
October 05, 2022

TO: RWJBarnabas Health and Rutgers Health EHR Utilizers

RE: Information Blocking/OpenNotes Scope Expansion (Effective October 6, 2022)

Resources: <https://www.opennotes.org/news/information-blocking-rule-includes-epi-starting-october-2022/>, <https://www.opennotes.org/onc-federal-rule/>

The Office of the National Coordinator for Health Information Technology (ONC) enforcement of information blocking provisions, including OpenNotes (sharing clinical notes with patients) **will expand starting October 6**. Please see the below SBAR for more information regarding these changes. We will continue to share ongoing communications regarding this matter.

On behalf of medical leadership, thank you for your support. Should you have any questions, please contact us

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S	<u>Situation:</u> As part of our Safety Together journey and to comply with federal rules, as of April 5, 2021, all practices and acute care facilities within the RWJBH and Rutgers clinical enterprise started sharing visit notes, and other patient data with patients in real-time. Data is shared via current Electronic Health Record (EHR) secure patient portals subject to technical feasibility and permissible exceptions. See below for a step-by-step guide to workflows in Epic. As of October 6, 2022, our enterprise is subject to a broader scope of information sharing.
B	<u>Background:</u> Under HIPAA, patients have had the right to view their complete medical records (including provider notes as well as clinical notes from Nursing, PT/OT, etc.) through “traditional means” for many years. Studies have shown that sharing visit notes electronically, a process called OpenNotes¹, in real-time with patients improves safety, efficiency, and patient satisfaction. For example, twenty-five percent of patients who have access to their medical records (including physician notes) have identified errors and they have notified their caregiver to improve accuracy and quality of care¹. Up to 87% of patients said that accessing their notes made them feel more in control of their health care¹.

	¹OpenNotes for Health Professionals. Retrieved October 28, 2020, from https://www.opennotes.org/opennotes-for-health-professionals/ Based on this demonstrated efficacy, the Office of the National Coordinator (ONC) of Health Information Technology published the “21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program” final rule (“Final Rule”) in March 2020. Part of this Act required that all practices begin sharing their clinical notes and appropriate patient data electronically, which started on April 5, 2021. The ONC final rule allows exceptions to this sharing, such as designated Behavioral Health notes or information which could contribute to patient harm. We have undertaken a comprehensive review of all current note types in our various EHR systems to determine which notes fall into an “exception” category. Effective as of October 6, 2022, the ONC has expanded the definition of Electronic Health Information (EHI). EHI will now consist of USCDI (United States Core Data for Interoperability), as well as medical and payment records and any data used to make decisions about a patient. Retrieved September 20, 2022, from https://www.opennotes.org/news/information-blocking-rule-includes-epi-starting-october-2022/
A	<u>Assessment:</u> RWJBH is required, by federal law, to implement the requirements of the Final Rule. Sharing of electronic health information in the USCDI began, as required, on April 5, 2021, for practices and facilities with the technical capability to do so. Some of our heritage EHR systems cannot wholly support this requirement from a technology standpoint, so other processes of making those notes available to patients applies to those notes; the sharing of notes through the portal will begin when our Epic EHR replaces the heritage systems. As of October 6, 2022, we must include the information in the expanded definition of EHI. Requests for EHI can continue to be made through our medical records/HIM departments. Payment records can be viewed in Epic’s MyChart patient portal or requested directly through the billing department.
R	<u>Recommendation:</u> • In compliance with the new requirements of the Final Rule, as of October 6, 2022, we are sharing EHI, including payment records and data used to make clinical decisions that may not reside in the EHR. • In addition to our patient portals, patients continue to have the ability to request electronic copies of any health information, including the new EHI categories, through our medical records/HIM departments. Additionally, payment records may continue to be requested through our billing department or accessed via Epic MyChart.

Epic

There are certain labs that meet eligibility for delayed release to the patient portal. In this circumstance, the provider will have the option upon ordering to choose “Manual Release,” which then allows the provider to manually release the results to the portal, if and when appropriate.

The screenshot shows the Epic lab order interface for a 'Pregnancy, urine' test. The 'Frequency' is set to 'Once'. The 'At' date is '3/4/2022' and the time is '1305'. The 'Release to patient' section has two buttons: 'Manual Release' and 'Immediate Release'. The 'Manual Release' button is circled in red. To the right, a 'Reason for Blocking' dialog box is open, prompting the user to provide a reason why the note should be blocked from the patient. The dialog includes two radio button options: 'Reasonable likelihood that disclosure will either endanger the life or physical safety of the patient or another person, or cause substantial harm to a person referenced in this record' and 'Patient/ Guardian has requested to not share this note'. There is also a 'Comments' text area and 'Accept' and 'Cancel' buttons at the bottom.

Notes:

Documents that meet the requirements of delaying to the portal will have the option to unselect “share w/ patient.”

The screenshot shows the 'My Note' interface in Epic. The top navigation bar includes 'Sidebar Summary', 'Handoff', 'Hosp Course', 'Orders', and 'Edit Note'. The 'My Note' section shows the 'Type' as 'Internal Medicine', the 'Date of Service' as '3/4/2022', and the 'Time' as '01:06 PM'. The 'Share w/ Patient' button is circled in red, indicating that it can be unselected to delay the release of the note to the patient portal.