**BACKGROUND:** An individual’s health record is considered to be a legal business record for the healthcare organization that creates and maintains it. As such, it must be maintained in a manner that complies with applicable regulations, accreditation standards, professional practice standards, and legal standards. However, as is the case with much information today, health records are increasingly created and reside in several different formats and information systems with varying business rules and operational requirements. HIM professionals are charged with ensuring that information management standards are developed and consistently applied across these various systems in order to maintain the level of integrity necessary for health records to meet the healthcare organization’s business and legal needs.

**PURPOSE:** The challenges associated with maintaining legally sound health records in the hybrid and electronic information environments require clear identification of the issues, re-thinking of traditional record and information management practices and development and application of new strategies for managing health information. As experts in the requirements for health records, HIM professionals serve as the leaders in health care organizations and in their professional community for ensuring that such requirements are identified and met.

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<tr>
<th>LEADERSHIP GOAL</th>
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<th>SAMPLE MANAGEMENT ACTIVITIES</th>
<th>TOOLS AND RESOURCES</th>
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| Identify and communicate the risks associated with a lack of planning and policy related to the legal and business aspects of electronic health records | INITIATIVE: Possesses vision, foresight and courage to challenge the status quo | » Educates self on the issues, risks and benefits  
» Benchmarks issues within healthcare and against relevant experiences outside of healthcare for similar issues  
» Performs risk analysis and identifies issues/problems that must be addressed  
» Communicates risks and issues to senior management and stakeholders  
» Monitors emerging issues as legal health record issues evolve and continuously evaluate risk, benefits, and communication | Publications:  
Fundamentals of Law for Health Informatics and HIM  
Medical Records and the Law, 4th edition  
The Legal Health Record, Servais 2008  
eHIM® Extra: Transitioning to eHIM® Planning for Change  
AHIMA’s Health Information Management Technology: An Applied Approach, 2nd edition  
AHIMA’s Health Information Management Concept, Principles and Practice, 2nd edition  
Electronic Health Records: A Practical Guide for Professionals and Organizations  
How to Evaluate Electronic Health Record Systems  
Leveraging Your Legal EHR for Financial Results. AHIMA Convention Technical Paper 10/10/07 |
| Identify and engage champions and appropriate groups to determine organizational position(s) | INDEPENDENCE: Maintains balance between competing needs and interests | » Organize and assemble stakeholders  
» Identify and present issues, risks, and alternatives  
» Facilitate organizational learning  
» Facilitate group movement encouraging dialogue and identifying next steps | Articles:  
Avoid Legal Missteps with a Litigation Response Plan. AHIMA Advantage article 10/1/08  
AHIMA Advantage article 9/1/08 |
| Address the need to maintain the integrity of the health record in the hybrid and electronic environment | INITIATIVE: Positions operational problems and needs at the strategic level | » Create goals and objectives for maintenance of a legal health record  
» Inventory health record content and health information resources  
» Identify patient care, business and compliance requirements for records which may be impacted by its hybrid nature  
» Identify oversight group and governance functions | |
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<td>Identify the value proposition for an electronic content and records management strategy that demonstrates the relationship to organizational goals such as patient care quality and safety, efficiency and cost savings</td>
<td><strong>INITIATIVE:</strong> Positions operational problems and needs at the strategic level; pioneering; possess vision and foresight</td>
<td>» Establish organization-wide standards for electronic patient records and clinical documentation applications. At a minimum, include functional design criteria for • legal health record output • authentication • amendments and corrections • record completeness • cut, copy and forward • use of forms and templates » Draft policies that identify the content that comprises the legal record and ensure that health records meet requirements » Coordinate or provide education and on practices and procedures that maintain record integrity</td>
<td>AHIMA Leadership Model</td>
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<td><strong>INDEPENDENCE:</strong> Asks tough questions; maintains balance between needs and interests; accountable to self and others</td>
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<tr>
<td>Promote principles of sound electronic record and health information management</td>
<td><strong>INITIATIVE:</strong> Positions operational issues and needs at the strategic level; identifies gaps; seeks opportunities</td>
<td>» Relate electronic health records management to clinician productivity, health information exchange and enhanced privacy and security » Inform decision-making regarding active IS/IT projects involving electronic clinical documentation, serving as a resource to ensure compliance with current laws, regulations, accreditation standards and best practices for electronic health records and information management » Communicate the importance of an organization-wide record management strategy to govern the organization’s information assets for both health information/records and enterprise information/records » Promote goals and methods to stakeholders and users</td>
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<td></td>
<td><strong>INFLUENCE:</strong> Knowledgeable, serves as an expert; bridges gaps; cognizant of organizational culture; communicates effectively with all organizational levels and diverse groups</td>
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<td><strong>INDEPENDENCE:</strong> Ability to see a business problem from different perspectives; risk taker; asks tough questions;</td>
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<td>» Implement tools and technology that support effective electronic records management policies, practices and standards, including at a minimum policies, practices and standards that address • Record Lifecycle • Taxonomies, structure • Search strategies • Data conversion due to technology obsolescence • Preservation • Retention • Litigation response • 3rd party reviews and disclosures » Perform work flow analysis in order to improve business processes</td>
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| Pursue and assume formal organizational responsibility for ongoing monitoring and compliance with internal and external requirements related to the management of the legal health record and related information resources | INITIATIVE: Seeks opportunities; positions operational problems at the strategic level; identifies and achieves goals; identifies gaps  
INFLUENCE: Possesses credibility and is trustworthy; sensitive of organizational culture; possesses political skills  
INDEPENDENCE: Possesses ability to see business problems from different angles; accountable to self and others | » Demonstrate domain knowledge and abilities and expresses interest in a larger role to line manager.  
» Demonstrate understanding of organizational dynamics to line manager and other decision-makers  
» Negotiate organizational responsibility and accountability for electronic health and enterprise content and information management  
» Develop written position description | Developing a Legal Health Record Policy; JAHIMA Practice Brief  
New Electronic Discovery Civil Rule; JAHIMA Practice Brief  
Meetings: AHIMA Workflow Analysis Face to Face Seminar; Legal EHR Conference  
Online Courses: Health IT: Preparing for Implementation through Workflow Analysis  
The Legal Health Record: What You Need to Know  
Migration Path to the EHR  
Building an Effective Security Audit Program to Improve and Enforce Privacy Protection  
Building the Foundation for the Privacy Initiative  
Privacy and Security 4 course Training Program  
Advanced HIPAA Complete 6 course Training Program  
Webinars: Defining and Maintaining the Legal Health Record  
Release of Information: The Nuts and Bolts  
Release of Information for Minors  
eHIM Compliance  
EHR and the Legal Process  
Hybrid Medical Records: A Management Tool  
Managing the Transformation: Paper to EHRs  
Enterprise Content Management Fundamentals of eDiscovery  
The Legal Health Record: The Legal Hold Process  
Access and Control in Electronic Health Records  
eHIM and the Legal Health Record eHIM® Compliance |
| Ensure accountability through ongoing monitoring and reassessment of organizational plans and needs. | INITIATIVE: Possesses courage to challenge the status quo; identifies gaps; identifies and achieves goals  
INFLUENCE: Remains flexible, open to alternative; partners with others; cognizant of organizational culture  
INDEPENDENCE: Accountable to self and others; maintains balance between competing interests and needs | » Develop organizational entity with a governance structure, oversight and standards  
» Establish quality assurance protocols including  
  • Success measures  
  • Auditing  
  • Reporting  
  • Action planning  
  • Education and training  
» Monitors emerging issues as legal health record issues evolve and continuously evaluate risk, benefits, and communication | » Engages in standards development efforts (HIT or professional)  
» Participates in standards development efforts by offering comments.  
» Applies standards within environment and offers feedback to standards development organizations/associations on gaps and opportunity for refinement.  
 » Speak and write on the topic within own and other associations  
 » Impart knowledge through participating in professional associations/societies, educational program committees, workgroups, councils, networking opportunities, etc. | |
| Contribute to development of industry and professional standards | INITIATIVE: Pioneering; possesses vision and foresight; seeks opportunities; identifies gaps  
INFLUENCE: Emphasizes collaboration and inclusion; Negotiates, identifies common ground, bridges gaps; Knowledgeable, serve as an expert  
INDEPENDENCE: Asks tough questions; possesses ability to see a business problem from many different angles; maintains balance between competing needs and interests; accountable to self and others | » Engages in standards development efforts (HIT or professional)  
» Participates in standards development efforts by offering comments.  
» Applies standards within environment and offers feedback to standards development organizations/associations on gaps and opportunity for refinement.  
 » Speak and write on the topic within own and other associations  
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 » Speak and write on the topic within own and other associations  
 » Impart knowledge through participating in professional associations/societies, educational program committees, workgroups, councils, networking opportunities, etc. | |
| Contribute to domain knowledge by participating in relevant professional association work and mentoring others. | INITIATIVE: Pioneering; possesses vision, foresight; seeks opportunities  
INFLUENCE: Knowledgeable, serve as an expert; understands and empathizes with people; communicates effectively with all organizational levels and diverse groups; bridges gaps; partners with others; acts as a diplomat; facilitates communication  
INDEPENDENCE: Naturally inquisitive; accountable to self and others | » Engages in standards development efforts (HIT or professional)  
» Participates in standards development efforts by offering comments.  
» Applies standards within environment and offers feedback to standards development organizations/associations on gaps and opportunity for refinement.  
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