

Sutter Health's Anti-Information Blocking Compliance

October 21, 2020



What is the Cures Act & Information Blocking Compliance?

21st Century Cures Act:

Interoperability, Information Blocking, and the ONC Health IT Certification Program

Office of the National Coordinator (ONC) for Health Information Technology announced the [final rule](#) of the 2016 Cures Act.

The new federal regulation acknowledges the important role patients play on their care teams by requiring healthcare providers to electronically release most clinical notes and test results to patients.



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.

This regulation applies to all authors of sharable note types, and care settings.

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

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 information will be shared?

What does this mean for My Health Online?

By 11/2/20, we are required to make available 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 from care centers and authors: acute & ambulatory, surgical, home health, e.g.
- *Historical* 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* cytology/pathology results will available for manual release by clinicians

What about Test Results?

Current state at Sutter Health:

- Normal final test results released next day at 6am
- Abnormal test results released 3 days later
- California Sensitive Test Results are not released

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

CA state law identifies 4 specific categories of “sensitive” test results which may be released online only after a healthcare professional [either the ordering provider or an authorized delegate] has first *orally discussed* the results with the patient:

1. HIV antibody test results (positive or negative), unless an HIV test subject is anonymously tested and posted without identifiers
→ *Manual Release only*
 2. Presence of antigens indicating a hepatitis infection
→ *Normal results release automatically; abnormal results will require manual release*
 3. Abusing the use of drugs.
→ *Normal results release automatically; abnormal results will require manual release*
 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*
- **Historical blocked CA Sensitive Results will not be automatically released but can be manually released by healthcare professionals.**

What to expect when composing clinical notes

1. The Epic standard button will be configured and defaulted to 'Share w/ Patient'
2. Clinicians will have the ability to block individual notes in the patient's chart if they meet the very restrictive federal criteria for such blocking .
 - This can be done by unselecting the 'Share w/ Patient' button
3. The reason specific exception criteria for blocking a note should be documented.
 - This should be done using the new system SmartPhrase (**.MYNOTESHIDE**) that allows providers to select the Information Blocking Exception criteria that applies to the note.

This note is not being shared electronically in My Health Online with the patient for the following reason:

{SH BLOCKED NOTE REASONS:133484}

- 1 To prevent harm: Healthcare professional reasonably believes that blocking this note will directly and substantially reduce a risk of harm to the life or physical safety to the patient, and/or other specific individual(s).
- 2 To respect privacy: The patient or proxy has requested that this information not be shared.
- 3 Promise of confidentiality: Information in this note was obtained from a non-healthcare provider who was promised confidentiality in exchange for disclosing the information and if it was disclosed their identity would be revealed.
- 4 The information in this note is compiled in order to be used in a civil, criminal, or administrative action/proceeding. Please consult with your local risk officer/resource before selecting this option.
- 5 California Health and Safety Code §123148. A health care professional has been unable to orally discuss test results within this note prior to its release. Test results must be related to (1) HIV antibodies, (2) the presence of antigens indicating a hepatitis infection, (3) abusing the use of drugs, or (4) processed tissue revealing a malignancy.

Clinician Resource Site

<https://tinyurl.com/sutteropen>

You will find:

- Provider FAQ
- Overview of Information Blocking Exceptions
- Presentation materials to share with colleagues
- Clinician & Leader Messages
- Know-Do-Share and Epic EHR Tip Sheet documents

If you have questions about OpenNotes and Results Release,
please email us at: **clinicians@sutterhealth.org**

Feedback.... and Questions



APPENDIX

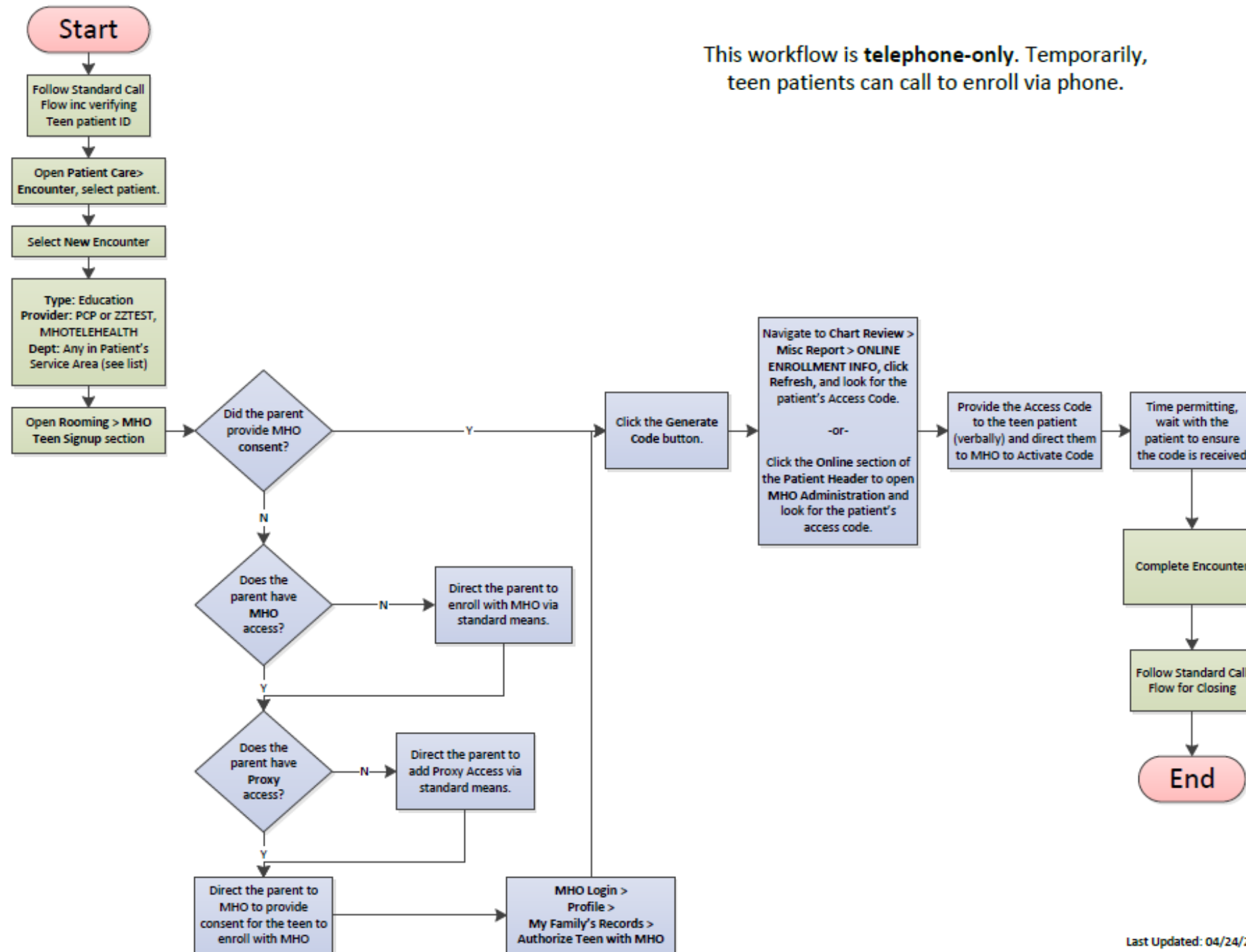
MHO Teen Enrollment & Access to Features

- Parental consent is required.
- Teens can only enroll in-person (except during COVID-19).

My Health Online Features by User Type					
Feature	Proxy to Child (<12)	Patient (Self and/ or Teen)	Proxy to Teen(12-17) / Young Adult (18-25)	Proxy to Adult (>18)	Proxy to patient any age with diminished capacity
Clinical Messaging	Y	Y	Y*	Y	Y
Confidential Messaging	Y	Y	Y*	Y	Y
Tests Ordered / Test Results	Y	Y	N	Y	Y
AVS / Appointment Details	Y	Y	N	Y	Y
Rx Renewals	Y	Y	N	Y	Y
Auto-Pend Orders	Y	Y	N	Y	Y
Direct Scheduling	Y	Y	Y*	Y	Y
Appointment Requests	Y	Y	N	Y	Y
Immunizations	Y	Y	Will change to Y on 10/29	Y	Y
OpenNotes	Y	Y	N	Y	Y

*proxy can only schedule PCP appointment and message PCP for their teen

Teen Enrollment (Temporary during COVID-19)



To support contactless enrollment for Teen patients, enrollment codes can temporarily be provided by phone.

Notes to be released 10/29

Progress Notes
Consults
Procedures
H&P
Discharge Summary *(w/ Epic upgrade on 11/8)*
ED Notes
OR Surgeon
OR PreOp
OR Anesthesia
ED Provider Notes
Note to Patient via Portal
Anesthesia Preprocedure Evaluation
Anesthesia Postprocedure Evaluation
Anesthesia Procedure Notes
L&D Delivery Note
Telephone Encounter
Lactation Note

Radiation Planning Notes
Radiation Completion Notes
BH Treatment Plan
Group Note
Code Documentation
Sedation Documentation
Emergency Medicine Consult
Anesthesia Follow-up
Care Team Note
Interdisciplinary Rounding Note
Behavioral Health Note
Coding Query
Interim Summary
Immediate Post Op Note
Operative Report
Event/Code
Delivery Summary

CDI Query
Rapid Response Documentation
Admission Recertification
ED Supplemental Provider Note
ASAP UC Progress Note
Mobile Note
End of Life Option Act
ED Rapid Medical Exam
Interdisciplinary Team Conference
Interdisciplinary Plan of Care
Therapy Discharge Summary
Therapy Evaluation Note
Weekly Summary
COPD Education
Significant Event
NICU D/C Summary
Dialysis Note

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	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	

Communi- cations 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 Theresa Massie Vince Jocson Christina Szeto Jennifer Crow	Informatics Arthur Sorrell MD Charu Puri MD
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IS
Tom Carlson,
Sheli Page
Doug Angove
Joanna Washburn