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## Legal Protection for D3 Medical Records and Health Information Students



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### Abstract

Hospitals have an obligation to provide safe, quality, anti-discriminatory, and effective health services under hospital service standards. A medical recorder and health information specialist is someone who has passed the formal education requirements for medical records and health information and has the full competence, duties, responsibilities, authority, and rights to carry out medical recording activities. The purpose of this study was to find out the implementing regulations for practical students, the forms of legal protection for practical students, and the efforts of hospital institutions in providing legal protection to D3 RMIK UNU NTB students at the NTB Provincial Hospital. This study used a sociologicaljuridical approach with a description of the analysis with the type of data in the form of primary and secondary (primary legal materials), while the data collection technique was by way of interviews which consisted of 4 interviews. The sample selection used purposive sampling. Based on the research results obtained, the rules for the implementation of medical record student practice were written in the regulation in the form of SOP with No. 047/08/15/2018 dated December 29, 2018, which was a derivative of the director's decree no. 821/444 / RSUD Prov. NTB on enforcement of clinical practice guidelines for other health workers. There was no legal protection for medical practice record students because they didn't have a registration certificate, so the hospitals' efforts to provide legal protection were to instruct them to carry out SOP and/or rules that had been imposed by the hospital so as to reduce the impact of the risk of lawsuits against D3 RMIK UNU NTB.

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#### INTRODUCTION

Health development is aimed at increasing awareness, comfort, and the ability to live healthy for everyone in order to realize optimal health status as mandated in the preamble of the 1945 Constitution (Sjamsuhidajat and Sabir Alwi, 2006). The hospital is also one of the health service facilities that has the task of accelerating the improvement of public health status. According to the Law of the Republic of Indonesia Number 44 of 2009 concerning Hospitals, hospitals have an to provide safe, quality, obligation discriminatory, and effective health services by prioritizing the interests of patients according to hospital service standards (Erlindai & Yulita, T. 2018).

Based on the sound of Article 28 paragraphs (1) and (2) of Hospitals Law No. 44 of 2009, namely: "Every hospital must keep medical secrets." "Medical secrets," as referred to in paragraph (1), can only be opened for the benefit of the patient's health to fulfill requests from law enforcement officers in the context of law enforcement with the patient's own consent. or based on the provisions of laws and regulations."

So, to maintain the medical secret trilogy, human resources are needed. In this case, human resources are medical records personnel, who in this case have the function of managing patient medical record documents. As stated in Article 70, paragraph 4 of Health Workers Law No. 36 of 2014, namely (Edy Susanto and Sugiharto,2017). "Medical records of health service recipients, as referred to in paragraph (3), must be kept and kept confidential by health workers and leaders of health service facilities."

"Which has been stated in Article 11 paragraph (11) of Law no. 36 of 2014 concerning Health Workers. The Health Education referred to in the above article is organized by a university that organizes a D III medical record and health information education program that will produce vocational recorders. The Higher Education Law explains that higher education is a level of education after secondary education that includes diploma programs and others, organized by universities based on Indonesian culture (Law No. 12 of 2012 Concerning Higher Education).

Health care facilities have the obligation to keep the information contained in the medical record file confidential because the contents of the medical record are the property of the patient and can only be released with the permission or approval of the patient or his heirs (Faida, E.W, 2016). The problems that arise in health services are related to medical records and health information, which are based on cases from research, namely, about a health worker who publishes the autopsy results of homicide victims (Sari Ulina. 2008). In order to provide a sense of security to students who practice in health care facilities, the researcher intends to conduct a study entitled:

"Legal Protection for D3 Medical Records and Health Information of Practice Students Nahdlatul Ulama University, West Nusa Tenggara in NTB Province Hospital"

Sari Ulina. 2008: Legal Accountability Record Medls Part 1 Medls and Medls in Efforts to Improve Health Services in Tembilahan Regional Public Hospital

#### **METHOD**

This study used a sociological-juridical approach. which was an approach to legal reality in society (Zainudin, Ali H. (2006). The steps are interviews and empirical analysis, so that the design and steps of this research technique will follow the pattern of social science research. This starts from the formulation of the problem, which begins with the determination of respondents and sources, collects data, makes an analytical design, and ends with a conclusion (Ishaq. 2017). This study's descriptive-analytic specification was a (Hadikusuma, Hilman, 1995). This study described the legal protections afforded to students practicing D3 medical records and health information at the NTB Provincial Hospital. The object of this research was the legal protection of students practicing D3 medical records and health information at the NTB Provincial Hospital. The subject of this research was students practicing D3 medical records and health information at UNU-NTB. The type of data used in this research was primary data with secondary data (Adi, Rianto, 2004). The primary data in this study were the results of interviews with up to six respondents and informants using a checklist of interview guidelines prepared by researchers; the interview results were then processed and analyzed, and the researcher drew conclusions based on the research findings. Secondary data includes primary legal materials, namely legal materials contained in a rule of law such as legislation, regulations, judge's decisions, contracts, treaties, and state administrative decisions (Soekanto, Soerjono, and Sri Marmuji, 2001).

This study used interview in the data collection techniques, which were techniques to obtain information extracted from data sources directly through conversation and question and answer. The samples was selected from the population in accordance with the wishes of the researcher who could meet the sample criteria (purposive sampling). (Nursalam, 2020). The data used in this study was primary and secondary data that were qualitative in nature. The methods used literature study and field study, which were ways of collecting primary data that were carried out directly on the object under study by means of in-depth interviews (Ishaq. 2017). In this study, the subjects to be interviewed were the hospital ethics committee, the deputy director of the hospital, and the head of the medical record

#### RESULTS

## 1. Implementing Regulations for Medical Record Practice Students and Health Information

The hospital is one of the subsystems in health services that provides two types of services for the community, namely health services and administrative services (Sari Ulina, 2008). Health workers, in carrying out the health profession, are not only responsible for the health of patients (professional responsibility), but are also responsible in the field of law (legal responsibility) (Octarina, NF & team, 2017).

Based on the findings of field research, researchers developed Standard Operating Procedures (SOP) for Medical Record Installation at the NTB Provincial Hospital in the form of SOP documents for the preparation and completion of medical record files No. 0047/01/28/12/2018 No. revision 04 published December 21, 2018.

Meanwhile, from the results of interviews obtained from informants about "student SOPs in carrying out practice," the answer obtained by researchers is: "The implementation of student medical record practices has been regulated in the SOP for Clinical Practice of Nursing and Other Workers with Document Health Number 047/08/15/2018 Date 29-12-2018, which is derived from the Decree of the Director of the NTB Provincial Hospital with Number: 821/444/RSUD Prov. NTB concerning the Implementation of Clinical Practice Guidelines for Other Health Workers." (Interview with the Deputy Director of Training for the NTB Provincial Hospital). In

installation. The data analysis in this study used qualitative data analysis. The data analysis step was to collect data by conducting interviews with predetermined respondents and sources. The data from the interviews then be described in narrative form. After that, secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials was analyzed and collected into one in the literature review. The data obtained which contained the results of interviews with respondents and sources, was described and presented in the form of sentences, and then conclusions was drawn about the legal protection of students practicing D3 medical records and health information at UNU-NTB at the Provincial Hospital of NTB.

addition, based on the results of interviews with other sources, namely, "The SOPs that have been published have gone through the trial and are adjusted to the regulations that are currently developing," (Interview with the ethics committee of the NTB Provincial RSUD). The results of observations of the guidelines or SOPs and the Director's Decree Number: 821/444/RSUD Prov. NTB Regarding the Implementation of Clinical Practice Guidelines for Other Health Workers, namely, there are sanctions for violations that can be imposed if students commit violations. The forms of sanctions are light, medium, and heavy violations.

Violations in the form of serious violations committed by medical record practice students, as contained in the attachment to the director's decree, are (Attachment to the Contents of the Director's Decree No. 821/444/RSUD Prov. NTB About the Implementation of the Clinical Practice Guidelines for Other Health Workers):

- 1. Repeating moderate violations twice
- 2. Negligence causes near-injuries and unexpected events (KNC and KTD).
- 3. Performing immoral acts in the hospital
- 4. Performing criminal acts
- 5. Taking goods from other people and hospital inventory
- 6. Falsifying signatures
- 7. Falsifying grades
- 8. Writing prescriptions
- 9. Official schedules
- 10. Leaking job secrets
- 11. Engaging and cursing drugs and alcohol in hospitals

- 12. Making threats to patients, hospital supervisors, or hospital staff
- 13. Carrying sharp weapons or firearms
- 14. Arguing with fellow students, staff, patients, and their families

Based on the results of the research above, medical record students who will carry out clinical practice at the NTB Provincial Hospital can be said to have had legal limitations in carrying out their practice. This can be seen from the form of regulations that have been set by the leadership of the NTB Provincial Hospital and are contained in the director's decree, which can be used as a rule or guideline for the implementation of student practice. This is guided by the sound of Article 57 of Law No. 34 of 2014 concerning health workers.

"As for the rights of health workers in carrying out the practice of paragraph (1) to obtain legal protection as long as they carry out their duties in accordance with professional standards, professional service standards, and standard operating procedures,

"NTB in this case manages patient medical information in patient medical record documents, so to avoid the risk of lawsuits against students due to not having competence, it can be said that students who have and/or will carry out practical duties have been regulated in the director's decree, which can be considered as legal guidelines for medical record practice students who become NTB Provincial Hospitals, in which if a violation is committed, they will receive sanctions in accordance with the rules that have been set.

## 2. Forms of Legal Protection for Practical Students

Based on the results of research data obtained by researchers as well as data obtained by observation in the form of: "A Manual of Standard Operating Procedures for Medical Record Installation at the NTB Provincial Hospital, consisting of SOP with Document Number: 047/06/28/2018, Published on December 21, 2018, concerning Patient Registration, Patient Identity Numbering, Patient Main Index, Inpatient and IGD Patient Admission, Monitoring and Evaluation of Medical Record Management, Indexing, Coding, and Process Response Time for Provision of Medical Record Files, and Several Others" (SOP manual for the installation of medical records at the NTB Provincial RSUD). This is consistent with other sources' responses, which are as follows: "Yes, so we limit students in terms of managing medical record documents only by competent officers, where if students want to study, we usually assist them." (Interview with the head of the medical record installation at the NTB Provincial RSUD). This is in line with the answers from other sources, namely, "Students who will manage the RM of patients in our hospital are limited by the form of SOPs that are passed down through a letter of submission." (Interview with the Ethics Committee of the NTB Provincial RSUD). According to other sources, the decision letter in question states: "Medical record students who carry out clinical practice we have arranged in the SOP, it appears that the SOP for filling out medical record documents has been regulated in the document with the number: 047/16/28/12/2018, date of issue December 21, 2018." (Interview with the Education and Training Division of the NTB Provincial RSUD). based on the results obtained from the resource person in accordance with standard operating procedures that researchers have obtained with the observation method.

Medical record officers must provide full observation of all forms of action involving the management of patient medical records by practicing students so as to reduce the impact of legal responsibility on students. Because the responsibility of the medical recorder is to ensure that the privacy and confidentiality of patient information are protected and to safeguard the data used to prevent unauthorized access to that information (Ratih Wulandari, 2020), For this reason, it is necessary to have legal protection both preventively and for medical record students who will and/or are currently practicing at the NTB Provincial Hospital, which aims to protect the security and confidentiality of patient medical record documents. In accordance with the contents of the Hippocratic oath, which in this case aims to maintain a reciprocal relationship between medical personnel and other health workers towards patients, this method is intended to maintain the confidentiality of the patient's medical record documents (Purwahadi Wardoyo, 2003). However, in this case, the D3 Medical Record student who works at the Provincial Hospital has not been said to be a competent person in managing patient medical record documents, which is in accordance with the contents of Article 1 of Minister of Health Regulation No. 55 of 2013, which contains the following general provisions (Permenkes No. 55 Th. 2013 on Medical Recorder Job Conduct):

"A medical recorder is a person who has passed the medical record and health information education in accordance with the provisions of the legislation."

In this case, a student cannot be considered a medical recorder with full authority in managing patient medical record documents while working as a medical recorder because he or she has not been legally recognized as a medical recorder by law and state administration.

So, to protect students in carrying out the work of a medical recorder, they must follow the standard rules that have been set by the NTB Provincial Hospital because, by law, they have not been recognized as a medical recorder, so that medical record students carrying out medical record work assignments do not escape the risk of violations. This risk is very vulnerable, as seen from the conditions while carrying out the task of managing medical record documents. They must maintain the confidentiality of patient information, so sometimes students run outside of the authority that should be carried out. Because if the rules that have been set are violated by students, it will have an impact on their legal responsibility as stated in Article 322 of the Criminal Code (Moeljatno ,2008)

"Whoever intentionally exposes a secret that he is obligated to keep because of his position or work, both now and in the past, will be punished with a fine of up to 600 rupiahs."

Based on the above review, students who practice in terms of carrying out the work duties of a medical recorder are required to heed the rules that have been set at the NTB Provincial Hospital for the implementation of the student practice process in accordance with applicable rules and norms so as to provide legal protection for students in carrying out work practices. medical recorder and health information.

## 3. Hospital Institutions' Efforts in Providing Legal Protection to Practical Students

In health services, the nature of the profession is a calling in life that aims to devote oneself to humans based on education, which must be carried out with humility and scientific integrity. Social responsibility is also carried out with full responsibility. Answer (Basuki Wirjowidjojo, 1996). Errors in carrying out professional obligations will usually start with the dissatisfaction of the recipient of health services and the patient's family (Siska

Elvandari,2015). So that in the provision of health services, it must be based on ethical principles and legal norms in order to reduce the risk of or impact of lawsuits between parties in its implementation.

According to the findings of the researchers' research, prior to the student practice process, there was a cooperative relationship between UNU-NTB and the NTB Provincial Hospital, which was stated in the form of a memorandum of understanding (MOU). This is in accordance with the interview statement obtained by the researcher from the resource person: "Usually before students are deployed to the practice location section, a collaboration or MOU has been carried out between the campus and the hospital, which will later be stated in the form of a cover letter for a practice permit that is copied to us" (Interview with the head of the RM installation at the NTB Provincial RSUD). In addition, another answer from another resource person was, "Hospital Prov. NTB and UNU NTB have established cooperation in the field of student service research and practice, which is stated in the MOU (Interview with the Education and Training Division of the NTB Provincial RSUD)."

Based on the answers from the resource persons, the results are in accordance with the contents of the reply letter from the NTB Provincial Hospital regarding the practice permit for D3 Medical Record and Health Information students at UNU NTB in the installation that has been addressed with Letter Number: 870/032/RSUDP/2022. As for the form of legal protection for the Provincial Hospital for Medical Record and Health Information D3 students who carry out the practice of medical record work duties at the Provincial Hospital, NTB has issued a decree for the Director of the NTB Provincial Hospital with the number 821/444/RSUD Prov. NTB Regarding the Implementation of Clinical Practice Guidelines for Other Health Workers. And that is also stated in the standard operating procedures that exist in the Medical Record Installation SOP for Medical Record Management Number: 047/5/28/12/2018, published December 21, 2018. This is in accordance with the statement from the interview with the resource person: "The limitations of students in managing medical records have clearly been regulated in the SOP for filling out medical record documents, in addition to the SOP for managing number 047/5/28/12/2018, medical records,

published on December 21, 2018." (Interview with the Education and Training Division of the Prov. NTB regarding student limitations in managing RM documents at the NTB Provincial RSUD).

Based on the results of the information from interviews conducted with informants and the results of observations, regulations were set at the NTB Provincial Hospital. If you look at the article in Law No. 36 of 2014 concerning health workers in Article 1 of the general provisions, namely:

"Health workers are everyone who devotes themselves to the health sector and has knowledge and/or skills through education in the health sector, which for certain types requires the authority to carry out health efforts." (Law No. 36 of 2014 concerning Health Workers).

"Article 23 of Law No. 36 of 2009 Concerning Health:

- Health workers are authorized to provide health services.
- In order to provide health services, health workers must have a permit from the government. According to Health Workers Law No. 36 of 2014, a health worker is someone who has obtained a diploma of education of at least level three. Copy it in Permenkes No. 55, 2013 concerning the Implementation of Medical Recorder Work, Article 1

general provisions, namely (Permenkes No. 55 Th. 2013 on Medical Recorder Job Conduct).

"A person who has completed the Diploma Three qualification education as an Associate Expert has passed the Medical Record and Health Information education in accordance with the provisions of the legislation."

Based on the results of the research above, it can be concluded that students who carry out the task of practicing medical records work at the provincial hospital. NTB has not received full legal protection because it is still a student and has not received legality as a medical recorder who has obtained a permit in accordance with applicable laws. The authority of students in carrying out their practical duties in carrying out medical record work is limited to the supervision of medical recorders, who have been given the authority to guide students when carrying out medical record work practices. So it can be said that UNU NTB Medical Record and Health Information D3 students who practice at the NTB Provincial Hospital have not been able to get legal protection because students who are practicing have not received legal recognition by law, so there needs to be supervision by a companion when carrying out their duties. practice at the NTB Provincial Hospital.

## **Pictures**





Figure 1.1: Interview with informants at the medical record installation



Figure 1.2: Installation of Medical Records at the NTB Provincial Hospital.

## **CONCLUSION**

## 1. Implementing Regulations for RMIK D3 Prakti Students at RSUDP NTB

Based on the analysis of the results of the research above, where medical record students who practice at the NTB Provincial Hospital in this case manage patient medical information in patient medical record documents, so as to avoid the risk of lawsuits against students due to their lack of competence, it can be said that students who have and/or will carry out practical duties have been regulated in the director's decree, which can be used as legal guidelines for medical record practice students who become NTB Provincial Hospitals, and if a violation is committed, they will receive sanctions in accordance with the rules. Hospital

# 2. Forms of Legal Protection for RMIK D3 Practicing Students at RSUDP NTB

Based on the above review, students who practice in terms of carrying out the work duties of a medical recorder are obliged to heed the rules that have been set at the NTB provincial implementation of the student practice process in accordance with applicable rules and norms so that students can avoid lawsuits.

## 3. Hospital Institutions' Efforts in Providing Legal Protection to Practical Students

NTB has not received full legal protection because it is still a student and has not received legality as a medical recorder who has obtained a permit in accordance with the applicable law. As for the authority of students in carrying out their practical duties in carrying out medical record work, it is limited to the supervision of medical recorders

who have been given the authority to guide students when carrying out medical record.

#### **SUGGESTION**

D3 Medical Record and Health Information Students who will practice at the provincial hospital should be provided with educational supplies on campus about professional ethics and health law courses in the early semester so that when they enter the field or practice vehicle, they can have good and correct provisions. or the correct rules when carrying out the duties of a medical recorder.

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## CONFLICTS OF INTEREST

There is no conflict of interest in this research. The goal is to increase knowledge.

## **AUTHOR CONTRIBUTIONS**

The first researcher in this study serves as the head of the research team who will compile the proposal, research, and subsequent publication. Meanwhile, the second researcher assisted in the process of collecting data, analyzing data and preparing published translated articles.

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