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FairWarning® Advocates for Phased Approach of Accounting of Disclosures Rule in Meetings with Congressional Leaders and Staff

*Patients have a fundamental right to Accounting of Disclosures;
right must be balanced by other considerations which impact healthcare providers*

SAINT PETERSBURG, Fla. – November 10th, 2011 – FairWarning Inc., the inventor and world’s leading supplier of solutions which monitor and protect patient privacy in Electronic Health Records (EHRs), met with 17 Congressional leaders and staff members including members of the Privacy Caucus, Senate Subcommittee on Privacy, Technology and the Law, and House Subcommittee on Health, earlier this fall to discuss the proposed Accounting of Disclosures rule and the impact it would have on healthcare providers.

Worldwide, patients are demanding to know who has accessed their records. Ultimately, healthcare must work toward supplying the patient with this information. FairWarning® agrees that patients have a fundamental right to an accounting of disclosures of their medical record, however the company advocates for a phased approach to the proposed Accounting of Disclosures Rule which balances other considerations. This phased approach would enable the US Government to ensure that;

- Accounting of Disclosure Laws are not in conflict with existing state, local, labor and other laws;
- Access reports provide readable, useful and meaningful data to the patient and;
- Healthcare providers have adequate time to secure, implement and initiate required technologies and processes to meet regulatory compliance requirements.

FairWarning®, in their role as a global educator on patient privacy, and in collaboration with more than 700 leading hospitals and 2,200 clinics, provides unique insight into the most critical challenges faced by healthcare providers. FairWarning® advocates for a phased approach to the proposed Accounting of Disclosures rule, recommending that access reports initially be required for records contained within Meaningful Use Certified EHR systems, and later expanding to include all designated record sets. Additionally, FairWarning® asserts that a phased timeline of five to seven years would meet the long term goals of the Accounting of Disclosures requirements. The biggest challenge for the healthcare industry relative to the proposed Accounting of Disclosures rule is the costliness and burden of compliance, primarily derived from the difficulty in gathering the appropriate audit data and reports from each of the required systems.

“Globally, patients are demanding to know the full details of any accesses to their records as a foundation of successful EHR implementation. We must start down the path to providing full access reports,” says Kurt Long, CEO of FairWarning®. “However, in listening to healthcare leaders, our customers, and prospects the proposed regulation requires too much at once. A phased approach will more effectively accomplish the ultimate goal.”

In its efforts to advance privacy and security within healthcare, FairWarning® recently rolled out the FairWarning® Ready industry initiative. FairWarning® Ready is an open copyright, no-charge program designed to bring healthcare providers together with applications vendors to alleviate the pain, burden

and expense of meeting the regulatory requirements under HIPAA, HITECH and the proposed Accounting of Disclosures rule. FairWarning® Ready enables the cost-effective creation and availability of application audit logs, providing healthcare organizations with a practical and reliable way to fulfill the requirements.

To learn more about FairWarning® and Accounting of Disclosures, register for the upcoming webinar:

“Strategies for Accounting of Disclosure Access Reports and Enforcement Update”

Date: Thursday November 17th, 2011 – 11:00 AM Pacific / 2:00 PM Eastern

Click [here](#) to register or copy and paste the following URL into your browser:

<https://fairwarningevents.webex.com/ec06051d/eventcenter/enroll/register.do?formId=0&formType=0&loadFlag=1&siteurl=fairwarningevents&confId=280070985>

FairWarning® also briefed Congressional leaders and staff members on the key findings of a national survey which revealed why healthcare privacy should continue to be a high priority. The survey revealed that privacy concerns directly impact patient care and outcomes. This finding was of significant interest to members of Congress who are committed to ensuring quality of healthcare for all Americans. Other key findings of the survey included:

- Patients state that patient privacy is far greater than just a legal and ethical responsibility to protect patients.
- Concerns over patient privacy affect the flow of information to providers to use in the diagnosis and care of their patients:
 - 85.2 percent of participants indicated that if they had a sensitive medical condition, a care provider’s reputation for protecting privacy would influence their choice to seek care from that provider.
 - 27.1 percent of patients stated they would withhold information from their care provider based on privacy concerns.
 - 27.6 percent stated they have or would postpone seeking care for a sensitive medical condition due to privacy concerns.

To read the full survey results, please visit <http://www.fairwarningaudit.com/documents/2011-WHITEPAPER-US-PATIENT-SURVEY.pdf>.

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About FairWarning, Inc.

FairWarning® is the inventor and global leader in appliance-based software solutions which monitor and protect patient privacy in electronic health records enabling healthcare providers and health information exchanges to confidentially connect physicians, clinics, patients and affiliates. FairWarning®’s turn-key privacy auditing solutions are compatible with healthcare applications from every major vendor including Allscripts, Cerner, Epic, GE, McKesson, MEDITECH, Siemens, and many others. Customers consider FairWarning® privacy auditing solutions essential for compliance with healthcare privacy regulations such as ARRA HITECH privacy and meaningful use criteria, HIPAA, EU Data Protection, California SB 541 and AB 211, Texas HB 300, and Canadian provincial healthcare privacy law. For more information on FairWarning® visit www.FairWarning.com or email Solutions@FairWarning.com.