Medical Record Ownership: Do you Know Who Can Stake Claim?

Description: Do you know who owns the medical record? Learn who has the rights to data so you can avoid legal issues associated with protected health information.

Medical records are currently a primary target of hackers. This clearly indicates the ultimate value that medical records hold. However, that begs an introductory question: who owns those records in the first place? The physician, hospital, or other health care provider who compiles the medical records has a clear claim to the records, but so does the patient who is the subject of the information. There's also the distinction between the "physical" records, be they paper or electronic, and the information contained in the records; while the records may need to be reproduced, at some cost, to be possessed by a second party, the information can be possessed by multiple persons, and each new holder of the information does not diminish the ability of the earlier holders to retain the data. There's also the issue of rights, such as the right to access or amend the records that fall short of outright ownership. This topic will analyze how these various concepts and structures impact the ultimate question of who owns or has rights in medical records or the data contained therein. The topic will highlight the likely areas conflicts regarding ownership of medical records are likely to occur, and the legal and regulatory underpinnings of competing claims to the records.

Contents:
What Is a Medical Record?
- Statutory Requirements
- Quasi-Medical and Non-Medical Information in Records
- Genomic and "Big Data" Information

Physical Records vs. Data/Information
- Nature of "Data" as Fully Replicable

Competing Ownership Claims
- Provider vs. Patient
- Hospital vs. Physician/Other Provider
- Employed Physicians vs. Employer Practice

Rights Short of Full Ownership
- Right to Monetize (Use, Exploit, Sell, Patent, etc.)
- Standard HIPAA Rights: Access, Restrict, Amend, Accounting
- Right to Be Notified of Breach
- Right to Privacy/Security Generally


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