



EHR Developer Code of Conduct

Preface

Established in 2004, the Electronic Health Record (EHR) Association is currently comprised of more than 40 companies that supply the vast majority of operational EHRs to physicians' practices and hospitals across the United States. The EHR Association operates on the premise that the rapid, widespread adoption of EHRs will, as a key enabler of healthcare transformation, help improve the quality of patient care as well as the productivity and sustainability of our healthcare system.

The EHR Association is the primary organization through which EHR developers collaborate on industry issues, and we are pleased to take the lead in developing this Code. The EHR Association and its members are committed to supporting safe healthcare delivery, fostering continued innovation, and operating with high integrity in the market for our users and their patients and families. Recognizing the transformative power of health IT, we put forward this Code of Conduct as a reflection of our industry's ongoing commitment to collaborate as trusted partners with all stakeholders.

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. In addition, the Code of Conduct generally applies to complete EHRs. As we are mindful of the laws and regulations that affect our customers, as well as the important role of health IT in their environments, the Code is intended to complement those government actions, not supersede them.

The EHR Association offers this Code of Conduct to all health IT companies, regardless of Association membership. In consultation with other stakeholders across the healthcare industry, the Association will periodically update this Code of Conduct.



EHR Developer Code of Conduct Principles

As a company that develops electronic health records (EHRs) and provides health IT software and services, we are committed to the following principles.

General

- **Our business practices will emphasize accurate communication about the functionality and benefits of our products and services.**

Patient Safety

Recognizing that patient safety is a shared responsibility among all stakeholders in an increasingly health IT-enabled, learning healthcare system:

- **We are committed to product design, development, and deployment in support of patient safety.** We will utilize such approaches as quality management systems (QMS) and user-centered design methodologies, and use recognized standards and guidelines.
- **We will participate with one or more Patient Safety Organizations (PSOs) (and/or other recognized bodies) in reporting, review, and analyses of health IT-related patient safety events.** The exact nature, extent, and timing of our participation will depend on the outcome of current industry and policy discussions; such factors as legislative, regulatory changes, or agency guidance; the availability of the appropriate recognized organizations; development of standardized definitions for safety events; and other implementation factors. This work will require close collaboration with our customers.
- **We will share best practices with our customers for safe deployment, implementation, maintenance, and use of our products.**
- **We will notify our customers should we identify or become aware of a software issue that could materially affect patient safety, and offer solutions.**



- **We recognize the value of our customers’ participation in discussions about patient safety. We will not contractually limit our customers from discussing patient safety issues in appropriate venues.** In applying this policy, we will maintain fair and reasonable intellectual property protections.

Interoperability and Data Portability

Recognizing that data should follow the patient:

- **We will enable our customers to exchange clinical information with other parties, including those using other EHR systems, through standards-based technology, to the greatest extent possible.**
- **We will use available, recognized, and nationally uniform standards to the greatest extent possible in developing interfaces.**
- **As customers implement interfaces and work to achieve interoperability, we will share best practices with them about the safe deployment, implementation, and use of the supporting tools and technologies.**
- **We will work with our customers to facilitate the export of patient data if a customer chooses to move from one EHR to another.** We will enable, at a minimum, the export of one or more standards-based clinical summary formats such as CCD/CCDA (or the then-current equivalent) for all patients.

Clinical and Billing Documentation

- **Our software, services, and business practices will support our customers’ needs to efficiently and accurately document care provided.**
- **We will make available to our customers information about our products’ approaches to clinical documentation, coding, and quality measurement, examples of which include the coding guidelines referenced, conformity with applicable regulatory and documentation standards, or the source of a quality measure.**



Privacy and Security

- **We are committed to developing and implementing our software, services, and business practices in ways that protect patients' privacy through the secure and trusted handling of personal health information.**

Patient Engagement

- **We recognize that EHRs can enable increased engagement by patients and families in their healthcare, support patient-centered healthcare and shared decision making, and we will reflect this understanding in our business practices.** Although patients and families are not our direct customers, we appreciate that they are the beneficiaries and, in some cases, the direct users of EHR technology.

Implementation of the Code

- **By adopting the Code, we are stating that we will adhere to all of its principles and will have practices in place to apply these principles.** Such practices could include educating staff about their obligations under the Code of Conduct; monitoring business adoption; publicizing our adoption of the Code of Conduct to customers, prospects, and partners; and being responsive to questions or concerns related to our adoption of the EHR Developer Code of Conduct.



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 customers 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 EHR 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 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 the Code?**

The Code was developed by the Association's Code of Conduct Workgroup 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 a strong interest 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. We are making the Code generally available to encourage transparency and collaboration among EHR companies, as well as between an EHR company, its customers, and other industry stakeholders.



- **Where can I find information about the Code of Conduct?**

The EHR Developer Code of Conduct (including an FAQ document) will be publically available on the EHR Association web site. The web site will also provide guidance on implementation. Go to [www.ehration.org/ASP/codeofconduct.asp] to find the Code and additional information.

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 underway in the implementation of the practices needed to apply these principles within the company. These practices could include:

- Executive leadership involvement;
- Educating 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.

- **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.

Companies should have a process and content available to communicate to their stakeholders their 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. In addition, the Code of Conduct generally applies to complete EHRs or similar products.

Patient Safety

- **The Code of Conduct includes the principle: *We will notify our customers 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 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 customers. Solutions could include broad notification to all clients of the potential issue, workflow guidance, features that should not be used, and/or software updates.

- **The Code of Conduct references customer 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 PSOs, risk management committees, state regulatory agencies, the Joint Commission, user group meetings (i.e., licensed customers), and the Institute for Safe Medication Practices.

EHR Association Role

- **What is the role of the EHR Association?**

The EHR Association is the developer and sponsor of the EHR Develop Code of Conduct. The Association will make available the Code of Conduct (including FAQs) and the Implementation Guide for EHR Developers on the Association's 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 customers, 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 are pleased to take the lead in developing this Code. 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.

- **Will the Code of Conduct be updated?**

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 will follow a similar approach to that which was used to develop the Code of Conduct initially. We will reconvene the Code of Conduct Workgroup to lead the process. The Code of Conduct Workgroup will work with our members and consult with stakeholders across the healthcare industry as part of the process. Any recommended changes will go through a thorough review process 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 Guidance. The logo and marketing guidelines will be updated to reflect the new version.

At such time when a new version of the Code of Conduct is available, EHR companies will have the opportunity to make the decision to adopt the updated version of the Code of Conduct.



- **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

- **What if I have a question about a company that has indicated their commitment to the EHR Developer Code of Conduct?**

Any questions concerning a company's adoption to the Code 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?**

Questions regarding any company's contract language relative to the Code should be directed to that company. We encourage companies that adopt the Code of Conduct to align their contract terms and enforcement practices to the Code's principles as quickly as possible.

- **In the Code of Conduct, can we consider the term "user" as synonymous with "customer"?**

Yes, EHR developer companies sometimes use different terms. For purpose of the Code of Conduct and associated FAQs, "customer" and "user" are synonymous.

- **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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