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Title: Development of a Legal Alert Concerning the Use of Attestation Statements

Introduced by: Peter Muller, MD, for the Oakland County Delegation

Original Author: Peter Muller, MD

Referred to: Reference Committee A

House Action: Adopted as Amended.

Whereas, traditionally a provider would a read a patient's data (labs, x-rays, consults) and sign and date it to put in the patient file, and

Whereas, this wastes paper, bulks up files, and is often redundant, and

Whereas, Patient-Centered Medical Home (PCMH) and “meaningful use” provisions require some sort of tracking methodology, and

Whereas, newer information technology (IT) methodologies could allow providers to merely give an attestation of where the data is located, what he or she did with the information, and how he or she interacted with the patient, and

Whereas, a legal opinion would help to understand whether this will satisfy liability concerns; therefore be it

RESOLVED: That MSMS ask legal counsel for a formal opinion for the appropriate use of attestation statements for proof of patient data; and be it further

RESOLVED: That MSMS, pending the opinion of MSMS Legal Counsel, produce a legal alert concerning the use of attestation statements for proof of patient data review.

WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE