

**Indiana Department of Health
Consumer Services and Health Care Regulation
Department of Acute & Continuing Care Services**

Standing Waiver for Locating Server Storage of EMRs Off-Site

ISDH CSHCR: Program Advisory Letter

Number: **AC-2021-01-ASC**

Effective Date: August 9, 2021

Created: August 2, 2021

Cancels: None

Reviewed: n/a

Revised: n/a

PROGRAM ADVISORY SUMMARY

- ***Effective Date: August 9, 2021***

- ***A standing waiver to allow the off-site location/storage of servers/hardware used to store patient records using an EMR is issued for all ASCs. This advisor letter waives the requirement at 410 IAC 15-2.2-(1)(c)(1)(H) for the records to "...be maintained within the center..." All other subparts and requirements remain in force.***

Background:

The Indiana State Department of Health (ISDH), Acute Care Division, recognizes that technology often outpaces established rules and requirements for health care providers. Such as is the case for the storage of medical records in an electronic format for which the hardware on which the records are electronically stored may be stored in any secure location within or outside of the facility since the records can be accessed electronically in the facility regardless of the physical location of the hardware. Ambulatory Outpatient Surgical Center rules state in part:

(c) All documents in legally reproducible form must be maintained within the center for the period required by statutes of limitations and must be made available upon request for inspection, including copying by representatives of the department as follows:

(1) Items to include, but not be limited to, the following:

(H) Medical records.

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Policy:

1. A standing waiver regarding 410 IAC 15-2.2-1(c)(1)(H) is issued for the storage of electronic medical records to allow hardware to be located off premises of the surgery center.
2. Facilities will not be required to submit center specific waiver requests for 410 IAC 15-2.2-1(c)(1)(H) to maintain servers/hardware for electronic medical records for which the hardware is located off premise.

Questions:

Questions about this program advisory letter may be addressed to Jennifer Hembree, Program Director, jhembree@isdh.in.gov or 317-232-3095. Or, John Lee, Deputy Director, Acute and Continuing Care Services, jlee@isdh.in.gov or 317-233-7487.

Approved by:

/s/

Amy Kent, Assistant Commissioner
Consumer Services and Health Care Regulation Commission
Indiana Department of Health