Four Ways to Streamline Legacy Data Management in 2022

Bridget Group

With the Right Resources and Partner on Your Side, Your Company (and Patients) Will Benefit from a Solid Data Management Plan

In May 2018, an article[1] released by HealthcareIT News revealed that the average health system has 18 different electronic medical record (EMR) vendors. Pre-pandemic this number would have been enough to make health information technology (HIT) leaders uneasy, but four years later, amid an ongoing global pandemic and rising cyberattacks, it is essential that health care organizations focus on plans to address the disparate amounts of active and legacy data plaguing their systems.

Data silos across a health care system leave the organization susceptible to cyberattacks, data privacy incidents, and the inability to meet new regulations. On April 5, 2021, the Office of the National Coordinator (ONC) officially put into place what is known as the 21st Century Cures Act Final Rule,[2] which essentially puts patients in the driver's seat with their protected health information (PHI).

There is a cost to a streamlined and secure approach to managing an organization's information to enable the freedom and flow of information that we seek. Without a legacy data management plan in place, waters are easily muddied and access to data is much more limited. In addition, an unnecessary level of strain is placed on internal and external resources. So, what's the solution? Prioritize the work now. This article outlines four ways that any organization, large or small, can use to implement legacy data management at their facility.

Bridget Group, JD, is corporate counsel at Harmony HealthcareIT and can be reached at bgroup@harmonyhit.com.

Tip #1: Build Your Team

With any big project, it is crucial to have the right stakeholders at the table. This is certainly true in kicking off your Legacy Data Retention plan. Organizations achieve the most success with a Data Governance Board in place. This cross-functional board works together to establish policies and procedures that not only support compliance with law but enable organizational workflows and access to data. As we'll discuss later, it is extremely important that organizations are vigilant in upholding the various national, state, and local guidelines necessary to ensure that the organization and their patients are protected.

Although a quarterly meeting is recommended, frequency of meetings for the Data Governance Board is less important than the expertise of the people involved and the quality of time spent together. It has become more common to see C-suite leaders, billing representatives, administrative personnel, and medical professionals join the HIT teams during these meetings. Because representatives from all areas of the organization are present, the Data Governance Board efficiently makes decisions about the best way to manage active and legacy data, including making it available when needed. We'll also discuss the importance of involving compliance and litigation attorneys. No longer can IT and health information management (HIM) carry the weight of the organization when it comes to compliance and patient safety. It must be a team effort.

If your organization is in the process of starting a legacy data project, whether it is decommissioning an old system, archiving to a new EMR, or something in between, it is important to ask whether there is a Data Governance Board in place.

Tip #2: Know the Rules

Health care data became highly regulated with the introduction of the Health Insurance Portability and Accountability Act (HIPAA). With the ONC's introduction of the Cures Act Final Rule in 2021, providers are held responsible for: (i) price transparency for care, (ii) competitive options available to the patient via modern smartphone apps that allow patients to easily access their records, and (iii) patient's liberty and choice when it comes to important health care decisions. These federal regulations must be met in addition to global and state requirements for health data management. Compliance with the breadth and depth of rules and regulations is challenging, so it is essential that designated stakeholders within your organization be apprised of the regulations and requirements for compliance. Health care compliance and legal teams leading this effort should be the cornerstone of a Data Governance Board. These teams can provide cross-functional guidance and ensure policies and procedures meet regulatory requirements.

Due to their maturity, organizations are likely comfortable with HIPAA, global, and state health care data law compliance measures currently in place. The Cures Act Final rule was intended to disrupt and improve information sharing across the health care industry. Organizations are now focused on how to implement requirements of the Cures Act. Specifically, organizations are focused on which portions of a patient record and from what time period must be delivered in response to the patient's record request.

This is where your Data Governance Board serves a critical purpose—to identify the inventory of all active and legacy data locations, what information is stored, and how it should be released from each identified location. As a reminder, active systems are those currently used in production and updated daily. Legacy systems are systems that are no longer used in production or updated daily but contain information that may be required for clinical or regulatory purposes.

Maintaining an inventory of all data sources across the industry, those being actively updated and those retired, will support compliance with Information Blocking Provision, which requires a provider to release all Electronic Health Information (EHI) requested by a patient. The inventory management by the Data Governance Board will inform policies and procedures for accessing and releasing records in fulfillment of patient requests. For more detailed information on each of the eight Information Blocking exceptions allowed by the ONC, refer to page 4 of our eBook.[3]

Tip #3: Ask Questions for a Successful Legacy Data Management Partnership

Organizations likely have internal staff who can understand compliance with regulatory requirements, assess their active and legacy data inventory, and create policies and procedures. Once an organization begins creating an inventory of all active and legacy systems, organizations may decide to place relevant legacy clinical information in the active electronic health record (EHR) system and reduce risk by consolidating legacy data into a data archive. This requires technical expertise and usually a software solution.

While there are plenty of questions to consider when choosing a legacy data management partner, the one we hear most often in our field of work relates to continuity of care. "Will this decommissioning and archival disrupt care to my patients?" In many cases, the answer is no. The data are often a click away from the original EHR, meaning that clinicians still have access to their old records and can provide their patients with the same level of care they've come to know and trust.

Another piece of advice is to confirm the legacy data management vendor security practices are at least industry standard, if not better. Ask the legacy data management vendor for a copy of their security information management plan and what certifications or third-party assessments they engage in. The industry standard right now is the HITRUST certification. At the very least, ensure that your vendor is HIPAA compliant. Although the data is legacy data, a breach or unauthorized exposure would be costly, both financially and reputationally. It is important that the legacy data management vendor enhances your organization's security posture instead of weakening it.

Finally, make sure your vendor is prepared to test, test, test! By test, I mean that both your organization and the vendor understand the required elements of the medical record and have confirmed their presence prior to go-live. There is nothing worse than getting to go-live and learning your data is not validated. Ask your potential vendor what validation resources they use. Most importantly, I recommend engaging your organization's compliance and legal teams to confirm the legacy record contains your organization's definition of a comprehensive medical record, including audit logs. Working with compliance and legal ensures that the production of the data is truly representative of the system that was used at the time the patient was treated and will hold up in court. Adhering to these measures will pay dividends when it's time to execute.

Tip #4: Strategize for Success

Creating a Data Governance Board, inventorying active and legacy systems, and establishing policies and procedures, all while determining areas to reduce risk requires a lot of work. We often tell people that if data management were so easy, we wouldn't need to discuss it. It takes the right mix of people, planning, and cross-functional collaboration to do it effectively. But when done well, the rewards are well worth the effort. If your organization has been on the fence about creating an enterprise strategy for data management, you are not alone. We realize that for many organizations, active systems take precedence over determining what to do with legacy systems. However, we believe that with the right resources and partner on your side, your business and your patients will benefit from a solid legacy data management plan.

While the list of legacy data management advantages, including data migration and archiving, is too lengthy to count, here are six strategies for success:

1. **Consolidate Data**—Have one system instead of multiple data silos.
2. **Decrease Cost**—Say goodbye to maintenance fees and operational costs of maintaining old legacy systems.
3. **Ensure Compliance**—Make sure your records are HIPAA compliant and secure by retaining required records, mitigating risk, and laying out a long-term data governance plan.
4. **Increase Security**—Beef up security at your organization by archiving. Fewer entry points = less vulnerabilities for risk.
5. **Enhance Efficiency**—Implement a single sign-on capability for continuity of care, which leads to better workflows, shorter wait times, and happier patients.
6. **Simplify Reporting**—Archive your records to make it easier to generate the standard audit reports you need in an efficient manner, with record access dates and time stamps at either the user or patient level.

Ready to get started on your Legacy Data Management journey? The beginning of a new year is a great launching point. As you get underway, consider the suggestions outlined above and invite others to join you in the process. Consolidated data is the best kind of data.

If you have a legal question specific to your organization or situation, please engage a lawyer. This article is informational and not legal advice.

Endnotes

1. *www.healthcareitnews.com/news/why-ehr-data-interoperability-such-mess-3-charts*.
2. *www.healthit.gov/curesrule/overview/about-oncs-cures-act-final-rule*.
3. *journal.ahima.org/wp-content/uploads/2021/07/Harmony-Healthcare-IT-Slideshow.pdf*.

Reprinted from Journal of Health Care Compliance, Volume 24, Number 1, January–February 2022, pages 13–16, with permission from CCH and Wolters Kluwer.
For permission to reprint, e-mail permissions@cch.com.