





Sutter Health's Anti-Information Blocking Compliance

September 15, 2020



The 4 P's of OpenNotes & Results Release

Project What is the change project?	Purpose Why are we changing?	Particulars What are we changing?	People Who will be changing?
 <p><i>There is a national movement to make healthcare more open and transparent by encouraging clinicians to share their visit notes and test results (normal and abnormal) in a more timely and transparent manner with patients.</i></p>	 <p><i>By Oct. 29, 2020, Sutter Health will be in compliance with federal regulations that prohibit information blocking of certain patient data. More important, Sutter Health believes that immediate sharing of clinical notes and more timely and complete sharing of test results will encourage patients to be more engaged in their care, improve overall quality and safety, and build more trust between patients and providers.</i></p>	 <p><i>Sutter Health will put processes in place to comply with the regulations, implementing OpenNotes for clinicians across the network. By Nov. 2, 2020, we will comply with the new federal rules by making 8 specified types of clinical notes and normal and abnormal test results available to patients via My Health Online. Results specified by California law to require a patient discussion prior to online release will be released manually by providers.</i></p> <p>https://www.healthit.gov/isa/united-states-core-data-interoperability-uscdi</p>	 <p><i>All providers, including physicians & APCs</i></p> <p><i>All patients, ambulatory and acute*</i></p> <p><i>*See complete list in stakeholder assessment</i></p>

The Case for Change: OpenNotes and Results Release

The Challenge

We don't consistently provide timely access of clinical notes and test results to patients. Making this information immediately available empowers patients, families and caregivers to engage more in their care, and improves the quality and safety of their care.

Except for certain sensitive data, making visit notes and tests results readily available reminds patients of important next steps, such as diagnostic and screening tests, referrals, immunizations and taking medications as prescribed.

Making test results more readily available means providers will need to anticipate patient questions about abnormal results and proactively communicate with their patients to alleviate concerns.

Sharing notes also adds a second set of eyes. Research indicates that 77-87% of patients say accessing their notes makes them feel more in control of their healthcare.

Not all clinicians currently use Sutter EHR's OpenNotes feature in My Health Online. Sutter Health will require clinicians across the network to use OpenNotes and will provide the necessary training.

Clinicians worry that sharing clinical notes will increase their workload by lengthening patient visits, increasing email traffic and changing how they document visits.

Being more proactive and transparent in sharing notes and test results with patients will engage patients and families more in their care and improve the overall quality and safety of their care.

From

Clinical notes are delayed and/or blocked from patients, and access to this information is not easy

Most lab results for patients in ambulatory and acute settings are released on a time-delayed basis

1,551 enabled providers* on OpenNotes
*(*Providers with at least one valid noted shared)*

Clinicians are concerned that patients will be confused by visit notes

To

Clinical notes are readily available to all patients via MHO, with few exceptions

Test results are promptly released to all patients via MHO, with some delays for sensitive results

5,143 enabled providers* on OpenNotes
*(*Active providers based on recent scheduling activity)*

Clinicians experience little change in work-flow and patients are more satisfied with their care

"Patients are at the center of all we do at Sutter Health. Research shows that providing them with faster access to their results and clinician notes will help them feel more a part of their care team, improve overall quality and safety and mark another step on our journey to become a high reliability organization."

Bill Isenberg, M.D.
Chief, Quality and Safety Officer

What is information blocking?

A practice by a health care provider, health IT developer, health information exchange, or health information network that, except as required by law or specified by the Secretary as a reasonable and necessary activity, is likely to interfere with access, exchange, or use of electronic health information.

Is OPEN Notes
Delayed due to
COVID?

No. the Federal
Regulation date
stands,
enforcement
delayed by 3
months

As of **11/02/2020**, we will be held accountable for compliance with Federal Information Blocking regulations pertaining to data classes within the US Core Data for Interoperability (USCDI).

By **05/02/2022** we will be held accountable for information blocking of ANY electronic health information.



US Core Data For Interoperability

Allergies and Intolerances *NEW



- Substance (Medication)
- Substance (Drug Class) *NEW
- Reaction *NEW

Assessment and Plan of Treatment



Care Team Members



Clinical Notes *NEW

1. Consultation Note
2. Discharge Summary Note
3. History & Physical
4. Imaging Narrative
5. Laboratory Report Narrative
6. Pathology Report Narrative
7. Procedure Note
8. Progress Note



Goals



Health Concerns



Immunizations



Laboratory

- Tests
- Values/Results



Medications



Patient Demographics



- First Name
- Last Name
- Previous Name
- Middle Name (incl. middle initial)
- Suffix
- Birth Sex
- Date of Birth
- Race
- Ethnicity
- Preferred Language
- Current Address *NEW
- Previous Address *NEW
- Phone Number *NEW
- Phone Number Type *NEW
- Email Address *NEW

Problems



Procedures



Provenance *NEW



- Author Time Stamp
- Author Organization

Smoking Status



Unique Device Identifier(s) for a Patient's Implantable Device(s)



Vital Signs



- Diastolic Blood Pressure
- Systolic Blood Pressure
- Body Height
- Body Weight
- Heart Rate
- Respiratory Rate
- Body Temperature
- Pulse Oximetry
- Inhaled Oxygen Concentration
- BMI Percentile (2-20 Years) *NEW
- Weight-for-length Percentile (Birth - 36 Months) *NEW
- Occipital-frontal Head Circumference Percentile (Birth - 36 Months) *NEW



For more info:

HealthIT.gov/USCDI



Why is this important?

Patients and care partners report benefits

In an initial OpenNotes study, 3 out of 4 patients reported:

- Taking better care of themselves;
- Understanding their health and medical conditions better;
- Feeling more in control of their health and healthcare.

Care partners benefit as much as patients:

- 88% of patients and 86% of caregivers had better questions for doctor;
- 71% of patients and care partners reported patients taking prescribed medications more often.

What to expect by Oct. 29, 2020

Sutter Health plans to comply with federal regulations before the Nov. 2 compliance deadline.

- As of 10/29, patients enrolled in MHO will be able to access all shareable clinical notes and test results upon logging into their MHO accounts.
 - Historical notes and results will include all information in the Sutter EHR that are available for display via My Health Online, potentially dating back to the initial launch of Sutter EHR in 1999.
- Clinicians will have the ability to pre-block individual historical notes in the patient's chart before 10/29 if they meet the very restrictive federal criteria for such blocking
- To be mindful of our patients, Sutter Health will release behavioral health progress notes immediately for notes created on or after 10/29/2020. For behavioral health notes prior to 10/29, we will continue the existing patient-initiated MHO request for electronic records, which allows the mental health professional the ability confirm or block release and note any compliance exceptions

What about Test Results?

Current state at Sutter Health:

- Normal test results released next day at 6am
- Abnormal test results released 3 days later
- Sensitive test results including all pathology are not released

As of 10/29/20, we will release normal and abnormal results immediately except those addressed in California Privacy Regulation.

State law identifies 4 specific categories of “sensitive” test results which may be released online by providers only after a healthcare professional [either the treating provider or authorized surrogate] has first *discussed* the test results with the patient:

1. HIV antibody test, unless an HIV test subject is anonymously tested and posted without identifiers.
→ *Manual Release by provider only*
 2. Presence of antigens indicating a hepatitis infection.
→ *Automatically release normal results. If abnormal manual release by provider*
 3. Abusing the use of drugs.
→ *Automatically release normal. If abnormal manual release by provider*
 4. Test results related to routinely processed tissues, including skin biopsies, Pap smear tests, products of conception, and bone marrow aspirations for morphological evaluation, if they reveal a malignancy.
→ *Manual release only by provider*
- NOTE: Historical Pathology results will not be automatically released to patients via MHO. At the request of the patient, these may be released by the provider.

Information Blocking Exceptions

Exceptions that involve not fulfilling requests to access, exchange, or use electronic health information (EHI)



1. Preventing Harm Exception



2. Privacy Exception



3. Security Exception



4. Infeasibility Exception



5. Health IT Performance Exception

Exceptions that involve procedures for fulfilling requests to access, exchange, or use EHI



6. Content and Manner Exception



7. Fees Exception

8. Licensing Exception

Unless one of 8 exceptions apply, clinical notes must not be blocked.

For more info on Exceptions visit: <https://www.healthit.gov/cures/sites/default/files/cures/2020-03/InformationBlockingExceptions.pdf>



What will this mean for My Health Online?

By 11/2/20, we are required to make clinical notes and test results readily available to patients via MHO.

We plan to be in compliance by 10/29/20.

There is no opting out.

Open Notes

- Release 8 clinical note types
- Includes notes pertaining to all patient care centers and authors: acute & ambulatory, surgical, home health
- Historical Behavioral Health notes will not be released immediately, but will be available through existing HIM Release of information request

Results Release

- Immediate release, Includes lab and Imaging reports
- No provision for delaying release or withholding results unless release is prohibited by law
- Historical pathology and cytology results will not be released immediately

What do physicians need to know:

1. Consider patient-friendly documentation: Visit www.OpenNotes.org for more information
2. Set expectations with patients that they may receive results release prior to communication from their provider or care team
3. Read and understand allowable exceptions and how to block a note for an approved exception
4. Review Provider FAQ on [Sutter's Open Notes and Results Release](#)

Optional Provider Q&A sessions scheduled in October; meeting information in Appendix.

Team Structure

Steering Committee (Bi-Weekly)

Sponsor
Bill Isenberg MD, Exec Sponsor

Pacesetters
Danielle Reno, MHA, Pacesetter
Steven Lane MD, Pacesetter
Howard Landa MD, Pacesetter

Project Management
Pam Beeuwsaert – Project Manager

Focus Group Leaders
Veena Jones MD, MHO/Open Notes
Albert Chan MD, VP Digital Patient Experience
Jane Schulze, HIM
Kevin Chen MD, Bay Foundation
Mike Conroy MD, Valley Foundation
Bryanna Gallaway, Patient Experience
Mary Schramke, Patient Family Advisor
Nancy Turner, Communications
Lisa Knowles, Compliance
Kiren Gurai, OGC/Privacy Info Security
Jeremy Harris, OGC/Privacy Info Security
Doug Angove, IS Integration
Sheli Page, IS Applications
Tom Carlson, IS Applications
Christine Jensen, SHP
David Nessim MD, SCC
Julia Adler MD, Mental Health

Proposed Focus Groups (Weekly)

MHO/ Open Notes Veena Jones, MD Tom Mitchell Guy Tennyson Effie Nehoran	OGC Jeremy Harris	HIM Jane Schulze Gary Sweeney Maisha Weary	Informatics Howard Landa MD Arthur Sorrell MD Charu Puri MD Donna Woelfel Tim Nichols	Mental Health Julia Adler MD	SCC David Nessim MD Cynthia Matsko
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Compliance Lisa Knowles	OGC /Privacy Info Security Jeremy Harris Kiren Gurai Amber Brown Hilary Isacson	IS Integration Joanna Washburn
SHP Christine Jensen	IS Integration Doug Angove Joanna Washburn Adam Davis MD Karen Williams Nithya Vijayaraghana	

Communica tions Nancy Turner Bryan Gardner	Bay/Valley Operations Kevin Chen, Mike Conroy Kelvin Lam Ash Gokli Physicians as needed	Patient Experience Bryanna Gallaway Soumitra Gaopande (PFA)	Marketing Chris Lange Jennifer Crow	Informatics Arthur Sorrell MD Charu Puri MD
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IS
Tom Carlson,
Sheli Page
Doug Angove
Joanna Washburn

Additional Questions

- For questions please email: Clinicians@SutterHealth.org
- For additional information please contact the following:
 - Danielle Reno, MHA, Executive Director, Clinical Leadership Team
 - Howard Landa, MD, VP Informatics
 - Steven Lane, MD, PAMF Physician and Medical Director of Interoperability

APPENDIX

Optional: Provider Q&A / Roundtable Discussions

Q&A Sessions Open to All Providers						
DATE	MEETING TIME	LINK	MEETING URL	MEETING ID	PASSWORD	PHONE NUMBER
Tuesday, September 29, 2020	12:00-12:45pm	Join Zoom Meeting	https://meetsutter.zoom.us/j/93153313830?pwd=YlYrNw1nSjNEVWRac3FHeTFKSWZvdz09	931 5331 3830	287486	US: +12133388477,,93153313830#,,,,0#,,287486# or +16692192599,,93153313830#,,,,0#,,287486#
Thursday, October 1, 2020	12:00-12:45pm	Join Zoom Meeting	https://meetsutter.zoom.us/j/96464352565?pwd=TTJKYVA5eXNHsZfHZDd1STc2M1lydz09	964 6435 2565	272182	US: +16699006833,,96464352565#,,,,0#,,272182# or +12133388477,,96464352565#,,,,0#,,272182#
Tuesday, October 13, 2020	12:00-12:45pm	Join Zoom Meeting	https://meetsutter.zoom.us/j/97649171997?pwd=RkdqVGx1MnBvM2FBcGc1WGdYZzYrdz09	976 4917 1997	146335	US: +12133388477,,97649171997#,,,,0#,,146335# or +16692192599,,97649171997#,,,,0#,,146335#
Wednesday, October 21, 2020	12:00-12:45pm	Join Zoom Meeting	https://meetsutter.zoom.us/j/92933368445?pwd=UGRKN3hqUIZPM2RjZEWEd3TmPdz09	929 3336 8445	255838	US: +16692192599,,92933368445#,,,,0#,,255838# or +16699006833,,92933368445#,,,,0#,,255838#
Q&A Sessions for Behavioral Health Providers						
Monday, October 12, 2020	12:00-12:45pm	Join Zoom Meeting	https://meetsutter.zoom.us/j/91461898411?pwd=MWRaYkc0YS95U0tzeDJZLzZ3MkZjQT09	914 6189 8411	400981	US: +16699006833,,91461898411#,,,,0#,,400981# or +12133388477,,91461898411#,,,,0#,,400981#
Thursday, October 22, 2020	12:00-12:45pm	Join Zoom Meeting	https://meetsutter.zoom.us/j/99704346826?pwd=Q0dZREs4NTthcGdMQmZWVUphL1RQdz09	997 0434 6826	190120	US: +16699006833,,99704346826#,,,,0#,,190120# or +12133388477,,99704346826#,,,,0#,,190120#