



## Long-Term Care Regulatory Provider Letter (PL)

<b>Number:</b> PL 18-26 (Replaces PL 18-10)
<b>Title:</b> Providing Access to Electronic Health Records
<b>Provider Types:</b> Assisted Living Facility, Day Activity and Health Services Facility, Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions, Home and Community Support Services Agency, Nursing Facility and Prescribed Pediatric Extended Care Center
<b>Date Issued:</b> December 10, 2018

### 1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) is issuing this letter as a replacement of PL 18-10 to inform providers of the following updated information as it applies to all provider types. Providers must grant access to all electronic health records (EHRs) when requested by a surveyor.

### 2.0 Policy Details & Provider Responsibilities

During an entrance conference, a provider must explain to a survey team requesting access to EHRs how the provider is giving surveyors secure and unrestricted access to the EHRs.

If a provider impedes the survey or investigation process by unnecessarily delaying or restricting access to EHRs, HHSC may take adverse certification or licensure action against a provider.

According to the Centers for Medicare & Medicaid Services,<sup>1</sup> a provider that participates in Medicaid or Medicare must:

- provide to a surveyor a tutorial on how to use the provider's EHR system;
- designate one representative of the provider who will, when requested by a surveyor, access the system, respond to any questions, and assist the surveyor as needed in accessing EHRs in a timely manner;

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<sup>1</sup> [Survey and Certification letter 09-53](#)

- provide at least one terminal for surveyors to access EHRs or, if the provider has a web-based system, provide surveyors with temporary access to secure Wi-Fi so they can access EHRs from their laptop computers or tablets;
- provide access to EHRs in a read-only format, when possible, to avoid inadvertent changes to the EHR;
- ensure that necessary data back-up and security measures are in place to protect the integrity of its records; and
- provide print capability to a surveyor or make available a printout of any record or part of a record that a surveyor requests in a timeframe that does not impede the survey or investigation process.

Regardless of the arrangements that a provider makes to allow surveyors to have access to EHRs, setting a single password for all surveyors to use during a survey or investigation, rather than requiring surveyors to request new passwords each time they log in, will prevent delays in the survey or investigation process.

### **3.0 Background/History**

PL 18-10 was issued only to NFs. HHSC is issuing this provider letter to replace PL 18-10 and apply it to additional provider types.

### **4.0 Forms/Appendices**

None.

### **5.0 Contact Information**

If you have any questions about this letter, please contact the Policy, Rules and Training Section at (512) 438-3161.

*[signature on file]*

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