

# Information Blocking Update: Immediate Release of Results and Notes

**Background:** On October 26, 2020 we went live with the immediate release of provider daily progress notes (both inpatient and outpatient), and all laboratory, radiology, pathology reports to patients via their electronic health record. This move was in preparation for the November 2, 2020 go-live of the Information Blocking statute within the 21st Century Cures Act. On October 29, the November 2 Final Rule Information Blocking penalty period deadline was moved to April 5, 2021 by the Office of the National Coordinator (ONC).

At that time, we decided to continue with our plans despite the change in deadline. However, due to Epic limitations as it related to intraoperative pathology results, a decision was made in mid-November to revert all pathology/cytology and sensitive test results (Ambulatory, IP, Surgical) back to four business days after the result is finalized. This did not apply to DMG results.

In order to comply with the new April 5 deadline, on midnight March 6, 2021 all pathology/cytology and sensitive test results will revert to immediate release unless prevented by the provider. These changes will accompany the Epic upgrade.

## Detailed Changes as of midnight March 6, 2021

- ▶ **Reversion of finalized pathology, cytology, and sensitive test results release to immediate**
- ▶ **Option for prevention of surgical specimen result release**
  - Results will auto release unless prevented by provider
  - New build created to allow for the option to prevent release of surgical specimen results
  - Result needs to be manually released by provider who prevented the release (this may be the surgeon if the decision was made intraoperatively)
  - Education being shared with surgeons, proceduralists and providers on how to prevent and then manually release surgical specimens
- ▶ **Ambulatory**
  - Results are currently released upon finalization unless prevented by provider (pathology, cytology and sensitive results release will change to immediate at midnight March 6, 2021). Due to Illinois regulations, HIV results will continue to be manual release.
- ▶ **Inpatient**
  - All results that are not prevented from autorelease at time of ordering will be immediately released upon finalization
  - Admitted patients will be able to view notes and results within their MyChart account; however, MyChart notifications will be postponed until discharge.
- ▶ **Scanned images for MyChart** – due to enhancements with OnBase and Epic, patients are now able to view select scanned images in MyChart

## FAQs

- Q. What is the 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program Final Rule?**
- A.** On May 1, 2020, the Office of the National Coordinator (ONC) published the 21st Century Cures Act. This regulation, aimed at promoting interoperability of healthcare information, has provisions in it as to how, what and when we share patient information. The regulation is intended to easily allow sharing of patient information with the patient themselves as well as other providers, healthcare systems, and appropriate third parties. The sharing of information must be immediate under the law. The Goal of ONC Final Rule is to make the health record transparent all the time. Specifically, the Cures Act changes when and what information we make available in MyChart.

**Q. What are the two requirements of this act we are focused on now?**

**A.** While there are several stipulations to this new act, we are currently focused on results reporting and open notes. The list of EHR elements to release to patients will expand in the coming years. There are also particularly high-risk areas such as oncology, genetics, adolescent care, where workflows and careful discussion and planning will be important.

**Q. Why are we reverting the pathology/cytology and sensitive test results back to immediate release?**

**A.** EEH administration understands the concerns about result release as it relates to pathology results and potential emotional harm to patients. In order to comply with the federal mandate however, we have worked over the past several months to create opportunities to better communicate to patients the expectations regarding pathology/cytology and sensitive test results, provider review and patient contact. Due to the impending April 5, 2021 penalty deadline for results release we must now move forward with compliance.

**Q. What are more details regarding US Core Data for Interoperability (USCDI VI) - Open Notes/ Information Blocking?**

**A.** As of October 26, 2020 we have been sharing all patient related clinical notes regardless of author via Epic - including inpatient and ED. (Exceptions have included the Linden Oaks Hospital and psychotherapy notes). Ambulatory notes are available once encounter is signed, Inpatient notes are available upon signature. By October 2022 we will need to share the ENTIRE electronic medical record and ALL historical notes.

**Q. When does this Act go into effect?**

**A.** We began following the regulations on Oct. 26, 2020 in preparation for the official Nov. 2, 2020 (now April 5, 2021) go-live. Penalties of up to \$1M per compliance failure will begin on April 5, 2021. The Final Rule was finalized on May 1, 2020 and Information Systems, along with physician and nursing leadership, have been working on this project since July 2020 due to COVID priorities up until that time. DMG agrees with our interpretation and has been aligned with our efforts as well.

**Q. Are all healthcare organizations required to follow this federal regulation?**

**A.** Yes, all healthcare organizations are required to make process changes in order to follow the Cures Act. Although some organizations may interpret the regulations differently, Edward-Elmhurst Health has based our recommendations on our Legal and Compliance review of the regulations. We recognize this is an added burden on our providers and staff, but we are trying to do what is best for our patients.

**Q. In addition to meeting federal regulations, why are we doing this?**

**A.** We've heard from patients that lack of communication around receiving/interpretation of results causes stress for themselves and their families. The Cures Act ties directly to our vision of transforming the healthcare experience by providing safe, seamless and personal care. Patients and their family/caregivers will:

- Better understand when to expect results
- Receive results in a timely manner
- Have access to a broader set of results and clinical notes.

Thank you to everyone who has examined their workflow process to ensure that Edward-Elmhurst Health can abide by these new government regulations while providing safe, seamless and personal care our patients. With over 75% of our patients currently active in MyChart, this is a huge patient satisfier. MyChart test result release gives patients more control over their care and helps them become more actively engaged in their care.