



Health Care Providers: Prepare Now For Kentucky's eHealth Initiative

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Federal funding is making its way to the states to encourage hospitals, physicians and pharmacists to take the plunge into the eHealth wave. While this trend gets underway, Kentucky is taking action to position itself as a national leader by promoting and incentivizing the adoption of an electronic medical records (EMR) system, statewide and at your doctor's office.

There is much to know about EMR, and much to prepare for if you're in the health care business. Here are several important factors to consider:

- **HIPAA Compliance.** Before investing in an EMR solution, be sure that there are adequate privacy and confidentiality protections within the system and in the EMR contract so your implementation and usage does not run afoul of HIPAA.
- **Stark and Anti-Kickback Laws.** Though these rules were relaxed by Congress in 2006, there are still strict requirements that must be adhered to when a hospital underwrites the cost of a physician's implementation of EMR. Be sure any such arrangement does not violate the Stark and anti-kickback laws. The penalties and fines for violations are far more costly than the time and expense of having your attorney review the arrangement in advance to ensure compliance.
- **Record Retention Requirements.** Federal and Kentucky laws require vendors who license EMR software to allow certain government agencies access to its records, in order to be able to certify the nature and extent of the costs of the products and services related to the product. Make sure this requirement is in the contract with the vendor.
- **Acceptance Procedure.** To avoid some of the growing pains that may come with converting from a paper-based work environment to a digital one, make sure that the solution vendor provides an acceptance procedure allowing for sufficient testing measures. This will ensure the system is functioning properly before the vendor walks away and is focused on its next customer.
- **Warranties.** Make sure the EMR system's specifications are properly documented at the outset and the vendor warrants the system to meet those specifications. The vendor's commitment to make the system work as promised is essential.

Kentucky's eHealth Initiative

The Kentucky eHealth initiative is designed to change how health care is provided throughout the state. Rather than re-educating doctors or changing Kentuckians' access to health care, eHealth uses information-based technologies to share data efficiently among health care practitioners. Supporters of the eHealth initiative claim that the transition from paper to electronic records will reduce errors, increase the quality of health care delivered, and ultimately reduce costs.

The eHealth initiative proposes creating a statewide "medical Internet," providing physicians with the right information to provide comprehensive and informed care. A patient's current prescriptions, existing medical conditions, and medical history will be available to a physician at the point of treatment. EMR systems can also provide up-to-date details on prescription drugs, drug interactions, and treatment options.

The initiative will tap into resources at Northern Kentucky University, University of Louisville, and University of Kentucky to help determine if a digital health care delivery system is cost effective in light of the capital expenditure required to implement such a system, and the savings associated with the implementation. NKU's College of Informatics, in particular, is undertaking a significant leadership role in developing eHealth solutions. Though the initiative is costly, Kentucky has set aside startup funds and is pursuing federal stimulus funding for the balance.