

#### Practice Partner - Cures Act

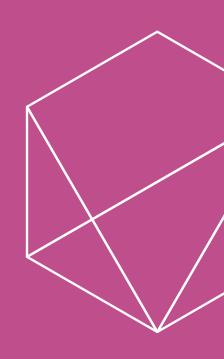


## Agenda

- What is the Cures Act
- What it Means to Patients and Physicians
- Overview of Information Blocking
- Compliance Timeline
- USCDI
- Practice Partner and Compliance

## Cures Act Final Rule

Supports seamless and secure access, exchange, and use of electronic health information.





#### What is the Cures Act?

The rule is designed to give patients and their healthcare providers secure access to health information. It also aims to increase innovation by fostering an ecosystem of new applications to provide patients with more choices in their healthcare.

The rule includes a provision requiring that patients can electronically access all of their electronic health information (EHI), structured and/or unstructured, at no cost.



#### What this means for Patients

#### **Ease of Access to their records**

Cures Act Final Rule supports a patient's control of their health care and their medical record through smartphones and modern software apps.

#### **Protecting Patient Privacy and Security**

The rule supports secure patient access to their electronic medical record data. Patients will be able to use applications they authorize to receive data from their medical records.

#### **Promoting the Ability to Shop for Care and Manage Costs**

Cures Act Final Rule looks to expand patient and payer choice in health care by increasing the availability of data that can support insights about care and quality and costs. Much in the way apps have helped transparency in many industries such as online shopping, travel, and banking, they will be used to deliver information to patients and payers to assist in making decisions.

#### What this means for Clinicians and Hospitals

#### Making patient data requests easy and inexpensive

Modern technology allows clinicians and hospitals to easily provide patients with access to their information in a fully automated, low-cost manner. Patients will be able to access their health information from an app of their choice. Secure, standardized application programming interfaces (APIs) allow for this access without special effort on the part of the clinician.

#### **Allowing Choice of Apps**

Clinicians, hospitals, and health systems should be allowed to benefit from a competitive, vibrant app marketplace. The Cures Act Final Rule calls for open APIs, which encourage secure access to data for applications. The final rule helps to ensure these certified APIs are made available in a way that is safe, secure, and affordable. These APIs support innovation in the marketplace for health IT and app developers.

#### What is information blocking?

- Physicians can experience info blocking when trying to access patient records from other providers, connecting their electronic health record (EHR) systems to local health information exchanges (HIEs), migrating from one EHR to another, and linking their EHRs with a clinical data registry.
- Patients can also experience info blocking when trying to access their medical records or when sending their records to another provider.



#### What is information blocking?

#### These include:

- Restrictive and unfair contractual limitations on physicians' use and exchange of medical information;
- Excessive fees charged to create EHR interfaces or connections with other health Information technology (health IT); and
- Technical or non-standard methods of implementing EHRs and other health IT that block the access, exchange, or use of medical information.



#### Practices that could constitute information blocking

- Implementing health IT in nonstandard ways that are likely to substantially increase the complexity or burden of accessing, exchanging or using EHI.
- Implementing health IT in ways that are likely to
  - o restrict the access, exchange, or use of EHI with respect to exporting complete information sets or in transitioning between health IT systems.
  - Lead to fraud, waste, or abuse, or impede innovations and advancements in health information access, exchange, and use, including care delivery enabled by health IT
- Practices that restrict authorized access, exchange, or use under applicable state or federal law of such information for treatment and other permitted purposes under such applicable law.

Note: many additional examples of practices that could constitute Information blocking in ONC's Cures Act Final Rule.

#### There are eight possible exceptions to Information Blocking

- 1. Prevent Harm Exception It is not considered an information blocking violation if an actor does so in a situation where it is reasonable and necessary in order to prevent harm to a patient or another person.
- 2. Privacy Exception It will not be considered a violation if an actor does not fulfill a request to access, exchange or use EHI in order to protect an individual's privacy.
- 3. Security Exception It will not be considered a violation if an actor interferes with the access, exchange or use of EHI in order to protect the security of EHI.
- 4. Infeasibility Exception It will not be information blocking if an actor does not fulfill a request to access, exchange or use EHI due to the infeasibility of the request (meaning it cannot be reasonably achieved under current conditions.).
- Health IT Performance Exception It will not be considered a violation if an actor takes reasonable and necessary measures to make health IT temporarily unavailable or to degrade the health IT's performance for the benefit of the overall performance of the health IT.
- 6. Content & Manner Exception It is not information blocking for an actor to limit the content of its response to a request to access, exchange, or use EHI or the manner in which it fulfills a request to access, exchange or use EHI.
- 7. Fees Exception It is not a violation for an actor to charge fees, including fees that result in a reasonable profit margin, for accessing, exchanging or using EHI. For example, if the standard and reasonable fee is not paid by the individual making the request.
- **Licensing Exception** It will not be information blocking for an actor to license interoperability elements for EHI to be accessed, exchanged or used.



#### **Exceptions to the definition of information blocking**

Physicians must satisfy ALL applicable conditions of an exception at all relevant times to meet the exception as it relates to the access, exchange, and use of EHI. Each exception is limited to certain practices that clearly advance the aims of ONC's Final Rule and are tailored to align with the following criteria:

#### • Be reasonable and necessary:

These reasonable and necessary practices include providing appropriate protections to prevent harm to patients and others; promoting the privacy and security of EHI; promoting competition and innovation in health IT and its use to provide health care services to consumers, and to develop an efficient means of health care delivery; and allowing system downtime to implement upgrades, repairs, and other changes to health IT.

#### Address significant risk:

The exceptions are intended to address what ONC considers a "significant risk" and that Actors would otherwise avoid engaging in out of concern that such activities could be interpreted as info blocking.

#### • Subject to strict conditions:

Each exception is subject to strict conditions to ensure practices are limited to those that are reasonable and necessary.

## Four main areas of focus that clinicians should observe to maintain compliance with the Cure Act Final Rule:

- 1. Make patient data requests easy and inexpensive.
- 2. Allow choice of apps via open APIs.
- 3. Implementation of practices that are considered reasonable and necessary activities that do not constitute information blocking.
- 4. Improve patient safety by balancing transparency of patient data while protecting the security of health IT.

#### What is electronic health information (EHI)?

EHI is defined as the electronic protected health information (ePHI) in a designated record set (as defined in the Health Insurance Portability and Accountability Act (HIPAA) regulations) regardless of whether the records are used or maintained by or for a covered entity.

The designated record set in a physician's practice typically includes:

- Medical records and billing records about individuals
- Other records used, in whole or in part, by physicians to make decisions about individuals.



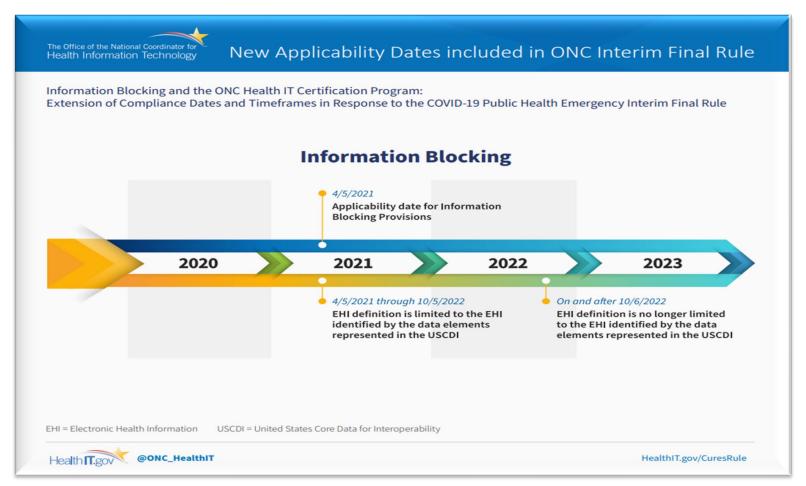
The Cures Act specified four types of entities referred to as "Actors" who must comply with info blocking requirements:

- Health care providers;
- Health IT developers of certified health IT; and
- Health Information Networks (HINs) or HIEs (HIN and HIE are combined into one defined type in the Final Rule). All Actors will be subject to ONC's Information Blocking rules and regulations on April 5, 2021.

April 5, 2021 for the purposes of the information blocking definition, EHI is limited to the data elements represented in the US Core Data for Interoperability (USCDI).

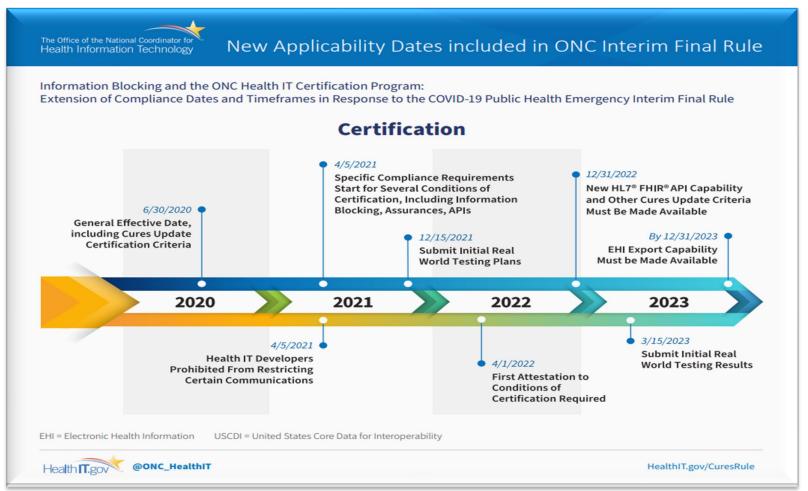
The USCDI is not yet available, however the USCDI data elements currently exist in the CCDA (if up to date through March patches)

#### **Regulatory Dates**





#### **Regulatory Dates**

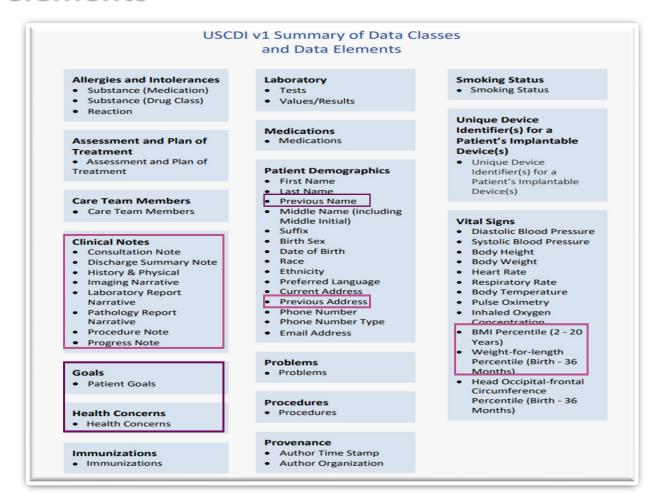




- USCDI Stands for **United States Core Data for Interoperability**
- The USCDI ONC New Data Element and Class (ONDEC) submission System supports a predictable, transparent, and collaborative process, allowing health IT stakeholders to submit new data elements and classes for future versions of the USCDI.
- The USCDI is a standardized set of health data classes and constituent data elements for nationwide, interoperable health information exchange.
- The US Core Data for Interoperability (USCDI) framework will greatly expand the amount of data that is available for both personal use and professional care coordination by allowing for the exchange of an expanded set of data classes. Information that was unavailable for exchange under the Common Clinical Data Set will now be transferrable and consumable electronically. Chart elements such as care plans, goals, as well as provider notes, will become available for transmittal.



#### **USCDI** elements





#### **USCDI Data Elements**

- Allergies and Intolerances: Represents harmful or undesirable physiological response associated to exposure to a substance
- Health Concerns: Health related matter that is of interest, importance or worry to someone who may be the patient, patient's family or patients Health care provider.
- Assessment and Plan of Treatment: Represents a health professional's conclusion and working assumptions that will guide treatment of the patient.
- **Immunizations:** Record of an administration of the vaccination or a record of a vaccination as reported by a patient, a clinician or another part.
- **Procedures:** An activity that is performed with or on a patient as part of the provision of care.
- Care Team Member(s): The specific person(s) who participate or are expected to participate in the care team.



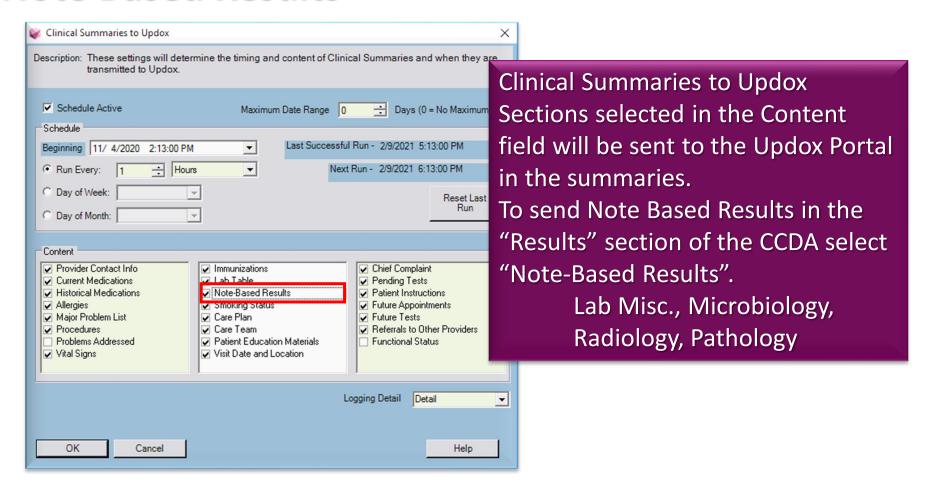
- Laboratory: Tests Values/Results
- Smoking Status: Classification of a patient's smoking behavior.
- Medications: Medications
- Unique Devise Identifiers: for patient's implantable devices A
  unique numeric or alphanumeric code that consists of a device
  identifier (DI) and a production identifier (PI)
- Patient Demographics: to include previous address
- Vital Signs: Physiologic measurements of a patient that indicate the status of the body's life sustaining functions
- **Problems:** information about condition, diagnosis or other event, situation issue, or clinical concept that is documented.
- Goals: An expressed desired health state to be achieved by a subject of care or family group of time or at a specific point of time.

#### **USCDI Data Elements**

- Clinical Notes: Composed of both structured (i.e., obtained via pick-list and/or check the box) and unstructured (free text) data. A clinical note may include the history, Review of System (ROS), physical data, assessment, diagnosis, plan of care and evaluation of plan, patient teaching and other relevant data points.
  - Consultant Note
  - **Discharge Summary Note**
  - History & Physical
  - Imaging Narrative
  - Laboratory Report Narrative
  - Pathology Report Narrative
  - Procedure Note
  - **Progress Note**

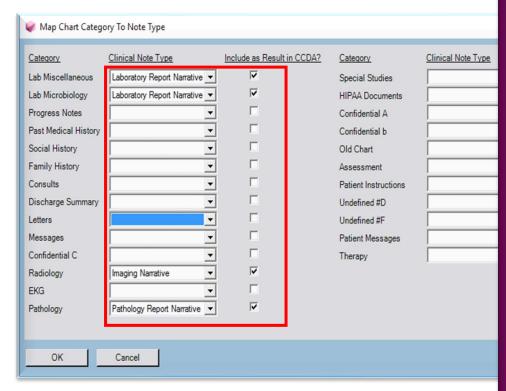


#### **Note Based Results**





#### **CCDA Result Types**

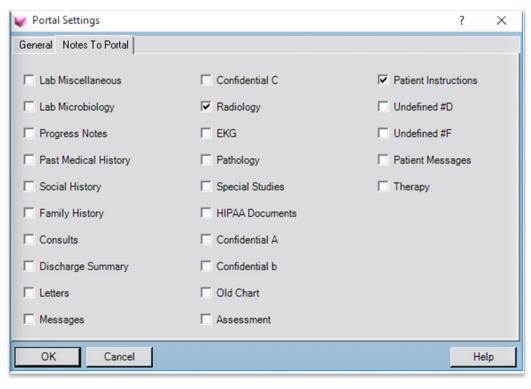


Map Chart Category to Note Type Maintenance>Configuration>Record Types.

Map these note types and select the "Include as Result in CCDA?" this will then push the data in those tabs to the CCDA.

NOTE: **this should only be** used if the data pushed to the tabs from an interface and text data- scanned documents will send a hard link.

## Documents to Portal Set up>Portal Settings

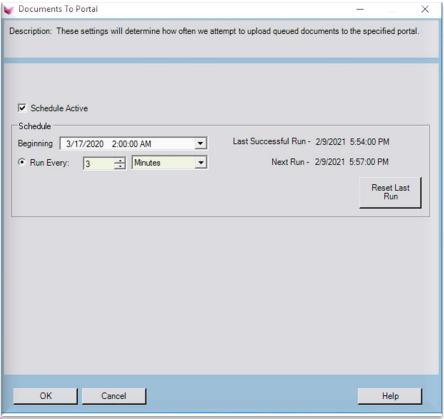


Documents to Portal settings are used to Default Note Based Tabs sections to send the document to the Portal when a note is saved.

This option will send a secure email to the patient, the data is found in the Messages section of the portal.



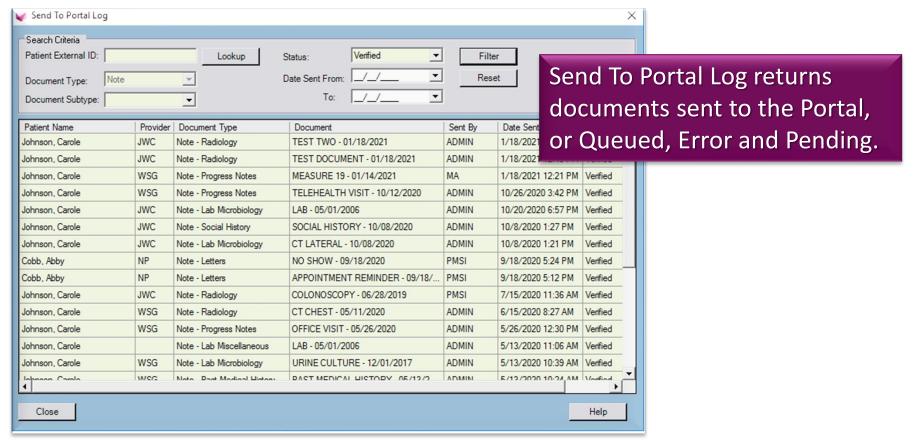
### **Documents to Portal Set up>External Systems**



Documents to Portal Task can be set up to send the Documents as a task and at what increment they will be sent out.



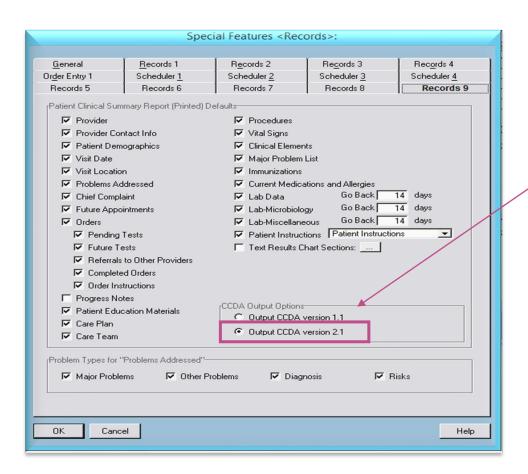
## **Documents to Portal Reports>Portal Documents**





- As part of the 21st Century Cures Act, the United States Core
  Data for Interoperability (USCDI) is being adopted to define the
  types of data that need to be transmitted via CCDA.
- As a result, the following updates have been made to Practice Partner. CCDAs now include any previous name(s) and previous address(es) for the patient.
- The patient's previous names are documented as Contacts with Type = Previous Name in the MRAA database table.
- The patient's previous addresses are documented as Contacts with Type = Previous Address in the MRAA database table.

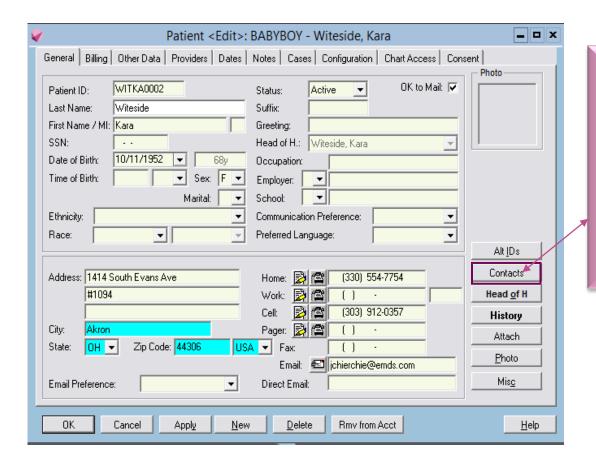




Set you CCDA Output **Options to Output CCDA version 2.1** 



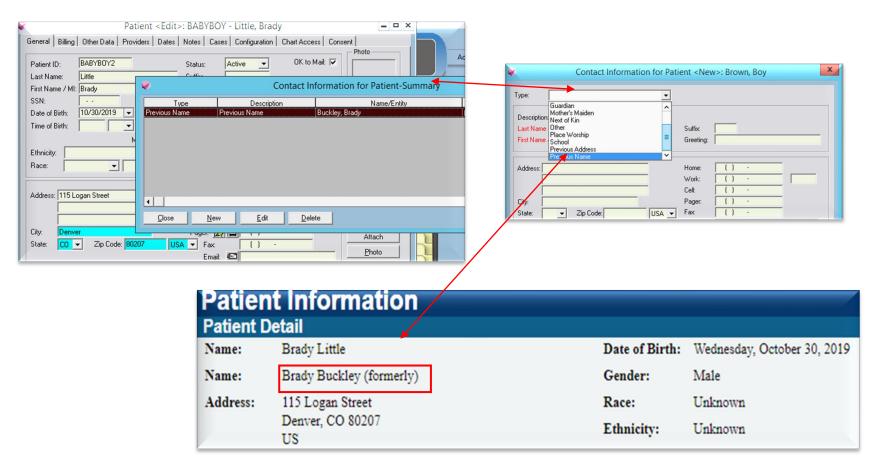
#### Patient demographics > Contacts – updates the CCDA



**Updating a previous** name and Address is done in the Contacts window in the **Patient** Demographics.

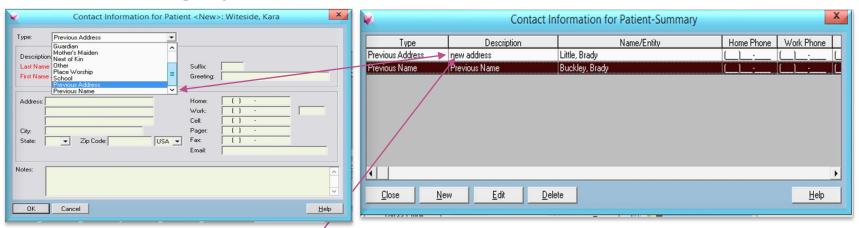


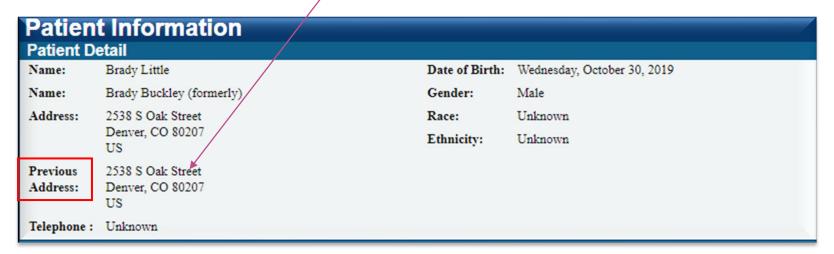
#### **Patient demographics > Contact's button> Previous Name**



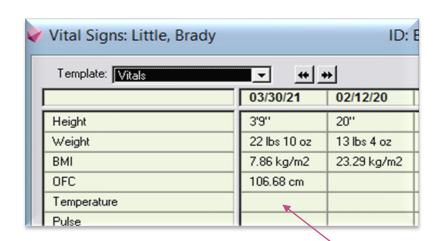


#### **Patient demographics > Contact button>Previous Address**





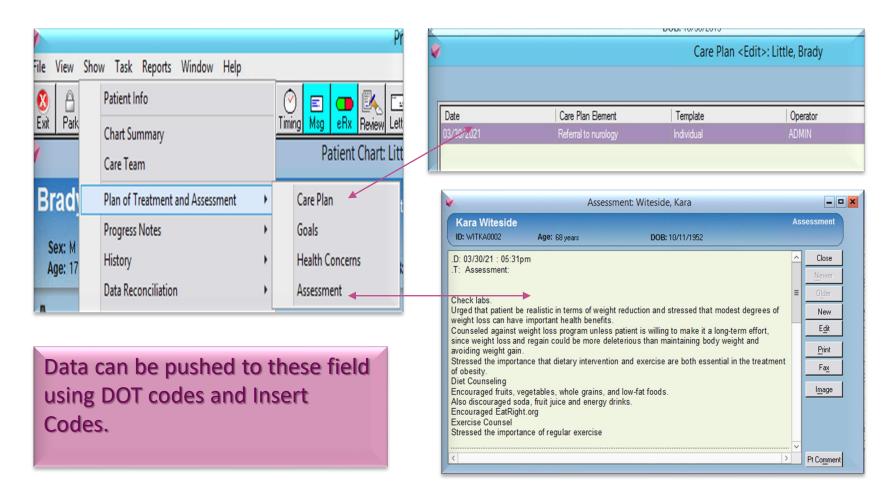




Vital Signs		Back to Top		
Date	Description	Result	Flag	Ref Range
Tuesday, March 30, 2021 at 9:41:00 am	Weight Measured	10.26 kg	-	-
Tuesday, March 30, 2021 at 9:41:00 am	Head Circumference	106.68 cm	-	-
Tuesday, March 30, 2021 at 9:41:00 am	Head Circumference Percentile	99.90%	-	WHO Males, 0-2 year
Tuesday, March 30, 2021 at 9:41:00 am	BMI (Body Mass Index)	7.86 kg/m2	-	-
Tuesday, March 30, 2021 at 9:41:00 am	Height	114.30 cm	-	-
Wednesday, February 12, 2020 at 2:40:00 pm	Weight Measured	6.01 kg	-	-
Wednesday, February 12, 2020 at 2:40:00 pm	BMI (Body Mass Index)	23.29 kg/m2	-	-
Wednesday, February 12, 2020 at 2:40:00 pm	Weight-for-length Percentile	99.80%	-	WHO Males, 0-2 year
Wednesday, February 12, 2020 at 2:40:00 pm	Height	50.80 cm	-	-



#### Care Plan and Assessment



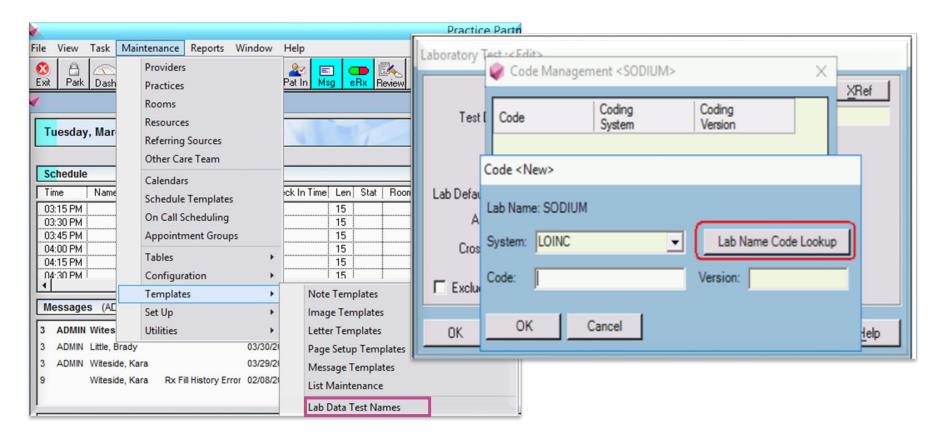


#### **Care Plan and Assessment**

Treatment Plan	Back to	Тор			
Date		Activity	Provider	Provider	
Tuesday, March 30, 2021		Referred to Nutritionalist			
Procedures			Back to	Тор	
Description	Procedure	Provider	Service Date	Note	
MC TM OUTPT EST15 MIN	99213 (CPT-4)	Gazoo, William S, MD	Monday, March 30, 2020 at 6:34:00 pm		
CLIN DEPRESSION SCREEN DOC	G8431 (CPT-4)	Gazoo, William S, MD	Friday, May 22, 2020 at 12:55:00 pm		
PT INELIG NEG SCRN DEPRES	G8510 (CPT-4)	Gazoo, William S, MD	Friday, May 22, 2020 at 11:32:00 am		
Lab Tests and Results			Back to	Тор	
No results included in this record.					
Reason for Referral			Back to	Тор	
No reason for referral included in this rec	ord.				
Assessment			Back to	Тор	
stressed that modest degrees of v unless patient is willing to make maintaining body weight and av both essential in the treatment of	veight loss can h it a long-term ef oiding weight ga f obesity. Diet Co	ave important health ben fort, since weight loss and in. Stressed the importan ounseling Encouraged fru	t be realistic in terms of weight reduction of the realistic in terms of weight loss properties. Counseled against weight loss properties in the regain could be more deleterious than see that dietary intervention and exercise its, vegetables, whole grains, and low-factories are counsel Stressed the im	gram e are nt foods.	



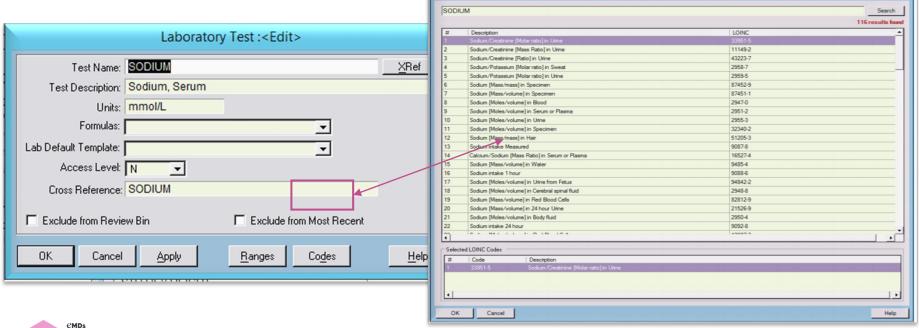
#### **Updated in March Patch – LOINC code Look up**





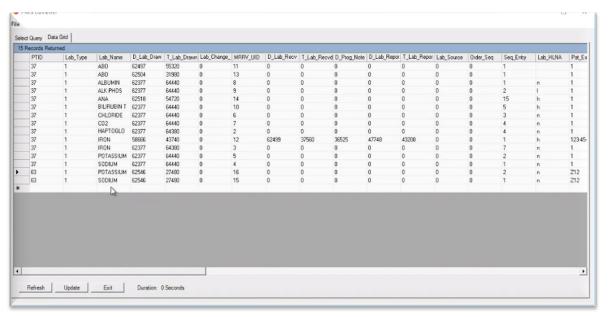
When you select LOINC in the System field, the Lab Name Code Lookup button now will be available. When you click the Lab Name Code Lookup button, the Code Lookup screen will launch and automatically search using the Lab Test Name. The Code Lookup screen will search only for codes in the system selected on the Code

New or Edit screen.



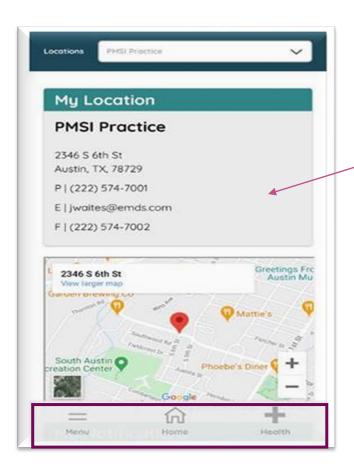
Code Lookup - Web Results

If your lab interface sends a LONIC code with results and you don't have an assigned LONIC code associated to the Lab name, the associated LONIC code will populate to the lab name in the data base. Either way it is entered will then populate back out on the CCDA file.





#### Updox on a phone



Patient's can access Updox portal on their smart phones.

Home page allows for seeing all the information in the portal from the phone as they do on a computer.



#### What does this mean for Healthcare Providers

Information and HIPAA violations should always be top of mind for providers and staff, a little knowledge and training goes far. Take the time to understand what compliance means!

Be sure all members of your staff know what information blocking is as well as how to avoid it, this may require changes in some policies and some workflow changes.



https://www.cms.gov/covidvax

COVID -19 Vaccine Policies & Guidance

https://www.cms.gov/files/document/COVID-19-toolkit-issuers-MA-plans.pdf

Information Blocking

Cures Act Final Rule: Information Blocking Actors (healthit.gov)

ONC's Cures Act Final Rule

<u>ONC's Cures Act Final Rule (healthit.gov)</u>

<u>Information Blocking (healthit.gov)</u>

https://www.icanotes.com/2018/06/08/the-differences-between-psychotherapy-notesand-progress-notes/

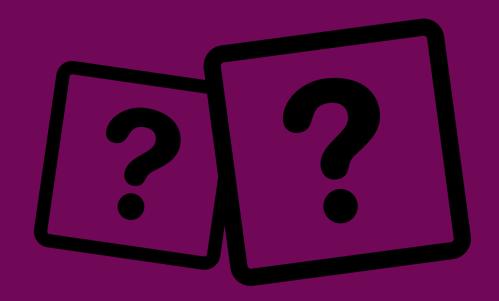


#### Did you know?

- Online Engage videos are available for What's new in Practice Partner!
- CMS extended the MIPS exclusion until TODAY! You have through Today to exclude from 2020 reporting.
- Upcoming Lunch & Learn sessions
  - Wednesday April 14, 2021 What is new in recent Patches – with some Tips & Tricks.
  - Wednesday May 5, 2021 TBD



## **Questions?**





# Expert Solutions. Stronger Partners. Healthier Patients.

