

EMRs and privacy rights

By JOANNIE PARR

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[NOTE: This EMR Federal Mandate must be completed before the end of Sept, 2012.]

Currently, the Federal Government is mandating every physician in America to use “certified” Electronic Medical Records by 2015. If they don’t, they will be subject to severe Medicare payment cuts. Fortunately, there are three Federal Elections between now and then, because the current Federal goals regarding EMRs need to be well understood by the American public before we all find ourselves stuck in the middle of this.

If you read my previous article on e-prescribing (e-Rx), you know that the company certifying the e-Rx systems for physicians is already starting to micromanage all of your prescriptions on behalf of the Federal Government and the insurance industry. This e-Rx system is designed to second guess all of your physicians’ prescribing decisions, and to micromanage what medications you ultimately will be able to receive.

Compared to the Federal Government’s plans for EMRs, the already adopted e-Rx system is child’s play.

Just trying to understand the definition of EMR is disconcerting: “An electronic health care record (EMR) is the digital collection of electronic health care information about individual patients or populations that is capable of being shared across different health care settings, by being embedded in network-connected enterprise-wide information systems. Such records may include a whole range of data in comprehensive or summary form, including demographics, medical history, medication and allergies, immunization status, laboratory test results, radiology images, and billing information.”

If nothing else in that definition concerns you, note that the term “demographics” means all that personal data needed to steal your identity! It will be maintained electronically, passed around, and shared with.... who knows?

What about all those items of personal medical privacy your doctor is required by Federal Law to protect under HIPAA? That’s all going to be included in the EMRs as well. If you have had treatment for drug abuse, HIV, or other social disease, it will be in there.

It goes even further. Ultimately, all of your doctors would be required to have “secure patient portals” on their web sites where every patient can get into his or her own personal records. The Defense Department has trouble keeping its computer system secret. The chance of your EMR not getting hacked into is troubling!

One of the reported goals of everyone being on an interconnected EMR system would be to know when a patient has not complied with standard healthcare goals, such as losing weight, stopping smoking, properly managing diabetes, having certain tests done on a timely basis, and getting annual check-ups. I’m not sure who is going to be required to “police” all these details; but I think it is safe to assume that this kind of personal health information being available in some sort of National database (as appears to already exist with e-Rx) could somehow be used against a patient, perhaps in denying future health care because of a “negative” healthcare history.

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One of the big justifications for this planned EMR system is “research.” I know of an orthopedic surgeon with Kaiser Permanente (a huge, self-contained HMO hospital system on the west coast) who is very excited about being able to get into every other orthopedic surgeon’s data in America for his personal medical research projects, as if he didn’t have a big enough patient population at Kaiser Permanente already for his research.

However, it is not the honest medical research to advance standards of medicine which concerns me. Remember Sarah Palin’s “death panels”? All those Federal Healthcare Commissions created in the Healthcare Reform Act are needing to be able to access all of the medical records of all American physicians to determine what treatments for all the various diagnoses are “cost efficient” and at what ages.

And then there are the lawyers! They will certainly find ways to justify having a “need to know,” and what an incredible gold mine this will be for them!

I am all for improving efficiency in individual physicians’ offices. I am very concerned, however, about CCHIT (or some other group) being the one with a Federal contract authorizing them to “certify” the record keeping system in each physician’s office in the United States and having the right to constantly access all physician data at all times.

(Parr has a BS Degree in Business and Finance and a Masters Degree in Federal Tax Law and has worked in the Medical accounting industry for more than 20 years..)