

The 21st Century Cures Act, Open Notes, and Nursing

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Medical Center



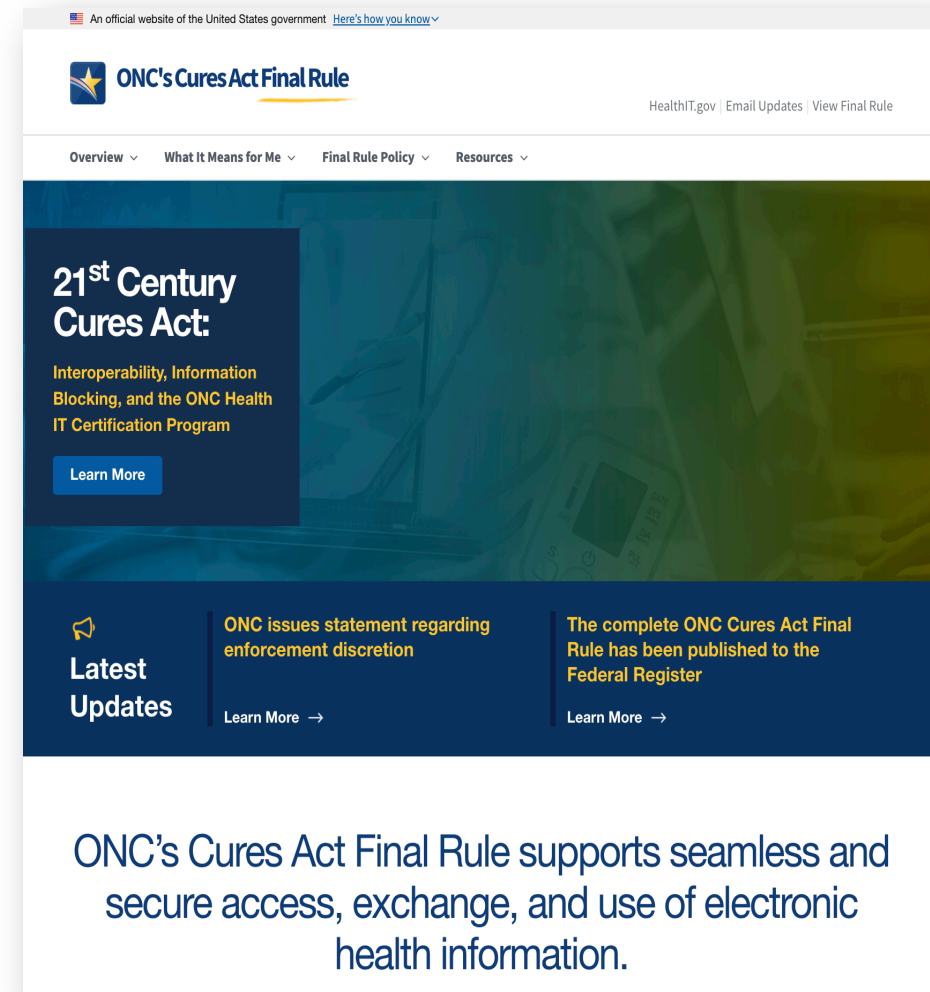
HARVARD MEDICAL SCHOOL
TEACHING HOSPITAL

Agenda

- The Cures Act
- Open notes
- Nurses and open notes
- Questions and discussion

We have no conflicts to report.

- **1996:** HIPAA
- **2009:** HITECH
- **2016:** 21st Century Cures Act passes in U.S. Congress
- **2020:** Interoperability & Information Blocking Rule



21st Century Cures Act

- Passed in 2016 with broad bipartisan support
- Focused on “expediting discovery, development, and delivery of new cures & treatments”
- Also has provisions to drive the electronic access, exchange, and use of health information



Dec 13, 2016

Key HIT provisions

- Gives patients more control of their medical record
- Promotes interoperability among disparate EHRs → seamless exchange
- Requires implementation of ONC's USCDI and HL7's FHIR® standards
- Defines and prohibits information blocking
- ONC is the federal presence to implement these provisions

Intended result:

Use health data in new ways in a new app ecosystem

- Patients

- Modern access to chart
- Choose which EHR data they want apps to receive
- Better info about quality and costs

- Clinicians and hospitals

- Make responding to most patient data requests easy and inexpensive
- Freely choose software (vibrant, competitive marketplace)

- HIT developers

- Lower costs with standardized datasets and FHIR programming standards
- New protections for intellectual property

Cures Act Final Rule timeline

- **Feb 11, 2019** Proposed rules published by ONC & CMS
- Public comment period, OMB review
- **Mar 9, 2020** Final rule released
- **Apr 5, 2021** Applicable date, information blocking USCDI
- **Oct 6, 2022** Applicable date, information blocking *all* EHI
- **Dec 31, 2022** Roll out standardized API functionality



Allergies and Intolerances



- 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](https://www.healthit.gov/uscdi)

Information blocking

“A practice ... that is likely to interfere with access, exchange, or use of EHI.”

Up to \$1m per infraction

8 complex exceptions:

- If criteria met, an action *cannot* be considered information blocking
- Otherwise, an action *may* be considered information blocking

Information blocking exceptions

Not fulfilling requests

- Preventing harm to a patient or another person
- Protecting an individual's privacy
- Protecting the security of EHI
- Fulfilling a request is infeasible
- Taking actions to benefit overall HIT performance

Procedures for fulfillment

- Content and manner
- Certain fees
- Licensing interoperability elements

Information blocking complaints

- Information blocking complaints submitted through ONC's Health IT Feedback Form

Information Blocking Portal



How do I submit an
information blocking
complaint to ONC

ONC's Online
Health IT Feedback Form



Report information
blocking

<https://inquiry.healthit.gov/support/plugins/servlet/desk/portal/6>



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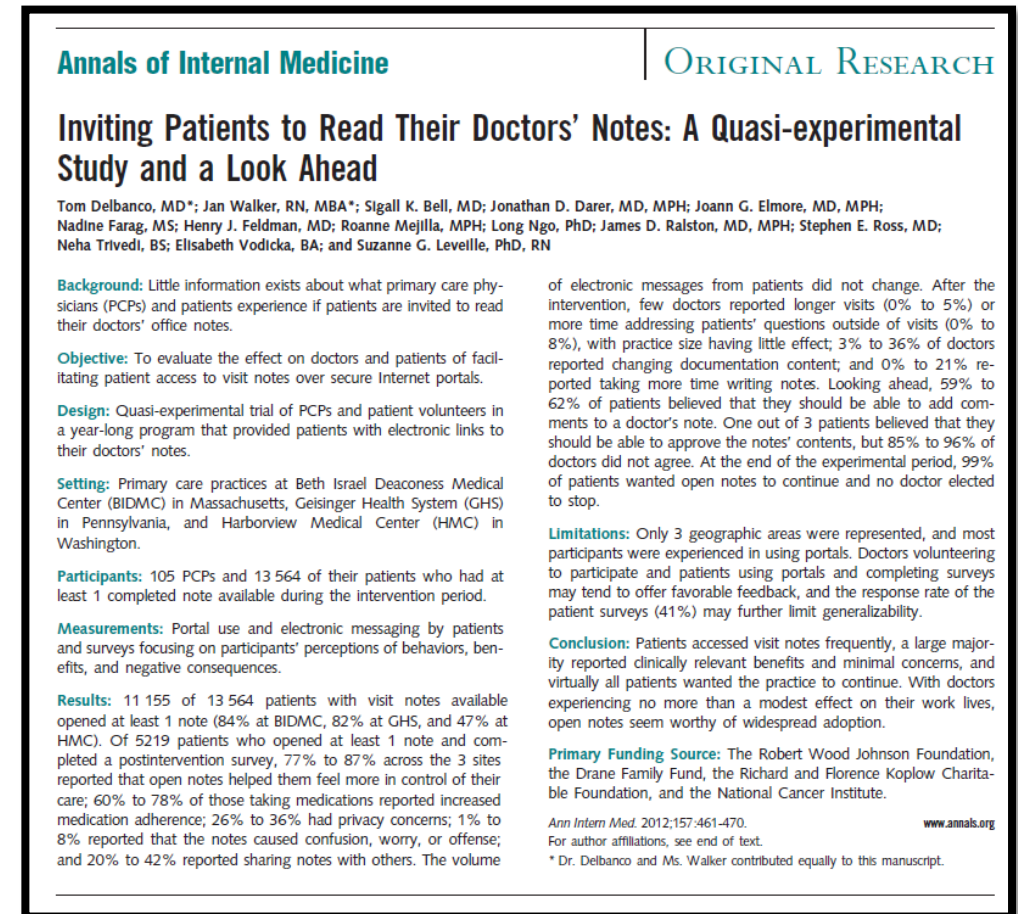


Open Notes

OpenNotes pilot 2010 - 2011

OpenNotes pilot 2010 - 2011

- 100 volunteer PCPs, 20,000 patients
- BIDMC (Boston), Geisinger (PA), Harborview (Seattle)
- PCPs
 - Little impact on workflow, email volume unchanged
 - Worries about patient impacts didn't materialize
 - After study, none stopped
- Patients
 - 80% read a note
 - 75% reported benefits
 - 99% wanted to continue
 - 85% would consider in selecting providers
- All 3 expanded across ambulatory care by 2014



2012



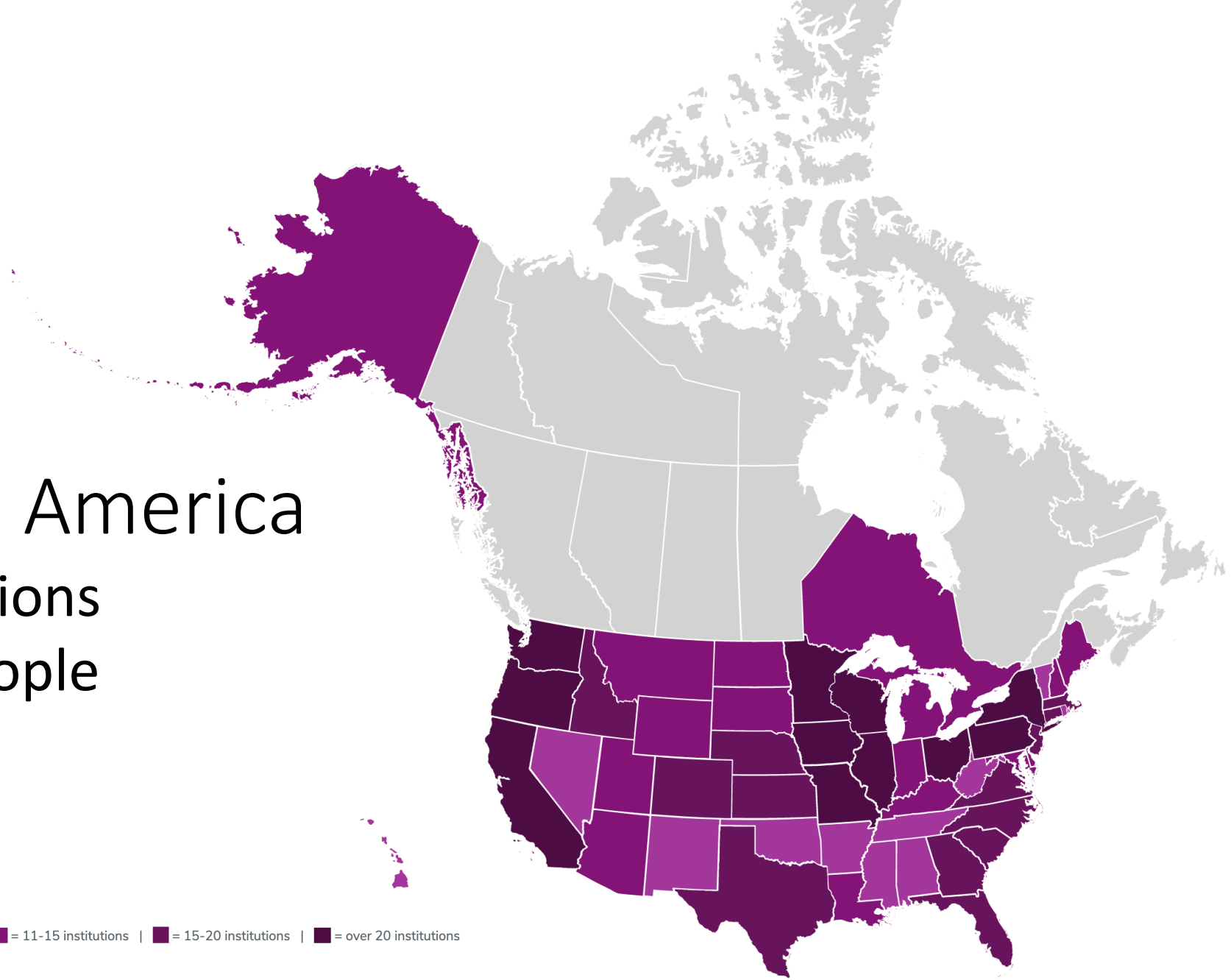
Open notes across North America

- ✓ **250** organizations
- ✓ **53 million** people

Dec 2020

Map Key:

■ = 0 institutions | ■ = 1-5 institutions | ■ = 6-10 institutions | ■ = 11-15 institutions | ■ = 15-20 institutions | ■ = over 20 institutions



Clinician Concerns

- 1/3 say they spend more time on documentation
- Patient confusion, worry
- Exercise clinical judgment to avoid patient harm
- Trivial requests to change notes

And yet, after several years experience

- 74% say open notes is a good idea
- 61% would recommend to colleagues

Open notes also help ...

- Patients understand medications and take them as prescribed
- Care partners rate the benefits of open notes even higher than patients
- Patient safety
- Patient trust in clinicians
- Greatest benefits reported by patients with less education, minorities, sicker, English not spoken at home

An example of what patients have to say about reading open notes:

<https://www.youtube.com/watch?v=xO4g7AhIxow>

Nurses and Open Notes



AACN calls for nurses in ambulatory care:

“to practice at the top of their license, education, and expertise to affect quality and cost through patient engagement, care coordination, enhanced teamwork, resource reduction, improved access, and quality and outcome improvement.”

Nurses can
Engage patients and families

- Based on a trusting relationship
- Attention to individual needs and skills
- Promote shared decision making
 - Patients need information: EHR - source of knowledge about personal health and health care
 - Open notes: “seeing it in black & white”

Nurses can
Encourage patients and families to:

- Sign up for patient portal
- Read their full records including notes
- Speak up about errors
- Ask questions. It's a partnership!

Suggestions for the future

- ❖ Training for nurses regarding open notes
- ❖ Policies and procedures for making amendments to notes
- ❖ Educate patients about reading notes
- ❖ How to handle sensitive information, such as domestic violence, mental health

Tips for writing notes when your patients can read them

Be clear and succinct

Directly and respectfully address concerns

Use supportive language where possible

Try to include patients in the note-writing process

Encourage patients to read their notes

Ask for feedback


Be familiar with your organization's process for amending notes


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opennotes.org

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Everyone on the Same Page

OpenNotes is the international movement promoting and studying **transparent communication in healthcare**. We help patients and clinicians share meaningful notes in medical records. We call these **open notes**.

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ON Website: <https://www.opennotes.org/>

Case Study: Open Inpatient Notes at UC San Diego Health

Tuesday, March 23, 2021 • Noon-1pm Eastern



Brian Clay, MD

Chief Medical Information Officer,
Inpatient and Hospital Affiliations, UC San Diego Health
Clinical Professor of Medicine, UC San Diego School of Medicine



Catherine DesRoches, DrPH

Executive Director, OpenNotes
Associate Professor of Medicine, Harvard Medical School

Case Study Webinar on March 23:
Open Inpatient Notes at UC San Diego Health

Open Oncology Notes: Research & Real-World Experience

Webinar: Monday, March 8, 2021 • Noon-1pm Eastern
+ Office Hours: Thursday, March 11, 2021 • 3-4pm Eastern



Rosie Bartel
Patient advocate,
Collaborator, OpenNotes



Everett Weiss, MD
Associate Chief Health
Informatics Officer,
Memorial Sloan Kettering Cancer Center



Bertram Yuh, MD
Associate Chief Medical Information Officer,
Clinical Professor,
City of Hope National Cancer Center

Open Oncology Notes:
Research & Real-World Experience
Webinar

How to Write an Open Note: Research & Real-World Experience

Webinar: Friday, January 29, 2021 • 1-2pm Eastern
+ Office Hours: Tuesday, February 2, 2021 • 11am-Noon Eastern



Leonor Fernandez, MD
Director of Patient Engagement, Health Care Associates,
Beth Israel Deaconess Medical Center,
Assistant Professor of Medicine, Harvard Medical School



CT Lin, MD
Chief Medical Information Officer, UCHealth,
Professor of Medicine,
University of Colorado School of Medicine

How to Write an Open Note: Research
& Real-World Experience: Webinar

Open Notes in the Safety Net

Webinar: Thursday, April 15, 2021 • 4-5pm Eastern
+ Office Hours: Thursday, April 22, 2021 • 1-2pm Eastern



Anshu Abhat, MD, MPH
Director of Transitions of Care
& Patient Engagement,
LA County Department of Health Services



Nandini Shroff, MPH
Research Committee Administrator
and Grants Manager,
The Institute for Family Health



Ruth Lesnewski, MD
Attending Physician, Beth Israel
Residency Program in Urban Family Practice,
Clinical Director, MyChart MyHealth,
The Institute for Family Health

Open Notes in the Safety Net:
Webinar & Office Hours, April 15 and
April 22

Open Notes in Pediatrics & Adolescents: Research & Real-World Experience

Webinar: Thursday, February 18 • Noon-1pm Eastern
+ Office Hours: Tuesday, February 23 • Noon-1pm Eastern



Fabienne Bourgeois, MD
Pediatric Hospitalist,
Associate Chief Medical Information Officer,
Boston Children's Hospital



Cynthia L. Kuelbs, MD
Chief Medical Information Officer, Rady Children's Hospital,
Clinical Professor of Pediatrics,
University of California, San Diego

Open Notes in Pediatrics & With
Adolescents: Research & Real-World
Experience: Webinar Recording

OpenNotes Drop-In Clinic

March 29-April 2:
Experts "standing by"
to answer your questions

[opennotes.org](https://www.opennotes.org)



ON Website: <https://www.opennotes.org/>

Thank you!

Questions & Discussion



www.opennotes.org