



Date: May 18, 2017
To: Nursing Facility Providers (NFs)
Subject: Provider Letter No. 17-20 – Electronic Health Records

NFs may use the system of medical records that best suits their needs whether it is paper or an electronic system. Regardless of the system, NFs must allow Texas Department of Aging and Disability Services (DADS) surveyors complete access to their records.

A provider must grant access to any EHR when requested by the surveyor. During the entrance conference, surveyors will verify with the provider the process they will follow in order to have unrestricted access to a resident's medical records. Please note that impeding the survey process by unnecessarily delaying or restricting access to a resident's medical records may lead to termination from Medicare participation or a licensure action pursuant to 40 TAC §§[19.2104\(a\)\(2\)](#), [19.2106\(a\)\(2\)](#) and [19.2112\(a\)\(3\)](#).

According to the [CMS issued Survey and Certification letter 09-53](#), the following are responsibilities of the facility regarding surveyor access to EHRs:

- provide surveyors a tutorial on how to use its particular EHR system;
- designate one individual who will, when requested by a surveyor, access the system, respond to any questions or assist the surveyor as needed in accessing electronic information in a timely fashion;
- provide a terminal or terminals where the surveyors may access records; *note: having more than one terminal available helps the survey process continue to move forward as more than one surveyor at a time is able to complete the task of record review;*
- provide access to records in a read only format whenever possible to avoid inadvertent changes to the record; and
- either provide direct print capability to surveyors or make available a printout of any record or part of a record upon request in a timely manner that does not impede the survey process.

Facilities may use web-based EHRs so that surveyors can access the electronic system from their laptop computer and the facility only needs to provide temporary access to Wi-Fi. The survey team can then access the electronic system without using a facility computer terminal. Additionally,

Provider Letter No. 17-20

May 18, 2017

Page 2

regardless of the type of EHR the facility uses, setting one password that surveyors can use for the duration of the survey to log into the EHR instead of requiring surveyors to request a new password each time they need to review an electronic record during a visit will prevent delays when surveyors are reviewing electronic records.

If you have questions regarding this letter, please contact a nursing facility policy specialist in the Policy, Rules and Curriculum section at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Associate Commissioner
Regulatory Services

MTH:cg