

Detailed Records Are Key to Navigating HIPAA

BY MARY ELLEN SCHNEIDER
New York Bureau

NEW YORK — Consistent, detailed record keeping and patient communication are key to avoiding legal complications and navigating HIPAA requirements, Dr. Noah Scheinfeld said at meeting on medical and surgical dermatology sponsored by Mount Sinai School of Medicine.

One area where record keeping is especially important is clinical photographs of patients. If you're going to take patient photographs, retain them as part of the patient's medical record because patient images are considered medical records and as such are legal evidence. In the event of a lawsuit, if the photos that were taken are not available, the court assumes that the missing records are in the plaintiff's favor, said Dr. Scheinfeld of Columbia University in New York, who also holds a law degree.

With the advent of digital photography, it's easy to take many images of the same area. Physicians do not need to save 10 images of the same thing, he said, but at least 1 of each should be kept in the records.

Under federal law, records must be kept for 5 years, but individual states may have more rigorous standards. For example, New York requires that medical records be kept for 7 years, he said.

But one area that physicians can worry a little less about is HIPAA enforcement, Dr. Scheinfeld said. Despite more than 20,000 complaints since HIPAA privacy provisions

went into effect in 2003, there has not been much in the way of enforcement.

"Lots of complaints—very little action," he said.

Only a few hundred HIPAA violations have been referred for criminal action and so far only three cases have resulted in criminal charges. In 2004, a Seattle man who worked at an area cancer center was sentenced to 16 months in jail for using a cancer patient's personal information to obtain credit cards. In 2006, a Texas

woman who worked in a physician's office was convicted of selling the medical records of an FBI agent. Most recently, the U.S. Attorney for the Southern District of Florida brought criminal charges against a woman who worked as the front desk office coordinator for a Florida clinic for allegedly selling patient information.

In general, it is important to notify patients of their privacy rights and the use of their personal health information, adopt and implement privacy procedures, and

train employees in those procedures. Physicians also need to designate an individual to be responsible for ensuring that the office privacy procedures are followed. Patient records must be secured so that individually identified health information is not accessible to those who do not need it for treatment or payment reasons.

However, HIPAA regulations do not prohibit common practices such as keeping waiting room lists or leaving charts on exam room doors, he said. ■

INDEX OF ADVERTISERS

Boehringer Ingelheim Pharmaceuticals, Inc.	
Mirapex	11-13
Calpis Co., Ltd.	
AmealPeptide	29
Cephalon, Inc.	
Provigil	39-40
Esprit Pharma and Indevus Pharmaceuticals, Inc.	
Sanctura	33-34
Forest Laboratories, Inc.	
Namenda	20a-20b
Lexapro	34a-34b
GlaxoSmithKline	
Corporate	5
Flu Treatment Website	28, 51
Merck & Co., Inc.	
Zostavax	16a-16d
Januvia	26a-26d
Vytorin	54-56
Novo Nordisk Inc.	
Levemir	57-58
Ortho-McNeil Neurologics, Inc.	
Topamax	18-20
Pfizer Inc.	
Lipitor	3-4
Exubera	8a-8d
Chantix	14-16
Aricept	37-38
Detrol	42-44
Sankyo Pharma Inc.	
Benicar	44a-44d
Sepracor Inc.	
Lunesta	47-50
Takeda Pharmaceuticals North America, Inc.	
Amitiza	7-8
Rozerem	30-32
ACTOplus met	40a-40b, 41
Wyeth Pharmaceuticals Inc.	
Enbrel	22-25
Effexor XR	59-60



Discover **Levemir**®:
a long-acting basal insulin
with a light touch

Levemir: for your patients who need a safe and effective way to improve A1C control

With proven reductions in A1C and FPG levels over time, Levemir can help your patients get to goal with up to 24 hours of glycemic control. Patients with diabetes can experience a consistent blood glucose response from injection to injection. Less weight gain was observed with Levemir in 12 of 12 clinical trials.* And Levemir is available in the Levemir® FlexPen®. FlexPen® is the world's #1 selling prefilled insulin pen.† So start your patients with diabetes on Levemir, and help them experience the light side of basal insulin.

Levemir is indicated for once- or twice-daily subcutaneous administration for the treatment of adult and pediatric patients with type 1 diabetes mellitus or adult patients with type 2 diabetes mellitus who require basal (long-acting) insulin for the control of hyperglycemia.

Important safety information
Levemir should not be diluted or mixed with any other insulin preparations.

Levemir is contraindicated in patients hypersensitive to insulin detemir or one of its excipients.

Hypoglycemia is the most common adverse effect of all insulin therapies, including Levemir. As with other insulins, the timing of hypoglycemic events may differ among various insulin preparations. Glucose monitoring is recommended for all patients with diabetes. Any change of insulin dose should be made cautiously and only under medical supervision. Concomitant oral antidiabetes treatment may require adjustment.

Levemir is not to be used in insulin infusion pumps. Inadequate dosing or discontinuation of treatment may lead to hyperglycemia and, in patients with type 1 diabetes, diabetic ketoacidosis. Insulin may cause sodium retention and edema, particularly if previously poor metabolic control is improved by intensified insulin therapy. Dose and timing of administration may need to be adjusted to reduce the risk of hypoglycemia in patients being switched to Levemir from other intermediate or long-acting insulin preparations. The dose of Levemir may need to be adjusted in patients with renal or hepatic impairment.

Other adverse events commonly associated with insulin therapy may include injection site reactions (on average, 3% to 4% of patients in clinical trials) such as lipodystrophy, redness, pain, itching, hives, swelling, and inflammation.

*Whether these observed differences represent true differences in the effects of Levemir and NPH insulin is not known, since these trials were not blinded and the protocols (eg, diet and exercise instructions and monitoring) were not specifically directed at exploring hypotheses related to weight effects of the treatments compared. The clinical significance of the observed differences in weight has not been established.

Reference: 1. IMS Health, IMS MIDAS [12 months ending September 2005]. Please see brief summary of Prescribing Information on adjacent page. FlexPen and Levemir are registered trademarks of Novo Nordisk A/S. © 2006 Novo Nordisk Inc. 131007 September 2006

Levemir®
insulin detemir (rDNA origin) injection
Lighter years ahead