EHR Developer Code of Conduct
Frequently Asked Questions

General

- **What is the purpose of the EHR Developer Code of Conduct?**
  EHR Association (the Association) members have a long tradition of working with our clients to improve care, increase efficiencies, enhance patient safety, and provide better outcomes. EHRs have become essential components of quality patient care. In this context, the Association and its member companies recognize the importance to all stakeholders of promoting a set of transparent industry principles that reflect our continued commitment to support safe healthcare delivery, recognize the value and impact that EHRs have for patients and families, foster continued innovation, and operate with high integrity in the market. Through sponsorship of the Code, we want to further the mission of the Association to represent the interests of all EHR developers and demonstrate leadership on behalf of our members. The EHR Association will provide a forum for educating EHR developers on the importance of these principles, and encourage all EHR developers to adopt the Code.

- **Who was involved in developing and updating the Code?**
  The Code was developed and updated by the Association's Code of Conduct Workgroup, which is comprised of volunteers from member companies. Workgroup members represent large and small EHR companies, as well as those that serve the enterprise market and those that serve only the ambulatory market. In addition to the efforts of the workgroup, we received extensive feedback from the broader membership of the Association and many government and private sector stakeholders who have strong interests in health IT. Our objective is to represent the broadest perspective possible.

- **Who should consider adopting the EHR Developer Code of Conduct?**
  We encourage any company that develops EHRs, regardless of membership in the EHR Association, to consider adopting the Code. The EHR Developer Code of Conduct was developed by EHR companies who are members of EHR Association and is intended for use by EHR companies or EHR lines of business. We are making the Code generally available to encourage transparency and collaboration among EHR companies, as well as among an EHR company, its clients, and other industry stakeholders.

- **Where can I find information about the Code of Conduct?**
  The EHR Developer Code of Conduct (including this FAQ document) will be publically available on the EHR Association web site. The website will also provide guidance on implementation. Access www.ehrassociation.org/ASP/codeofconduct.asp to find the Code and additional information.

- **If my company adopted Version 1, when should we move to Version 2?**
  Version 2 of the EHR Developer Code of Conduct was released in February 2016, announced both publicly and through direct communications to our membership and other companies that adopted Version 1. Version 2 introduces important new tenets that extend and reinforce your organization's commitment to operate with integrity and transparency.

  Version 1 will no longer be considered valid after July 1, 2017 and cannot be referenced as current adoption of the Code after that date. Therefore, we are encouraging all health IT companies to review Version 2 carefully and take steps to integrate it into their business practices before that date.

Adoption by EHR Developer Companies

- **What does a company need to do to adopt the Code?**
  Recognizing that every company has different business models and practices, companies that adopt the Code will be responsible for determining their specific application of the Code consistent with the spirit of the Code's principles. Adoption of the Code means that the company is committed to all of its principles and has completed or is in the process of implementing the practices needed to apply these principles within the company. These practices could include:
  - Executive leadership involvement;
  - Training staff about their obligations under the Code of Conduct;
  - Setting up procedures to monitor business adoption;
  - Ability to communicate to their stakeholders their plan and activities related to the Code of Conduct.

- **Does my company need to inform the EHR Association that we have adopted the Code?**
  The EHRA utilizes the information we gather about Code adoption for internal purposes only and does not share or publicize a list of adopters. Therefore, the EHRA encourages companies that have adopted the Code to complete a brief survey as notification of adoption; this is not, however, a requirement.

- **How does my company communicate to stakeholders that they have adopted the Code of Conduct?**
  Promotion of a company's commitment to the EHR Developer Code of Conduct can be incorporated into marketing materials, including the company's web site. Incorporation into marketing materials and promotion on a company's web site will be an indication of support of the Code in its entirety. Such marketing materials must conform to marketing guidelines that are developed and maintained by the Association (and available at www.ehrassociation.org/ASP/codeofconduct.asp).

  Companies should have a process and content available to communicate to their stakeholders plans and activities related to the Code of Conduct.

- **Which types of companies should consider adopting the Code of Conduct?**
  This Code of Conduct applies to EHR developers, which might be stand-alone companies or divisions or business units of companies with other non-EHR lines of business. It is up to each adopting company to determine if the Code, in its entirety, is applicable to them, considering that the Code of Conduct is intended to apply to EHRs.

Communications

- **The Code of Conduct includes the principle:** *Our business practices emphasize accurate communication about the functionality, costs, and benefits of our products and services. What does that encompass?*
  Accurate communication about the functionality, costs, and benefits of our products and services encompasses marketing materials, sales presentations, product documentation, company websites, and other pertinent materials.

Patient Safety

- **The Code of Conduct includes the principle:** *We will notify our clients should we identify or become aware of a software issue that could materially affect patient safety and offer solutions.* **What kinds of solutions will EHR developers deliver in response to potential patient safety issues?**
  Any EHR developer who adopts the Code will determine how they will respond to patient safety issues reported by their clients. Responses could include broad notification to all clients of the potential issue, workflow guidance, identification of features that should not be used, and/or software updates.

- **The Code of Conduct references client discussions about patient safety issues in appropriate venues. What are some examples of appropriate venues?**
  Examples of venues where EHR users might appropriately discuss patient safety issues include peer reviewed research, Patient Safety Organizations (PSOs), risk management committees, state or federal regulatory agencies, accredited certifying bodies, the Joint Commission, user group meetings (i.e., licensed clients), and the Institute for Safe Medication Practices. In doing this, we will maintain fair and reasonable intellectual property protections.

- **The Code of Conduct indicates that if patients contact EHR developers with patient safety concerns related to their EHR, the developer will follow up. What is the best way for patients to proceed with questions or issues?**
  Patients will find that contacting their providers is the best approach for most questions related to their health information and electronic access because their question might have context specifically related to their health conditions and the way in which their provider's system has been configured. Adopters of the Code have a process to respond to direct inquiries from patients, which might involve helping the patient contact their provider.

- **The Code indicates that adherents will provide best practice guidance to users on safe implementation and use. Would this guidance include advising clients of poor implementation decisions?**
  Yes, it could. For example, some adherents will provide proactive recommendations or other adherents would provide safety considerations in response to questions.

Usability

- **The Code of Conduct indicates that users can participate in EHR design. What kinds of users can participate?**
  EHR developers welcome feedback from diverse and representative user populations reflecting the actual users of their products. This includes diverse users in different roles as well as users with different backgrounds. For example, different roles might include both clinicians and patients.

Interoperability

- **How is interoperability defined for purposes of the Code of Conduct?**
  In developing this Code, the EHR Association is based on the IEEE definition, defining interoperability as the ability of a system to exchange electronic health information with, and use electronic health information from, other systems.

- **What types of interoperability will adopters of the Code enable?**
  Adopters recognize that there are a wide variety of interoperability use cases and standards, and will enable use cases based on market drivers, client requests and priorities, and user feedback. Examples of interoperability use cases include: exchange and use of summaries of care; sending and receiving lab orders and results; sending e-prescriptions; submitting public health data; enabling patients to view, download, and transmit their health information; secure messaging with patients; submission to registries; and many others.

EHR Association Role

- **What is the role of the EHR Association?**
  The EHR Association is the developer and sponsor of the EHR Developer Code of Conduct. The Association will make available the Code of Conduct (including FAQs) and the Implementation Guide for EHR Developers on its website.

  The Association will publicize and promote the Code of Conduct and encourage all EHR developers to adopt the principles described in the Code of Conduct, and to promote their commitment to clients, prospects, employees, and partners. Although adoption of the Code is at the discretion of each individual company, we strongly encourage all EHR developers to adopt the Code of Conduct.

The EHR Association will make available marketing guidelines that can be used by EHR developers that choose to publicize their adoption of the Code.

The Association will consider the principles in the Code of Conduct as a basis for our key position statements, as applicable.

Periodically, the EHR Association will review and evaluate the need to make any changes to the Code.

- **Why is the EHR Association sponsoring this Code of Conduct?**
  The EHR Association is the primary organization through which EHR developers collaborate on industry issues, and we lead and sponsor this important initiative. We developed the Code of Conduct, and are encouraging all EHR developers to adopt the code, as a reflection of our industry's ongoing commitment to collaborate as trusted partners with all stakeholders.

- **What is the process for review, evaluation, and revision?**
  Periodically, the EHR Association will determine if additions and/or revisions are needed to the EHR Developer Code of Conduct or the Implementation Guide. We follow a similar approach to that which was used to develop the Code of Conduct initially. We reconvene the Code of Conduct Workgroup to lead the review and revision process, and the workgroup works with our members and consults with stakeholders across the healthcare industry in its work. Any recommended changes will go through a thorough formal review and be voted on by Association member companies. Upon completion of a successful vote, communication and education will be provided to EHR developers regarding any additions and/or revisions to the Code of Conduct or the Implementation Guide. The logo and marketing guidelines will be updated to reflect the new version.

  When a new version of the Code of Conduct is available, EHR companies will have the opportunity to adopt the latest version of the Code of Conduct. Companies adopting the latest version of the Code will have the opportunity to use a logo specific to that version in their marketing materials.

- **Will the EHR Association adopt the Code of Conduct?**
  The Code is written to be adopted by individual companies. As a trade association, the EHR Association cannot adopt the Code, nor will it adopt the Code on behalf of its member companies.

Stakeholders

- **Who are stakeholders of the EHR Developer Code of Conduct?**
  There are many stakeholders of the Code, including providers, patients and their families and caregivers, regulators and policymakers, payers, EHR developers, and others.

Providers will be able to inform selection decisions based on whether the tenets of the Code are valuable to them and which EHR developers have adopted it. Patients and their families and caregivers, based on knowing that their physician is using an EHR, can be given information that is more readable and useful. Regulators and policymakers can develop regulations and supporting programs based on an understanding of general EHR capabilities and developers' adherence to the Code. Payers can be more confident in consistent adherence to documentation requirements that will be increasingly important in complying with emerging value-based payment models. EHR developers who adopt the Code can use their adherence to its principles to differentiate their organization, as well as an opportunity to reach out to staff and clients alike about the operational aspects of their adoption of the Code.

- **What if I have a question about a company that has indicated their commitment to the EHR Developer Code of Conduct or if I want to learn more about their business practices?**
  Any questions concerning a company's adoption of the Code or their business practices should be directed to the company in question.

- **What should I do if a company indicates it has adopted the Code, but I believe that their contract language contradicts specific tenets of the Code or their business practices do not conform to the Code?**
  Questions regarding any company's contract language relative to the Code or their business practices should be directed to that company. We encourage companies that adopt the Code of Conduct to align their contract terms and practices to the Code's principles as quickly as possible. The EHR Association does not perform any oversight or enforcement of the Code, nor do we provide legal advice.

- **How can I see a list of who has adopted the Code?**
  The Association does not share or openly publicize a list of adopters, though we encourage those who adopt the code to publicize their adoption.

- **Who should I contact if I have questions or suggestions regarding the Code?**
  Please direct any inquiries to ehrcodeofconduct@himss.org.

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