

EDOCSNL POLICY: MAINTAINING EMR ACCESS FOR SUBSCRIBERS

POLICY STATEMENT

eDOCSNL will work with Telus to restore and maintain access for subscribers in an EMR instance when another subscriber is preventing them from accessing the EMR functionality and the records of which they are custodians.

INTENT

This policy is intended to clarify the obligation of eDOCSNL to protect all subscribers' access to their medical records and EMR functionality and the steps that will be taken to ensure same.

POLICY SPECIFICS

eDOCSNL has encountered situations where, due to a dispute between subscribers working together in an EMR instance, one user has used their administrative privileges to disable access to the EMR for other subscribers in the instance. This deprives those users of their ability to carry out clinical care and records management functions in the EMR and prevents them from carrying out their custodial responsibilities under PHIA.

While investigating and attempting to rectify these issues it has arisen that the authority of eDOCSNL to unilaterally make changes to the account of a subscriber to prevent them from abusing their administrative access is unclear. Ownership of the EMR instance which might enable this step is also not explicitly outlined in program documents or the agreement with individual subscribers.

Legal consultation on this topic establishes the following:

1. Each subscriber is entitled to basic access rights to the EMR and there is no obligation to extend those rights to site level administrative privileges.
2. eDOCSNL has a contractual obligation to provide access to EMR functionality to subscribers, as per section 2.7 of the EMR Agreement.

And recommends:

Where one-off problems arise with EMR Instances, our opinion is that the Program Director has authority to direct Telus, as EMR Vendor, to take such action on an EMR Instance as is required to preserve base level access for all Participating Physicians in the EMR Instance. If a complaint should arise from a Participating Provider that the reduction in administrator access which resulted breaches the agreement, the issue should go before the EMR Management Committee for resolution under Section 25.2 of the Participation Agreement.

The ambiguity could also be resolved by the EMR Management Committee creating a policy, possibly including cost consequences, for changes to EMR Instances after launch which are occasioned by the choices of Participating Providers under circumstances where the administrative

privileges afforded to the physician results in access issues for the other users of the instance, where those users have the contractual right to access to the EMR.

The eDOCSNL Management Committee therefore authorizes the Director to instruct Telus to restore EMR access for subscribers affected by local disputes of this nature and to remove site level administrative privileges from users who attempt to disable other subscribers access to EMR functionality and the medical records of which they are custodians.

APPROVAL

Approved by: EMR Management Committee

Revision History:

Initially Approved: September 22, 2023

Revised: