



Saponaro, Inc.
Assisting Trial Lawyers Since 1974

A hand holding a wooden gavel with a gold band is positioned over a document on a desk. A stethoscope is also visible in the foreground.

Navigating Electronic Medical Records

Introduction

As an attorney, you understand the importance of hiring the right expert witness to help support your case. Having the right expert on the stand is critical in proving the merits of your case.

With over 40 years of assisting attorneys nationwide, Saponaro, Inc. can provide you with credible and highly qualified expert witnesses.

In our effort to continually assist our clients with well prepared expert witnesses, Saponaro, Inc. presents Navigating Electronic Medical Records.

1

Collecting all the necessary information.

Most Electronic Medical Records contain “cloning” of patient information, which simply means that there is copying and pasting of certain information, which causes a challenge in following the chronology of events.

PRACTICAL TIP

When you receive an electronic printout of medical records, ask for the remainder of the medical records that are still maintained as a handwritten hardcopy. The handwritten notes will provide you with information not found in the electronic printout.



2

How do I know if I have the “complete” record?

You are unlikely to receive a **complete** record no matter how thorough your request for documents. Understanding the basic facts of your case is necessary to determine what documents are missing.

PRACTICAL TIP

Go to the hospital and review the Electronic Medical Records through a portal.

Ask if there is an audit trail. An audit trail or audit log is the only way to verify that medical records are complete. All facilities that receive federal money must have an audit trail, and you may need to send a preservation letter to the facility to make sure the audit logs are kept.

3

A sample request for medical records from patient to provider.

Patient Name: Jon Snow Social Security Number: 123-32-4432
Date of Birth: 12/12/83 Date of Service: 4/5/2015

Please provide me with a full and complete copy of my medical records for dates of service referenced above. It is specifically requested that you provide the record **copies in electronic, e.g. PDF format on CD or eDelivery**, per the requirements of 45 CFR '164.524(c)(2)(ii), as amended effective September 23, 2013. As you know, this Federal regulation preempts state law, and provides, in pertinent part: "...[I]f the protected health information that is the subject of a request for access is maintained in one or more designated record sets electronically and if the individual requests an electronic copy of such information, the covered entity must provide the individual with access to the protected health information in the electronic form and format requested by the individual..."

As I'm sure you are aware, 42 USC 17935(e)(2) and 45 CFR '164.524(c)(4) **limit the cost of obtaining the records to the actual labor costs for reproducing them** in the requested electronic format, the actual cost of the portable media (in this case, CD), **and postage**. If you would like me to bring you a CD or a flash drive to put the records on, I am willing to do so.

Thank you for your **compliance with this request within 30 days of your receipt of this letter**, as required by 45 CFR '164.524(b)(2)(i). ...

Jon Snow



4

How do I make thousands of records manageable?

PRACTICAL TIP

Request an RN Synopsis and Review of your case, so that you have a readable document that outlines the care in question. This service will provide guidance on if and how the case should be pursued, and what type of medical expert(s) will be required as you move forward with your investigation. Additionally, the document will address if there are specific records missing and what to request.

Use the RN Synopsis and Review document as an Attorney work product, which can help you obtain all the necessary records, and also be provided to your medical expert(s) as a guideline for their review of the records, in order to address the issues/concerns outlined in the document.

**We Connect Attorneys with
Respected Expert Witnesses
in All Areas of Litigation.**

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Saponaro, Inc. has a strong selection of premier expert witnesses, in all areas of litigation, as well as a no-obligation consultation to help you obtain the best expert for your case. A strong case starts with the right expert.

Contact Us Today

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