours	→	Reduce time spent by 80% or more

Arctrieval Legal Service

- User-friendly cloud-based software tool
 - Easy to learn, easy to manage, minimal data entry and an automated workflow
 - Built using 10 years of provider-side healthcare records experience
- Subscription options for issuing unlimited requests start at \$139/month
- More information at Arctrieval.com
 - Additional free seminars
 - Product demonstrations
 - Risk free, complementary trials



Summary

- Key Take-aways
- MCLE Credit & Documents
- Questions & Answers

