

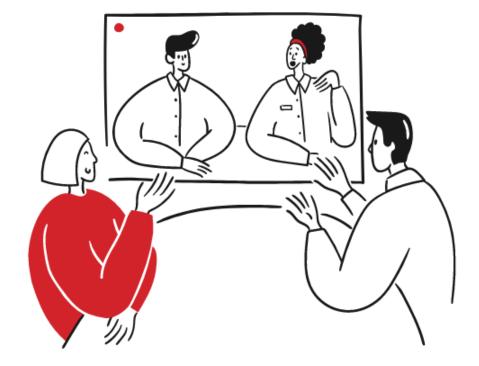
COMMUNITY HEALTH CARE ASSOCIATION of New York State CHCANYS NYS-HCCN presents

Patient Experience: Engaging Patients to be Partners in Their Health Care

Day 1 – June 2, 2021

Zoom Guidelines

- You have been muted upon entry. Please respect our presenters and stay on mute if you are not speaking.
- Please share your questions in the chat. CHCANYS staff will raise your questions to our speakers and follow up as needed if there are unanswered questions.
- The workshop is being recorded.





The New York Statewide Health Center Controlled Network



Agenda

- Dr. Judy Hibbard on Patient Activation
- •Helen Oscislawski on Information Blocking
- Dr. Jim Meyers on Patient Portal Enrollment & Use







The Case for Engaging Patients: Research Findings and Real-World Examples

Judith H. Hibbard, DrPH

Health Policy Research Group, University of Oregon





The Case for Engaging Patients: Research Findings and Real World Examples

Judith H. Hibbard, DrPH Health Policy Research Group University of Oregon



disclosure statement

Judith Hibbard is a consultant to and equity stake holder in Insignia Health



Agenda

- 1. What does it mean to be a engaged activated consumer/ patient?
- 2. What is patient activation and why measure it?
- 3. Evidence that PAM (Patient Activation Measure) is linked with behaviors, health, utilization, costs
- 4. How are health care delivery systems using PAM measurement to improve care?



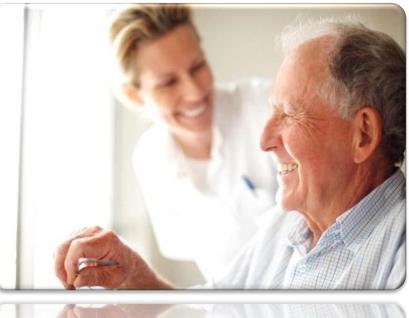
An activated consumer:

•Has the knowledge, skill and confidence to take on the role of managing their health and health care

First insights.....

•Full range of activation in any population group

•Demographics tend to account for 5% to 6% of PAM score variation





11

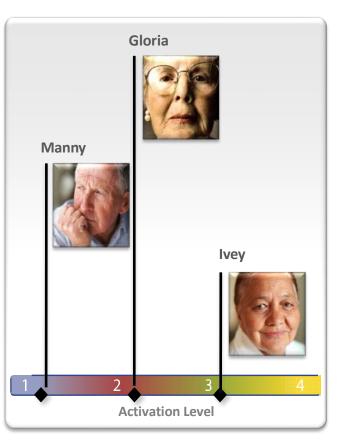
Why Measure?

To tailor your efforts to patients' individual needs To know if you are making progress on supporting patients To more effectively and efficiently use your resources to support populations of patients



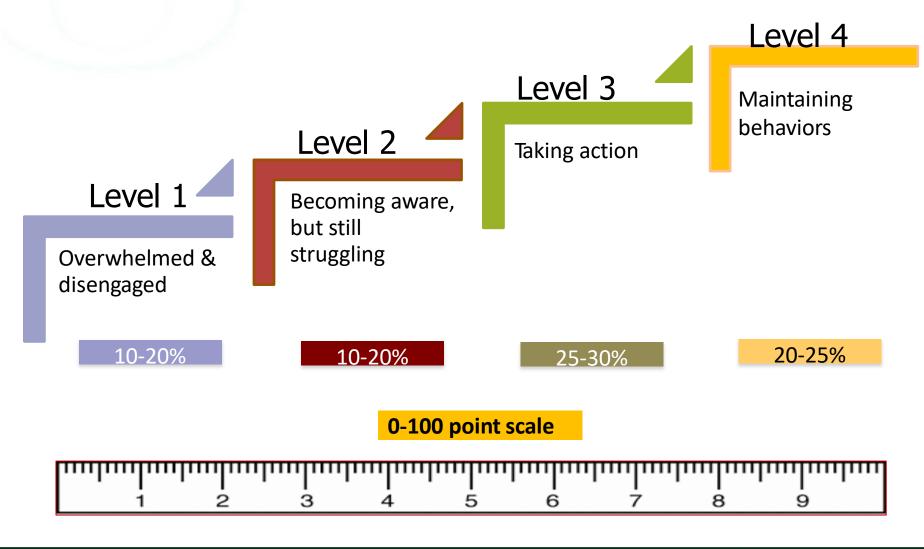
Activation Measure Items

1.	When all is said and done, I am the person who is responsible for taking care of my health	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
2.	Taking an active role in my own health care is the most important thing that affects my health	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
3.	I know what each of my prescribed medications do	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
4.	I am confident that I can tell whether I need to go to the doctor or whether I can take care of a health problem myself.	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
5.	I am confident that I can tell a doctor concerns I have even when he or she does not ask.	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
6.	I am confident that I can follow through on medical treatments I may need to do at home	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
7.	I have been able to maintain (keep up with) lifestyle changes, like eating right or exercising	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
8.	I know how to prevent problems with my health	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
9.	I am confident I can figure out solutions when new problems arise with my health.	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A
10.	I am confident that I can maintain lifestyle changes, like eating right and exercising, even during times of stress.	Disagree Strongly	Disagree	Agree	Agree Strongly	N/A



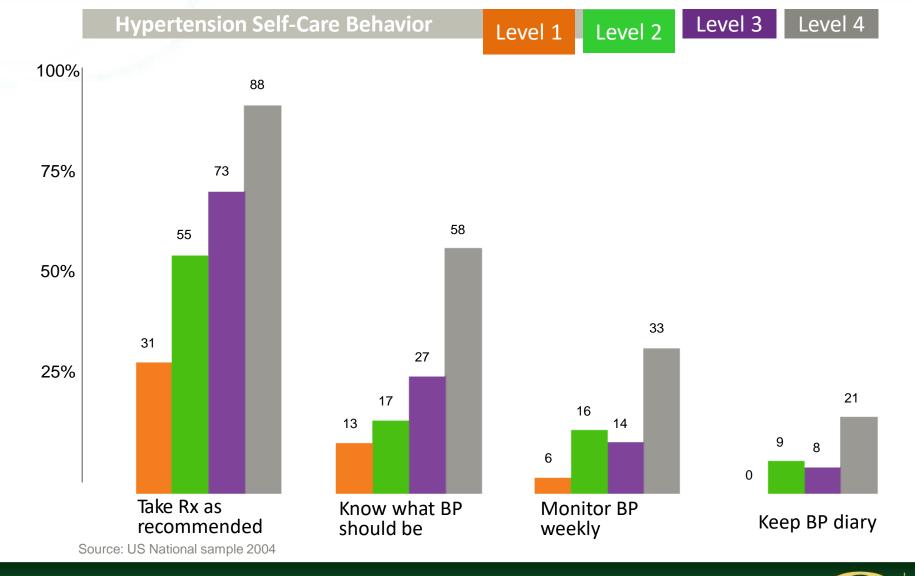


Activation is Developmental





Activation and Behavior



UNIVERSITY OF OREGON

13

Insights: PAM and Health Behavior

1.Only the most activated patients engage in many key self-management behaviors

2.Focusing on more complex and difficult behaviors might discourage least activated

3.Start with behaviors more feasible for patients: increases a person's experience of success

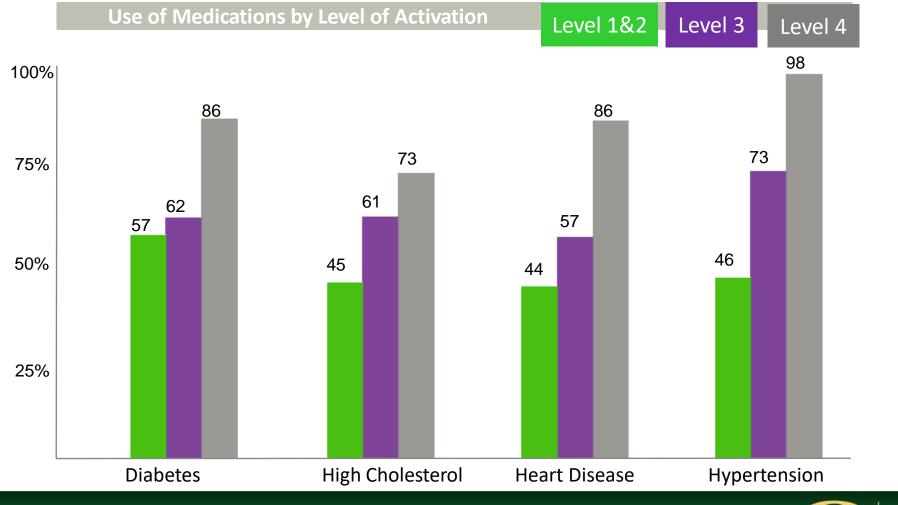


Over a Decade of Research Shows that the PAM Is a Good Predictor of:

- Most health behaviors
- Many clinical outcomes
- Health trajectories
- Overall costs
- Unnecessary costly utilization
- These findings hold true after controlling for demographics and health status
- Results are found across populations and within condition specific groups



Activation is not disease specific: Medication Adherence and patient activation level

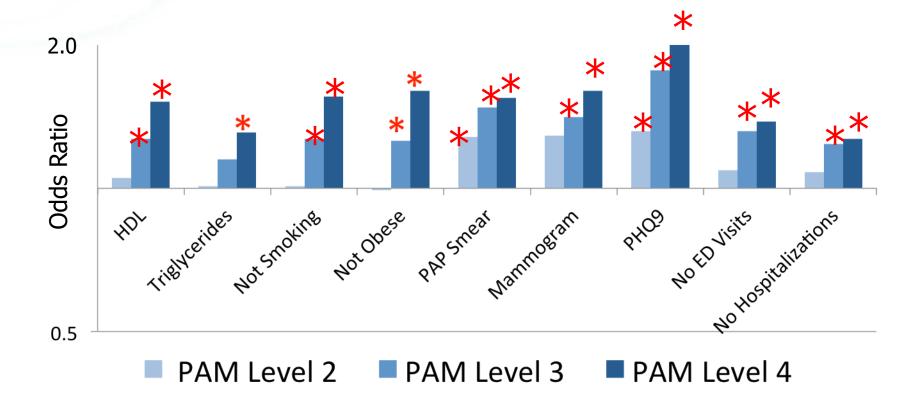


© 2017 University of Oregon

6

UNIVERSITY OF OREGON

Impacts of Being Engaged are Enduring: PAM in 2010 Predicts Outcomes 2 Years Later: Odds Ratios



Models included controls for age, sex, number of chronic conditions, income, and percent of care that was received in-network. * Significantly different from PAM Level 1 at p<0.05 Health Affairs Mar 2015



Does PAM work with disadvantaged populations?

Used in Medicaid programs in 20 states
Studies with low income & low literacy populations show PAM is predictive of behaviors
A large study in the UK shows that PAM is predictive of clinical outcomes among disadvantaged populations as it is with more advantaged groups.



Less Activated Patients have Higher Total Healthcare Costs

- After controlling for demographics and health status, \$1987 per patient annual cost differential between those patients who stay high in activation and those who stay low in activation over time. That represents a 31% difference.
- A study of high-cost patients showed similar results: when patients go up 3 levels in PAM, costs come down 22%.

Greene J, Hibbard JH, Sacks R, Overton V, Parrotta C. "When Patient Activation Levels Change, Health Outcomes and Costs Change Too." *Health Affairs*. March 2015. Lindsay, A et al, Patient Activation Changes as a Potential Signal of Changes in Health care costs. *Journal of General Internal Medicine* 2018



Using PAM for Population Health Management



Key Opportunity

Redefine risk assessment to include the risk that the patient will <u>not</u> engage



Examples of how delivery systems are applying Activation Strategies

PAM Tailored care pathways (mammograms)* Extra help for less activated patients (patient portal; trained MA)* Segmenting populations (cancer care): personmediated support vs. electronic supports#

*Fairview Health System #Anthem



Less Activated Patients More Vulnerable to the Development of Diabetes

- New study shows progression of illness is faster among less activated diabetes patients
- Less activated are more likely to develop prediabetes in a 3 year observational study

Sacks R, Hibbard JH, Greene J. Does Patient Activation Predict the Course of Type 2 Diabetes?: A longitudinal study. *Patient Education and Counseling*. January 2017.



NIVERSITY OF OREGON

Avoidable ED and Hospital Utilization

Does PAM level predict this type of costly utilization that could have been prevented?

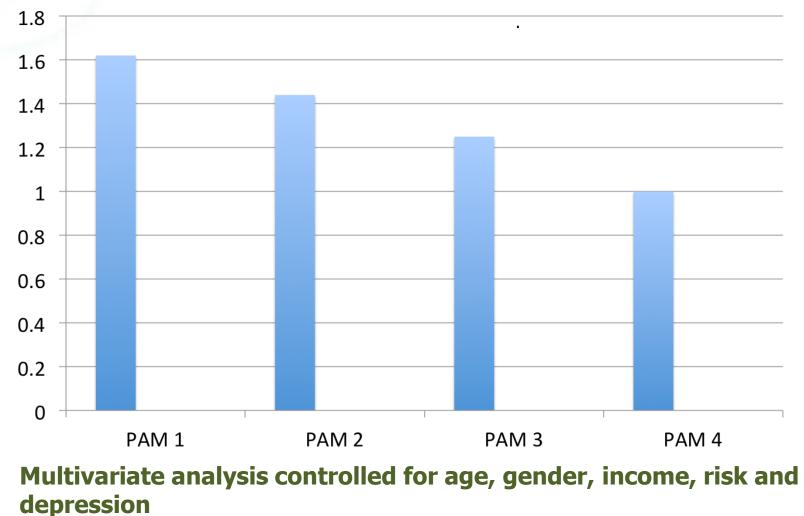
First time PAM has been examined in relationship to ACS utilization

Hibbard J, Greene J, et al "Improving Population Health Management Strategies: Identifying Patients Who Are More Likely to Be Users of Avoidable Costly Care and Those More Likely to Develop a New Chronic Disease." *Health Services Research.* August 2016



UNIVERSITY OF OREGON

Odds of Avoidable Hospital Use by PAM Level – 1 Year Later



UNIVERSITY OF OREGON

Why would less activated patients have more avoidable hospitalizations and ED visits?

- Less likely to recognize "red flags"
- More likely to ignore symptoms
- Less likely to know what to do to handle symptoms



Among High Risk Patients-- a Baseline PAM score Predicted Costly Utilization 1 year later

 Among high risk patients hospital costs were 62% higher among those at PAM level 1 as compared to PAM level 4—Even when the risk score was controlled for.

Hibbard JH, Greene J, Sacks R, Overton V, Parrotta C. "Adding a Measure of Patient Self-Management Capability to Risk Assessment Can Improve Prediction of High Costs." *Health Affairs*. March 2016



UNIVERSITY OF OREGON

Implications: Use PAM as a Measure of Risk

- Redefining risk measurement—to include the risk that the patient will not do their part in the care process
- And that lower activated patients are more likely to develop chronic disease and allow their illness to progress faster



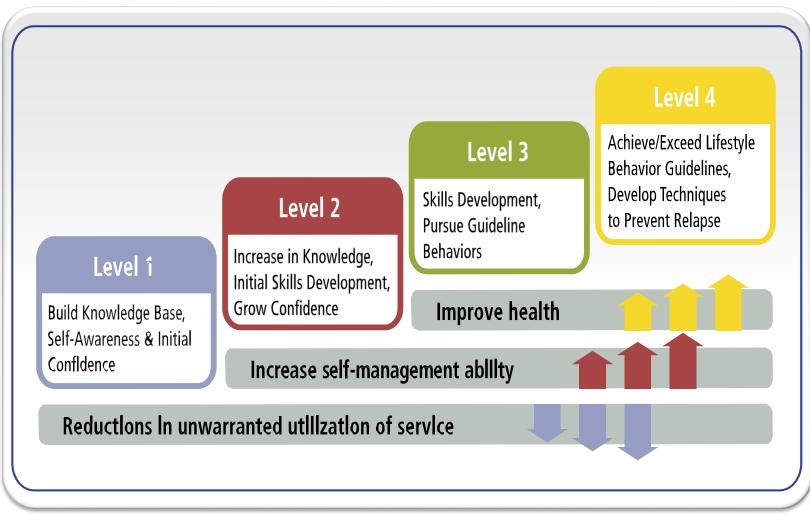
It is possible to increase PAM scores?

- This means meeting patients where they are
- Tailoring support to the patient's level of activation has been successful in increasing activation and improving outcomes
- Less activated patients need more support for gaining confidence and learning new skills



29

Tailoring Support to the Patient's Activation Level



© 2021 University of Oregon

30

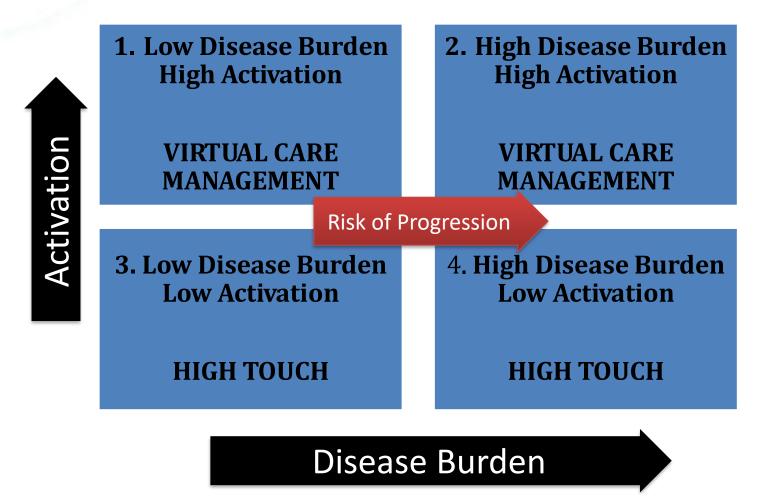


Innovative Delivery Systems

- PAM score is a Vital Sign
- Tailored coaching/ support
- Using PAM as a measure of risk, along with clinical risk measures to manage patient populations
- More efficient use of resources: target those who need more help
- Used as an intermediate outcome of care measure
- Used as a way to assess provider performance



FIGURE 1. MODEL OF POPULATION HEALTH MANAGEMENT FOR PRIMARY CARE



32

Summary

- Its all about meeting patients where they are.
 - By understanding patient activation levels, it is possible to:
 - tailor for and segment patient populations in order to better target those who who need more support
 - Target resources more efficiently
 - Ultimately improving outcomes, patient experience, and reducing costs.







A moderator will now bring questions forward from the chat





Information Blocking Rule and Patient Portals

Helen Oscislawski, Esq

Founder & Managing Partner, Attorneys at Oscislawski LLC.





Information Blocking Rule and Patient Portals

presented to
CHCANYS

Helen Oscislawski, Esq. June 2, 2021



© 2021 Oscislawski LLC

About Helen O.

Helen is selected to the **2020 & 2021 "Super Lawyers®** list for Health Care Law in New Jersey. The Super Lawyers list is issued by *Thomson Reuters*. Her firm was also included on the 2018, 2019 and 2020 **"Best Law Firms" in Health Care Law**, Princeton, New Jersey list issued by *Best Lawyers*. Links to a description of the selection methodologies used by the organizations issuing these lists can be found <u>here</u>.

Helen is a corporate and regulatory attorney whose practice for over the last 20 years has focused almost exclusively on advising and representing clients in the health care industry. She is the founding member of **Attorneys at Oscislawski LLC**, a progressive and forward-thinking law boutique providing high-quality and cost-effective legal representation to its clients. Helen cemented her reputation as a prominent privacy and health information technology attorney through decades of developed experience and working hand-in-hand with C-suite executives and in-house general counsels on how to structure and manage complex data-sharing arrangements in compliance with applicable federal and state laws. She is known to many **as a** "go to" attorney for legal guidance and advice on HIPAA; 42 CFR Part 2; Breach Notification laws, as well as state laws regulating the access, use and sharing of medical, health and genetic information.

Helen also has substantial experience with helping her clients navigate legal issues when responding to ransomware attacks, data breaches, OCR complaint and audit letters, and return/sanitization of patient data. In 2008, New Jersey Governor Corzine appointed Helen to the New Jersey Health Information Technology Commission to fill the seat designated by statute for "*an attorney practicing in this State*

with demonstrated expertise in health privacy." * In 2010, she was reappointed to NJ-HITC by Governor Christie and tapped to serve as Chair of the Privacy and Security Committee. As a trusted advisor on these issues, Helen currently represents some of the most cutting edge and sophisticated organizations in the nation.

Before founding her own firm, Helen was a health care attorney with a national law firm for almost a decade where she counseled all types of clients on a wide range of legal matters. Helen is admitted to practice in **New Jersey** (since 1999) and **Arizona** (since January 2020).

Helen can be reached at helen@oscislaw.com or 609-385-0833 ext.1.

* Statutorily defined at N.J.S.A. 26:1A-137(a)2).



3 Categories of Actors

"Health Care Providers"

"Health Information Networks" and "Health Information Exchanges"

"Health IT Developers of *Certified* Health IT"



Health Care Provider

Public Health Service Act (42 U.S.C. 300jj)

- Hospitals
- Skilled Nursing Facilities
- Nursing Facilities
- Home Health Entities
- *Other* Long Term Care Facilities
- Health Care Clinics
- Community Mental Health Centers
- Renal Dialysis Facilities
- Blood Centers
- Pharmacies
- Laboratories
- Ambulatory Surgical Centers
- FQHCs
- Rural Health Clinic
- Covered Entities under 42 U.S.C. 256b

- EMS Providers
- Group Practices
- Pharmacists
- Physicians
- Practitioners
- Therapists
- Providers operated by or under contract with the Indian Health Service or by an Indian tribe, tribal organization, or urban Indian organization

Any other category of health care facility, entity, practitioner, or clinician determined appropriate by the HHS

www.healthit.gov/cures/sites/default/files/cures/2020-08/Health Care Provider Definitions v3.pdf

Health Information Networks and Health Information Exchanges

And individual or entity that *determines, controls,* or has the *discretion to administer* any requirement, policy, or agreement that permits, enables, or requires the use of any technology or services for *access, exchange,* or *use of EHI*:

 Among more than two "<u>unaffiliated</u>" individuals or entities that are enabled to exchange EHI with each other;

and

• That is for a treatment, payment, or health care operations



Developer of Certified Health IT

An individual or entity

-- other than a health care provider that self-develops health IT for its <u>own</u> use –

> That *develops* or *offers* health information technology

and

 Has one or more Health IT Modules <u>certified</u> under a program for the voluntary certification by ONC's Health HIT Certification Program

Penalties: Health Care Providers

"Shall be referred to the appropriate agency to be subject to *appropriate disincentives*"

Penalties: *HIE/HIN & Health IT Developers*

- May not exceed \$1,000,000 per violation
- Such determination <u>shall</u> take into account factors such as the nature and extent of the information blocking and harm resulting from such information blocking, including, where applicable:
 - the number of patients affected
 - the number of providers affected
 - the number of days the information blocking persisted



ONC Portal For Reporting Info Blockinghttps://inquiry.healthit.gov/support/plugins/servlet/desk/portal/6/create/67

	i Report information blocking
	Do you wish to remain anonymous to ONC?
) Yes
0	• No
Report Information Blocking In your submission, please consider including information that will help us understand the concern(s) you are reporting. Examples of information that would be particularly helpful would include, but not be limited to:	First Name
Descent of all the second descent such and a second of all the site is the state of the second se	
 Person or entity that requested access, exchange, or use of electronic health information (EHI) Role of person/entity (e.g., patient, health care provider, health information network/exchange (HIN/HIE), health IT developer of certified health IT) Date and time of request 	Email Address
 Location of requestor (city, state) 	Description
Type of EHI requested (e.g., lab result, medical history, diagnostic images)	
 Type/purpose of request (e.g., patient request to access his/her records; health care provider request to export patient records from a different health care provider) 	
Health IT being used by the requestor (e.g., system and version)	
 Person or entity that denied/did not fulfill the request to access, exchange, or use EHI Role of person/entity (e.g., health care provider, HIN/HIE, health IT developer of certified health IT) Date and time the request was denied/not fulfilled Location of person/entity (city, state) 	 In order to keep your personal information as protected as possible, we encourage you not to send us any information in any medical record or designated record set that can be used to identify you or others and that was created, used, or disclosed in the course of providing a health
 Health IT being used by the person or entity that denied/did not fulfill the request to access, exchange, or use EHI (e.g., system and version) 	 care service such as diagnosis or treatment or health care payment. We also encourage you not to send ONC any of the following identifiers: home address, social security or other national identification number (such as an insurance card number), passport
 Reason/response provided for why the request to access, exchange, or use EHI was denied/not fulfilled 	number, IP address, driver's license number, credit card numbers, date of birth, birthplace, genetic information, login name, screen name, nickname, or handle, fax number, medical record numbers, health plan beneficiary numbers, device identifiers and serial numbers, biometric
 Date and time the request was denied/not fulfilled Date and time the reason/response was provided to the requestor 	identifiers, including finger and voice prints, and full face photographic images and any comparability to the first of the start of t
Any additional information that may help us understand your concern(s)	Averments are innice to a
Additional Considerations:	Attachment (optional)
 If you believe that a HIPAA covered entity or business associate violated your (or someone else's) health information privacy rights or committed another violation of the HIPAA Privacy, Security or Breach Notification Rules, please file your complaint directly with The HHS Office for Civil Rights. 	Drag and drop files, paste screenshots, or browse
 As specified by the Cures Act, information blocking claims and information received by ONC in 	

"Information Blocking"

Very Broad Definition

45 C.F.R. 171.103(a)(1)

"Information blocking means *a practice* that — ... is *likely* to *interfere with* access, exchange, or use of electronic health information"

(unless the practice is required by law or an exception applies)

There are two different knowledge standards...



Knowledge Standard Health Care Provider: *Knows*

45 C.F.R. 171.103(a)(3)

"If conducted by a health care provider, such provider *knows* that such practice is unreasonable and is likely to *interfere with*, access, exchange, or use of electronic health information"

Knowledge Standard Health IT Developer, HIE/HIN: *Knows or <u>Should</u> Know*

45 C.F.R. 171.103(a)(2)

"If conducted by a health information technology developer, health information network or health information exchange, such developer, network or exchange *knows*, or *should know*, that such practice is *likely* to *interfere with* access, exchange, or use of electronic health information . . ."

Examples of Information Blocking

ONC Preamble:

"The following hypothetical situations illustrate some (though not all) of the types of practices described above and which **would implicate** the information blocking provision . . ."

Proposed Rule 42 Fed Reg. 7424, 7519 (March 4, 2019).



Disabling Patient Portals

Although an EHR developer's **patient portal** offers the capability for patients to directly transmit or request for direct transmission of their EHI to a third party, the developer's customers (e.g., health care providers) *choose not to enable* this capability.

Delaying Access

www.healthit.gov/curesrule/resources/information-blocking-faqs

A health care provider has the capability to provide *sameday access to EHI* in a form and format requested by a patient or a patient's health care provider, but *takes several days to respond.*

Q: Are actors (for example, health care providers) expected to release test results to patients through a patient portal or application programming interface (API) as soon as the results are available to the ordering clinician? <u>*1/15/2021*</u>

While the information blocking regulations do not require actors to proactively make electronic health information (EHI) available, once a request to access, exchange or use EHI is made actors must timely respond to the request (for example, from a patient for their test results). Delays or other unnecessary impediments could implicate the information blocking provisions.

In practice, this could mean a patient would be able to access EHI such as test, results in parallel to the availability of the test results to the ordering clinician.

Please review the other questions under this heading for more information.

EIGHT EXCEPTIONS

Subpart B: *Exceptions that Involve* **<u>NOT</u>** *Fulfilling requests*:

- **1. Preventing Harm**
- 2. Privacy
- 3. Security
- 4. Infeasibility
- 5. Health IT Performance

Subpart C: *Exceptions that Involve Procedures* for Fulfilling request:

- 6. Content & Matter
- 7. Fees
- 8. Licensing

Exception #1: Preventing Harm

- □ Actor <u>must</u> hold a *reasonable belief* that the practice will *substantially reduce* a risk of harm.
- Actor's practice **<u>must</u>** be *no broader than necessary*.
- ❑ Actor's practice <u>must</u> satisfy *at least one* condition from each of the following categories:



- Type of Risk
 - Based on *exercise of professional judgement of licensed health care professional* ;

OR



- *Arise from data* that is known or reasonably suspected to be misidentified or mismatched, corrupt due to technical failure, or erroneous for another reason.
- > **Type of Harm** HIPAA analysis

Making "Harm" Determinations

Who is the Requestor?	Does the EHI Reference Another Person?	Required Standard of Harm	Who Determines Harm		
Legal Representative (including "personal representative" under HIPAA).	No	Reasonably likely to cause <u>substantial harm</u> to the patient or another person	Individualized determination of harm by licensed health care professional who has a current or prior clinician-patient relationship with the patient ¹		
Patient or Legal Representative	YES	Reasonably likely to cause <u>substantial harm</u> to such other person referenced in the EHI	Individualized determination of harm by licensed health care professional who has a current or prior clinician-patient relationship with the patient	L C C C C C C C C C C C C C C C C C C C	
Patient	No	Reasonably likely to <i>endanger</i> the <u>life</u> or <u>physical</u> safety of patient <i>or</i> another person	Individualized determination of harm by licensed health care professional who has a current or prior clinician-patient relationship with the patient - OR – Arises from Data suspected to be misidentified or mismatched, corrupt due to technical failure, or erroneous for another reason		
Any other requestor who has a " <i>legally permissible</i> " right to access, use or exchange the EHI	N/A	Reasonably likely to <i>endanger</i> the <u>life</u> or <u>physical</u> safety of patient <i>or</i> another person	Individualized determination of harm by licensed health care professional who has a current or prior clinician-patient relationship with the patient - OR – Arises from Data suspected to be misidentified or mismatched, corrupt due to technical failure, or erroneous for another reason		

Comparing the Harm Standards

What Qualifies as "Substantial Harm"?

"Substantial harm" would have to be *serious* in nature. Otherwise, the licensed health care professional *would be* **permitted** to consider substantial **physical**, **emotional**, or **psychological** harm when making a determination to withhold access under the substantial harm standard. The federal government **will** defer to the professional judgement of the health care professional in making a determination that "substantial harm" is reasonably likely.

What Qualifies as "Endangering Life or Physical Safety"?

The most commonly cited example of "danger to the life or physical safety" of a patient or another person is when such patient exhibits **suicidal** or **homicidal** tendencies. Specifically, if a licensed health care professional determines that an individual exhibits such tendencies and that permitting inspection or copying of some of the individual's EHI is *reasonably likely* to result in the individual committing suicide, murder, or other physical violence, then the health care professional may deny the individual access to that information.

Under this standard, a licensed health care professional would <u>NOT</u> be permitted to deny access based on the *sensitivity* of the health information or the potential for causing *emotional* or *psychological* harm.

Delaying Lab Results

"[W]e are not persuaded that *routinely time-delaying* the availability of broad classes of EHI should be recognized as excepted from the information blocking definition under this exception . . ."

- No evidence that routinely delaying EHI availability to patients in the interest of fostering clinician-patient relationships substantially reduces danger to life or physical safety of patients or other persons that would otherwise routinely arise from patients' choosing to access the information as soon as it is finalized.
- Unless applicable law prohibits making particular information available to a patient electronically before it has been conveyed in another way, deference should generally be afforded to patients' right to choose whether to access their data as soon as it is available or wait for the provider to contact them to discuss their results.

Exception #2: *Privacy*

- Precondition not satisfied: If an actor is required by a state or federal law to satisfy a precondition (such as a patient consent or authorization) prior to providing access, exchange, or use of EHI, the actor may choose not to provide access, exchange, or use of such EHI if the precondition has not been satisfied under certain circumstances.
- Health IT developer of certified health IT not covered by HIPAA: If an actor is a health IT developer of certified health IT that is not required to comply with the HIPAA Privacy Rule, the actor may choose to interfere with the access, exchange, or use of EHI for a privacy-protective purpose if certain conditions are met.
- Denial of an individual's request for their EHI consistent with 45 CFR 164.524(a) (1) and (2) of HIPAA: An actor that is a covered entity or business associate may deny an individual's request for access to his or her EHI in the circumstances provided under 45 CFR 164.524(a)(1) and (2) of the HIPAA Privacy Rule.
- Respecting an individual's request not to share information: An actor may choose not to provide access, exchange, or use of an individual's EHI if doing so fulfills the wishes of the individual, provided certain conditions are met.

Exception #3: Security

The practice **<u>must</u>** be:

- Directly related to safeguarding the confidentiality, integrity, and availability of EHI;
- **Tailored** to specific security risks;

and

Implemented in a consistent and non-discriminatory manner.



Exception #4: *Infeasibility*

- Uncontrollable events: Actor cannot fulfill the request for access, exchange, or use of EHI due to a natural or human-made disaster, public health emergency, public safety incident, war, terrorist attack, civil insurrection, strike or other labor unrest, telecommunication or internet service interruption, or act of military, civil or regulatory authority.
- *Segmentation*: Actor cannot fulfill the request for access, exchange, or use of EHI because the actor cannot unambiguously segment the requested EHI.
- Infeasibility under the circumstances: Actor demonstrates through contemporaneous written record or other documentation its consistent and non-discriminatory consideration of certain factors that led to its determination that complying with the request would be infeasible under the circumstances.

Exception #5: *Health IT Performance*

a) Maintenance & Improvements

b) Assured level of performance

c) Practices that "Prevent Harm"

d) Security-related Practices



Exception #6: Content & Manner

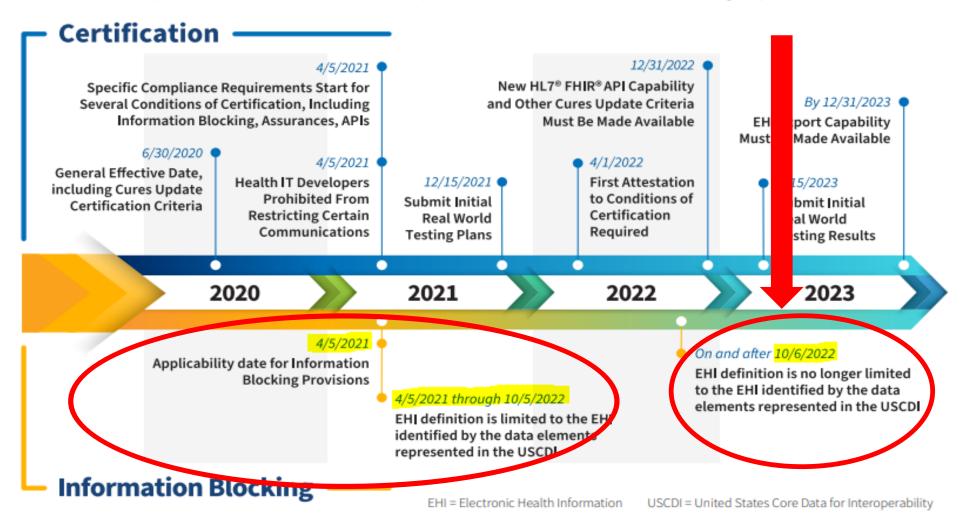
Content

- Actor must *only* respond to a request to access, exchange, or use EHI identified by the data elements represented in the <u>USCDI standard</u> now through October 5, 2022
- Actor <u>must</u> respond to a request to access, exchange, or use of <u>FULL</u>
 <u>EHI</u> (defined in § 171.102) now by October 6. 2022
- > Manner
 - Actor *may* fulfill a request in an **alternative manner** when:
 - Technically unable to fulfill the request in any manner requested; or
 - Cannot reach agreeable terms with the requestor to fulfill the request.
 - If alternative manner used, such fulfillment must comply with the order of priority described in the manner condition and must satisfy the Fees Exception and Licensing Exception, as applicable

The Office of the National Coordinator for Health Information Technology

Information Blocking and the ONC Health IT Certification Program:

Extension of Compliance Dates and Timeframes in Response to the COVID-19 Public Health Emergency Interim Final Rule



www.healthit.gov/cures/sites/default/files/cures/2020-10/Highlighted_Regulatory_Dates_All.pdf

USCDI Standard = United States Core Data for Interoperability

h USCDI V1		v.healthit.gov/isa/united-states-core-data-interoperability-uscdi					
Please reference the USCDI version 1 document to the left for applicable standards versions associated with USCDI v1.							
Allergies and Intolerances Represents harmful or undesirable physiological response associated with exposure to a substance. Substance (Drug Class) Substance (Medication) Reaction	Health Concerns Health related matter that is of interest, importance, or worry to someone who may be the patient, patient's family or patient's health care provider. Health Concerns	Procedures An activity that is performed with or on a patient as part of the provision of care. Procedures					
Assessment and Plan of Treatment Represents a health professional's conclusions and working assumptions that will guide treatment of the patient. Assessment and Plan of Treatment	HIT Immunizations Record of an administration of a vaccination or a record of a vaccination as reported by a patient, a clinician, or another party. Immunizations	 Provenance The metadata, or extra information about data, that can help answer questions such as when and who created the data. Author Time Stamp Author Organization 					
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.					
Care Team Member(s) Clinical Notes	Medications Medications	Unique Device Identifier(s) for a Patient's Implantable Device(s) A unique numeric or alphanumeric code that consists of a device identifier (DI) and a production identifier (PI). Unique Device Identifier(s) for a patient's implantable device(s)					
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 Systems (ROS), physical data, assessment, diagnosis, plan of care and evaluation of plan, patient teaching and other relevant data points. Consultation Note Discharge Summary Note History & Physical Imaging Narrative Laboratory Report Narrative Pathology Report Narrative Procedure Note Progress Note Coals An expressed desired health state to be achieved by a subject of care (or family/group) over a period of time or at a specific point of time	Patient Demographics First Name Last Name Previous Name Middle Name (including middle initial) Suffix Birth Sex Date of Birth Race Ethnicity Preferred Language Current Address Previous Address Phone Number Phone Number Type Email Address	 Vital signs Physiologic measurements of a patient that indicate the status of the body's life sustaining functions. 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) Weight-for-length Percentile (Birth - 36 Months) Head Occipital-frontal Circumference Percentile (Birth - 36 Months)					
Patient's Goals	Problems						

Information about a condition, diagnosis, or other event, situation, issue, or clinical concept that is documented.

Problems

Exception #7: Fees

- > **Meet the basis for fees condition.** Fees a Hospital charges must:
 - Be based on **objective and verifiable criteria** that are uniformly applied for all similarly situated classes of persons or entities and requests;
 - Be reasonably related to the Hospital's costs of providing the type of access, exchange, or use of EHI; and
 - <u>NOT</u> be based on whether the requestor or other person is a competitor, potential competitor, or will be using the EHI in a way that facilitates competition with the actor.
- Exception does not apply to:
 - Fee based in any part on the **electronic access by an individual**, their personal representative, or another person or entity designated by the individual to access the individual's EHI;
 - Fee **to perform an export** of EHI via the capability of certified Health IT.

Exception #8: *Licensing*

- Negotiating a License Condition
- Licensing Conditions
- Conditions relating to Interoperability Elements

<u>Must</u> begin license negotiations with the requestor within 10 business days from receipt of the request and negotiate a license within 30 business days from receipt of the request. Legal Health information eXchange

Legal Health information exchange

WHITEPAPER: Patient Portals

Patient Portals & HIPAA's "Right of Access"

The HIPAA Privacy Rule guarantees patients with a "right of access"¹ to their protected health information, including in electronic format, (collectively, "PHI") maintained by a health care provider in one or more 'designated record sets."² This includes a right of the patient, or her/his personal representative, to inspect and/or obtain a copy their PHI, as well as to direct the health care provider to transmit a copy of the patient's PHI to a specific person or entity. A patient has the right to access her/his PHI regardless of whether the information is maintained in paper or electronic format, locally or remotely, or where the PHI originated.

Ever since the HIPAA Privacy Rule went into effect on April 14, 2003, health care providers have been obligated to satisfy this "right of access" requirement. Historically, patients have been directed to submit their written request to the provider's medical records office or health information management (HIM) department to have it processed. However, after the Centers for Medicare & Medicaid Services (CMS) rolled out its EHR incentive Program in 2011 (a.k.a. "Meaningful Use"), patient portals slowly proliferated when later stages of CMS' Meaningful Use program required providers to make at least certain electronic health information available to the patient through a portal. The Information Blocking Rule (IBR) has magnified HIPAA's "right of access" requirement even further by making it legally <u>impermissible</u> to "interfere with" a patient's request to access, exchange or use her/his electronic health information.³ Such "interference" could include anything from a health care provider deliberately *preventing* a patient from accessing her/his EHI, to taking action that materially discourage such access. In any case, where patients and their legal representatives can request access to their EHI through a patient portal, health care providers must comply with the Information Blocking Rule.

What Information Must be Available on the Patient Portal?

From April 5, 2021 through October 5, 2022, health care providers will be held accountable under the IBR only for impermissible interference with a patient's access to United States Core Data for Interoperability (USCDI). USCDI is described as "a standardized set of health data classes and constituent data elements for nationwide, interoperable health information exchange."⁴ For USCDI version 1, this includes: allergies and intolerances; assessment and plan of treatment; care team members; clinical notes (including, consultation notes and discharge summary notes); H&P; imaging narratives; laboratory report narratives; pathology report narratives; procedure notes; progress notes; goals; health concerns; immunizations; laboratory tests, values & results; patient demographics; problem lists; procedures; provenance (i.e., author time stamp and author organization); smoking status; unique device identifiers for a patient's implantable device; and vital signs).⁶ Beginning on October 6, 2022, health care providers must comply with the IBR with respect to <u>all EHL</u>⁶

WHITEPAPER: Patient Portals

One frequently asked question (FAQ) about patient portals is whether a health care provider is required to **proactively** make USCDI/EHI available through patient portals. In January 2021, ONC responded to this FAQ as follows:

"There is <u>no requirement</u> under the information blocking regulations to proactively make available any EHI to patients or others who have not requested the EHL"?

However, in a separate FAQ, ONC also points out the following:

"While the information blocking regulations do not require [health care providers] to proactively make electronic health information (EHI) available, once a request to access, exchange or use EHI is made actors <u>must timely</u> <u>respond</u> to the request (for example, from a patient for their test results). Delays or other **unnecessary impediments** could implicate the information blocking provisions. In practice, this could mean a patient would be able to access EHI such as test results in parallel to the availability of the test results to the ordering clinician."

Most recently, on March 19, 2021, ONC published a new FAQ offering the following examples of types of practices that would *likely* be considered an interference under the IBR:

"It would *likely* be considered an interference for purposes of information blocking if a health care provider established an *organizational policy* that, for example, imposed delays on the release of lab results for <u>any</u> period of time in order to allow an ordering clinician to review the results or in order to personally inform the patient of the results before a patient can electronically access such results (*see also* 85 FR 25842 specifying that such a practice does not qualify for the 'Preventing Harm' Exception).

To further illustrate, it also would likely be considered an interference:

- where a *delay* in providing access, exchange, or use occurs after a
 patient logs in to a patient portal to access EHI <u>that a health care
 provider has</u> (including, for example, lab results) and <u>such EHI is not
 available</u>—for any period of time—through the portal.
- where a delay occurs in providing a patient's EHI via an API to an app that the patient has authorized to receive their EHL^{*0}

In light of the foregoing, health care providers must evaluate the following questions in connection with their patient portals:

 Does the portal allow the patient (or her/his legal representative) to electronically request specific EHI to be provided either via the portal?

Patient Portals & IBR

• Scope of EHI

- USCDI subset only until 10/5/2022
- NO obligation to proactively "push" all data

Timing

- Impermissible delays
- "Harm" is a very high bar
- The "Request"
 - Portal
 - HIM
 - FHIR, Apps, other mechanisms

Infeasibility

Questions?

Need sample policies & documentation tools to comply with Information Blocking?

visit our compliance library: <u>www.legalhie.com/membership</u>

DISCOUNT CODE: <u>LEGALHIE060221</u>



Helen Oscislawski, Esq. Principal, Attorneys at Oscislawski LLC <u>helen@oscislaw.com</u> 609-835-0833



Maximizing Post-COVID Patient Portal Value: A Toolkit, Resources, and Success Stories to Share

Jim Meyers, DrPH

Owner, Meyers Health Consulting







Maximizing Post-COVID Patient Portal Value: A Toolkit, Resources and Success Stories to Share

Jim Meyers, DrPH

Safety Net Patient Portal SME Consultant and Senior Leader Coach jim@meyershealthconsulting.com

71

Survey Q 1

If you were to guess...how many times has your organization tried a patient portal enrollment campaign or push?

- a. Never. We don't have a patient portal
- b. Once when we turned it on
- c. 2-3 enrollment pushes
- d. 4 or more enrollment pushes



Survey Q

2

If you asked your PROVIDERS, what patient portal feature do they think has the highest value? (choose all that apply)

- a. Most providers don't really know all the portal functions
- b. Secure messaging
- c. Medication refills
- d. View medical records (meds list, AVS, chart notes, immunization records, allergy list, etc)
- e. View Lab Results
- f. Send pictures and documents back and forth
- g. Send education materials
- © Make, see or cancel appointment

Survey Q 3

If you asked your PATIENTS, what patient portal feature do they think has the highest value? (choose all that apply)

- a. Most patients don't really know all the portal functions
- b. Secure messaging
- c. Medication refills
- d. View medical records (meds list, AVS, chart notes, immunization records, allergy list, etc)
- e. View Lab Results
- f. Send pictures and documents back and forth
- g. Send education materials
- h. Make, see or cancel appointment

Please put at least one "ah ha" in the chat box after seeing these survey results





Share and Discuss a **Redeployment Toolkit**

Share and Discuss
 Examples of High Value
 Innovations That are
 Working in the Safety Net

76

Open the Toolkit

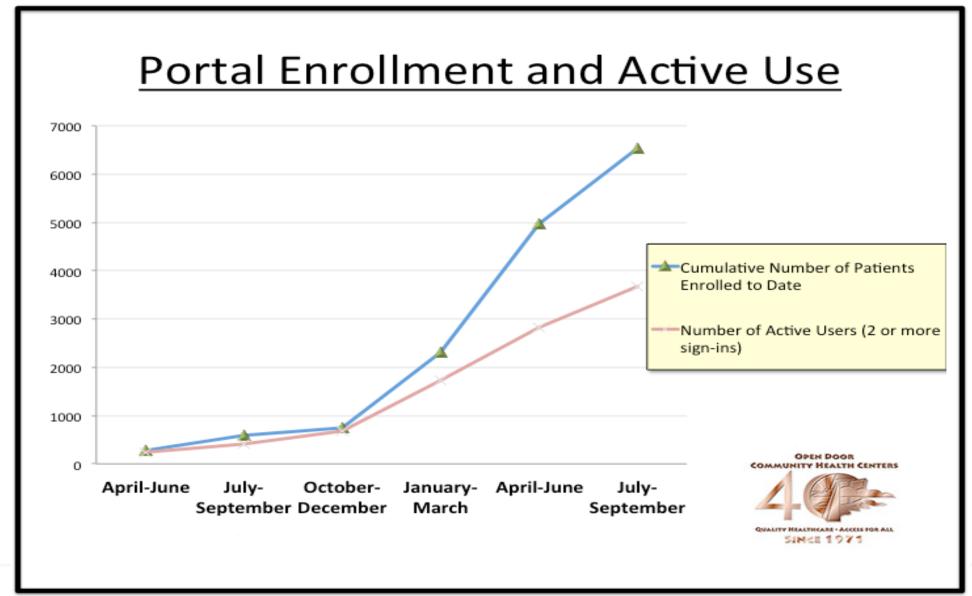


Focus: High Provider Value – **High Patient Value**



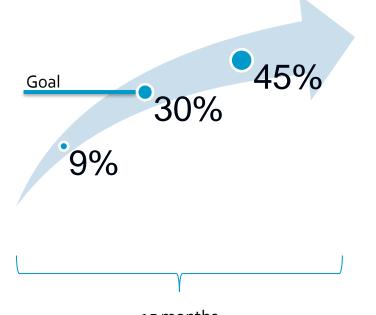
Goal:

Drive up active use to the point that portal-related tasks are seamlessly integrated into care processes





MyChart Activation Rates Maricopa Integrated Health System



15 months

"One of the first things we did was try to figure out why. Is it our unique population? We're a county hospital, a safety net healthcare system and we have some challenges. We have a lot of different languages patients are speaking, we have socio-economic disparities that we try to be attune to. Was it technology-related? We really focused on the ambulatory sector, we did some deep dives, we did lots of observations, we got into the clinics, we talked to a lot of people and we talked to patients," he says.³

page 81

* Riverside University Health System, Presentation: Strategies to Increase Patient Portal Utilization at Riverside University

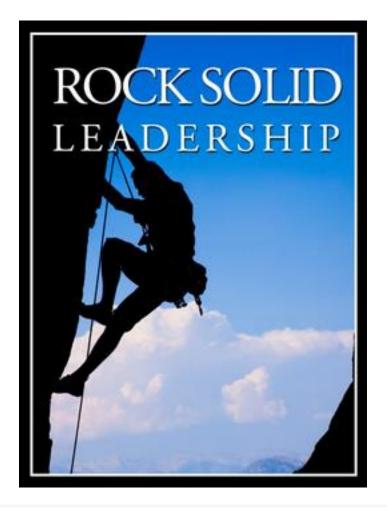
Six Keys to Portal Redeployment Success

- 1. Strong Leadership
- 2. Focus on What Really Drives Portal Use
- 3. Focus the Marketing

- 4. Staff Engagement
- 5. Supportive IT
- 6. Comprehensive Metrics

1. Strong Leadership





Dedicated team leadership

Multidisciplinary Deployment Team

Detailed strategic planning and participatory execution

Accountability









Monthly Dashboards





86



Team Impact: Each team member brought different areas of knowledge and consideration to our portal planning, with emphasis on our Members





Keep pushing for the goals, even when there are setbacks because the result of hard work and commitment is worth it to the Team and to your staff.



2. Focus on High Value for the Providers and High Value for the Patients





Learn From Your Providers

"What is it about the portal that you love – that makes it worth the clicks"

"What is it that your patients would love about the portal – to overcome the enrollment/password reset/clicks hassle?"





Dr. Anshu Abhat

Patient Portal Team Los Anderes Orepartment of Health Services *"It was important that our first step in redeploying the patient portal was to ask our providers what they wanted most from the portal."*

Learn from Your Patients



"Our patients value getting their vaccine records without having to come into the clinic." Long Valley Health Center San Francisco Health Network San Francisco department of public health

"We learned that just getting people logged on is a significant barrier." San Francisco Health Network



93



Patient Surveys

Patients are interested in the portal and have access to the internet

167 patients surveyed across DHS sites this year

730 port access to the intern.

65% have not heard of MyWellness

16% report being enrolled in MyWellness

report being interested in entry

g in MyWellness



Survey Non-English Language Users

Need user-friendliness and correct language on portal pages

- Engage trusted cultural connections promotoras, family support structures
- Engage specific uses migrant worker father on heart medication...
- Marketing should reflect the target community



Virtual Patient and Family Member Feedback Group



- Board Members who are patients
- Patient and Family Advisory Council Members
- Ask new enrollees













Secure Messaging

 Maintaining contact with our patients from our High School clinic while they were on Summer Break



3. Focus The Marketing



Dedicated and Responsive Marketing





Dedicated Marketing Name for Portal





Targeted Marketing





Check your records online using the new MyWellness Patient Portall Revise su expediente en línea con el/uevo Portal de paciente MyWellness

Ask your

healthcare team toda Pida hoy su equipo de

atención médic

DAS LACOUNTY, gov/My

Medications Medicamentos V Lab results/Resultados de laboratorio Message your care team/Mensaje de su equipo de salud Request appointments/Solicitar una cita Request medication renewals/Solicitar renovación de Update your contact informationlActualizar su información de V

contacto

C



105

C





<u>Vaccine</u> <u>Sites</u>

```
Encouragin
g
Posters
```

MEYERS HEALTH

CONSULTING



Vaccine Sites

How To Enroll Guide

a california health center	
He	ealow User Guide
How to Install	Healow on Your Smart Phone
 Prior to using the app, you must have an accommuniCare team member for assistance Download the HEALOW app from the app s 	store (iTunes or Google Play)
1 Ones the UEALOW and	4. Read the Terms of Use Agreement
 Open the HEALOW app Tap on search by Practice Code 	d. Tap I agree to the terms & conditions TERMS OF USE AGREEMENT
b. Enter code: AGGIAA	Ownership and Purpose of Application:
c. Tap on Search ← Search SEARCH BY	The Healow application (the "Application"), powered by eClinicalWorks, is owned and operated by eClinicalWorks, LLC ("ECW"). The Application's purpose is to provide a secure network that will assist patients in managing their medical records, prescriptions, doctors' appointments and other healthcare related items from their mobile phones or tablets in order to assist them in obtaining
Provider Name Practice Name Practice Code/ Phone No.	improved quality, safety, and efficiency of care. The Application will interact with Healow.com and other websites and portals owned and operated by ECW or its affiliates (the "Sites"). Terms and Conditions:
AGGIAA (X)	This Terms of Use Agreement ("Terms of Use" agree to the terms & conditions
2. Select the practice	5. Create a PIN



Foothill Community Health Center (FCHC) HEALTH CONNECT



Connect to our FREE patient website. It's fast, easy and you never have to listen to on hold music again bonning appointments

- Safely Email Your Doctor
- View Lab Results
- Request Prescription Refills
- View Medical Records and after visit summaries

Sign Up Today!

For more information ask the front desk or go to: https://health.healow.com/foothillclinic

Foothill Community Health Center



Es rápido, fácil y nunca tendrá que escuchar música en espera otra vez!

- Revise sus próximas citas
- Envíe un correo electrónico seguro a su medico.
- Vea los resultados de laboratorio.
- Solicite relleno de medicamento.
- Vea los expedientes médicos y el resumen de su vista

iInscríbase hoy!

Para más información pregunte en Recepción o visite la pagina web: https://health.healow.com/foothillclinic







EYER

CONS

4. Staff

Engagement





- The biggest impact we've seen from this solution:
- Focus on the "low hanging fruit", determine what the practice does most consistently and apply portal technology to assist in existing workflows.
- Get a provider onboard early, having our CMO onboard with Patient Portal yielded increased utilization quickly.
- "Quick Vids", record basic portal function workflows and make those recordings available to staff utilizing patient portal.







Kick-off ALL STAFF Meeting



- Show Short "Why Portal" Video at ALL STAFF Meeting
- Show each portal function walk through using the portal
- Ask providers what function they would like to use more

Innovative Clinical Champions







LA DHS Enrollment Competition

Around DHS

By Damiyah McKell and Ismael Chinchilla

On November 1, 2018, DHS kicked off a department MyWellness Patient Portal enrollment competition for staff MyWellness Patient Portal is a website and mobile app the patients to take control of their health. Patients are able MyWellness to:

MyWellness Patient Portal Enrollmer

- Schedule appointments
- Refill prescriptions
- Message their provider and medical team
- View lab and radiology results
- View provider notes

When staff help patients sign up for the portal, lines our waiting rooms can be reduced since so many routine actions be handled online. This will help us improve direct care for the patients in our clinics, ER's and hospitals.

The competition is as follows: Staff invite patients to register for the MyWellness Patient Portal during any stage of their hospital and clinical visit (Intake, Clinical, Pharmacy, Labs etc.). Once patients receive the email, they can register online and start managing their health.

The competition will last for three months from November 2018 to January 2019. At the end of every month, the service team with the highest number of enrollments will be rewarded with a celebratory party: a Pie Party in November 2018, a Tamale Party in December 2018 and a Pizza Party in January 2019. The persons with the highest individual number of enrollments in November 2018, December 2018 and January 2019 will be featured in a marketing campaign (three separate winners).

Inpetition Kicks Off

Patien

DEPARTMENT-WIDE ENROLLMENT COMPETITION

Portal

impact of MyWellness Patient Portal is all patient avoided an EP

ing asthma by have wonderful family care

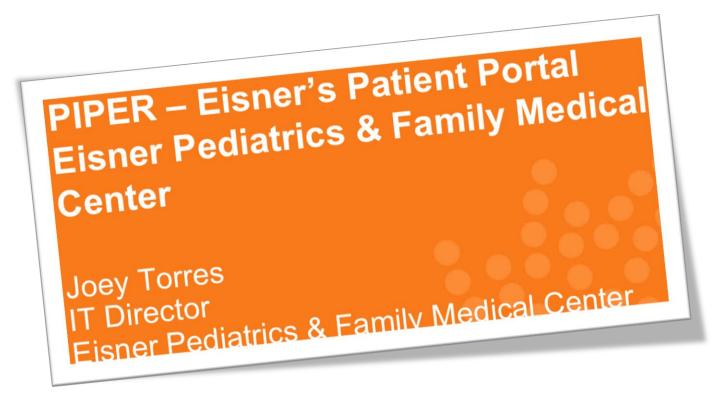
felt. '>

arer patients

ic via the portal. My patients love being able to see which the child and read my notes. I personally save time by messaging patients through the portal instead of relying on repeated phone calls and voicemails," said Dr. Anshu Abhat, Director of Digital Patient Engagement.

For more information on how to enroll patients or the competition visit: <u>bit.ly/patientportalsharepoint</u>. For specific questions on how to enroll patients or the competition details email: <u>maketing@dhs.lacounty.gov</u> or call (626) 525-5333.





Starbucks Gift Card for staff member team with highest enrollment







PIZZA PARTY DR. HUDSON & DR. LAM'S HEALTH CARE TEAM! EACH TEAM HAS MET OR SUPRASSED THE PATIENT PORTAL GOAL!

WHEN: MONDAY - DECEMBER 7TH FROM 12:15 TO 1:30

WHERE: MAIN BUILDING - CONFERENCE ROOM

BE THE NEXT TEAM AND WIN A FREE LUNCH!





Virtual Provider and Staff Feedback Group



- Portal Champions
- IT Help Desk Call Center
- Mix of MA/RN/Front Desk



5. Supportive IT





The State of the Digital Divide and Implications for Patient Outreach

Courtney Rees Lyles, PhD

Approaching health tech as an IT solution will fail. Needs to be integrated across clinic workflows and approached as a shift in care delivery. Usability challenges and language barriers remain.



Challenges and Solutions

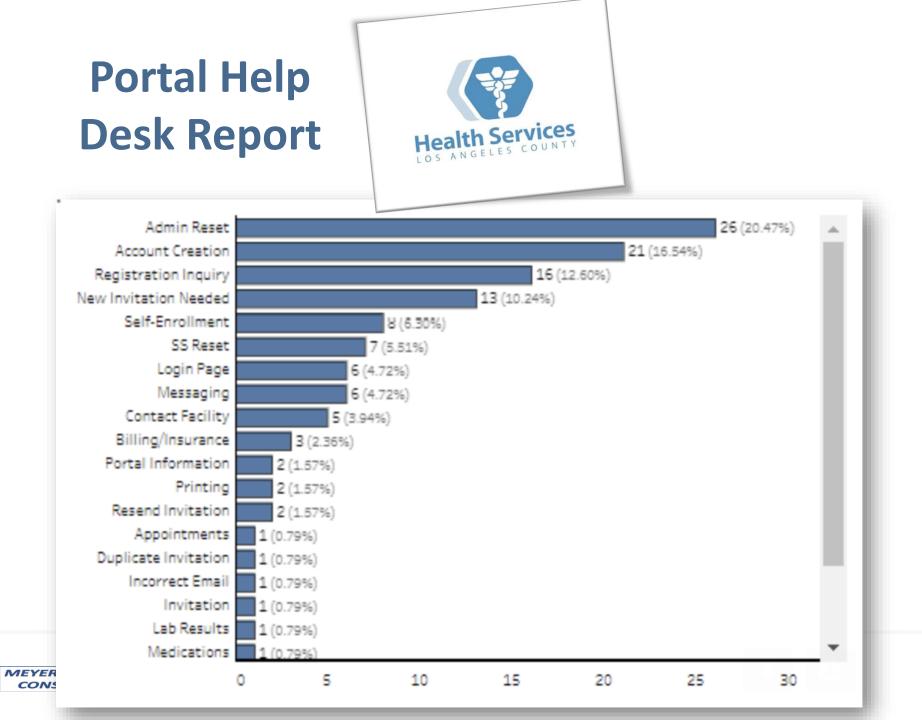
• Our biggest challenge in this last year:

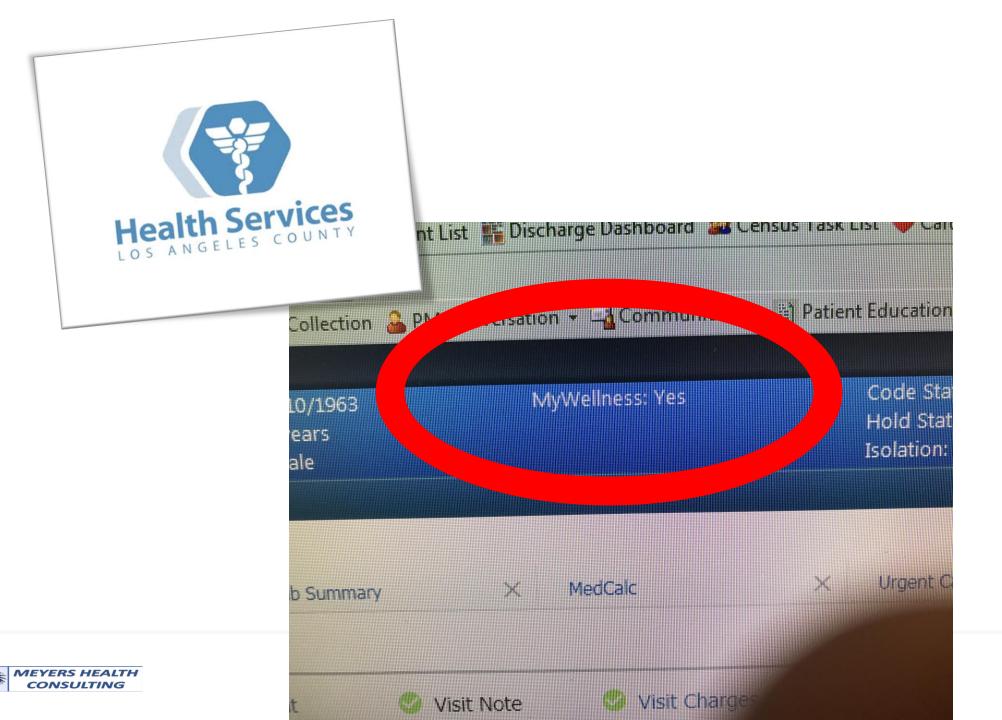
Texting Vs Patient Portal

- Portal is better positioned for clinical discussion regarding care.







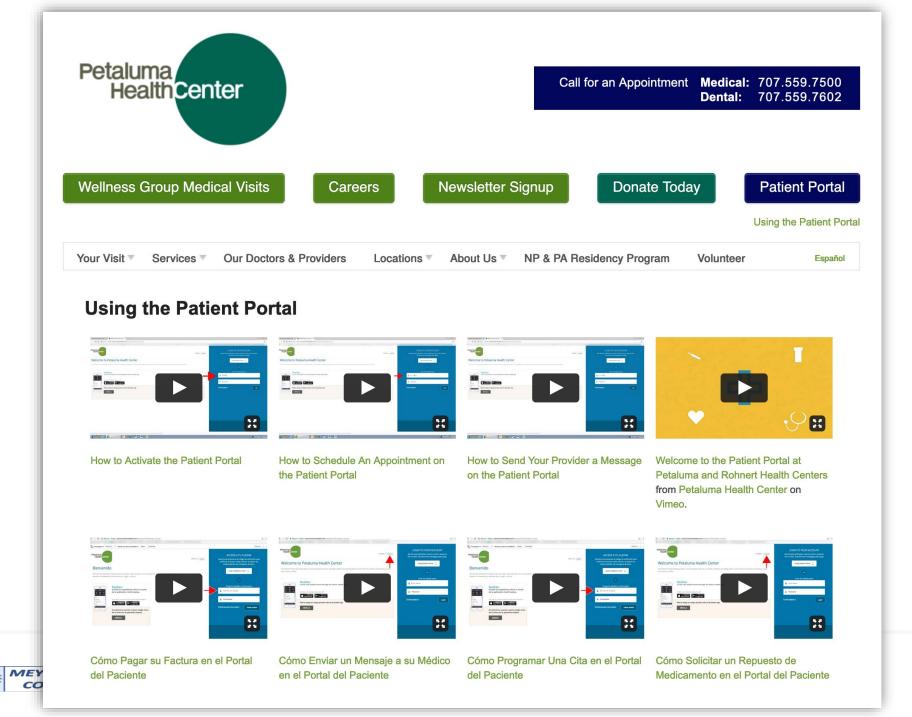




Customized Web Landing Page



C MEYERS HEALTH CONSULTING





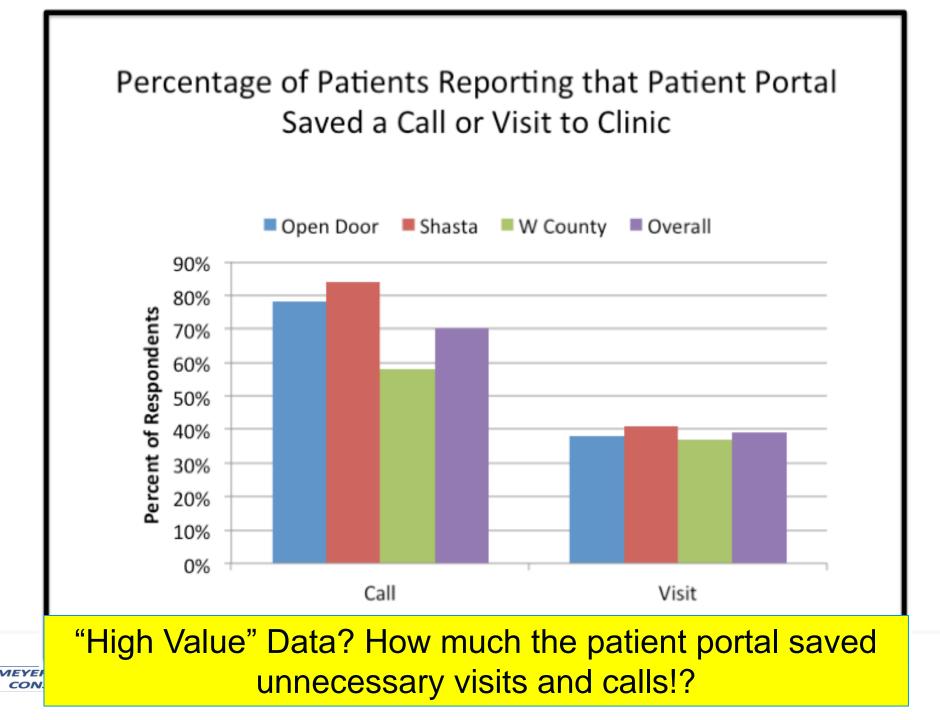
Comprehensive Metrics





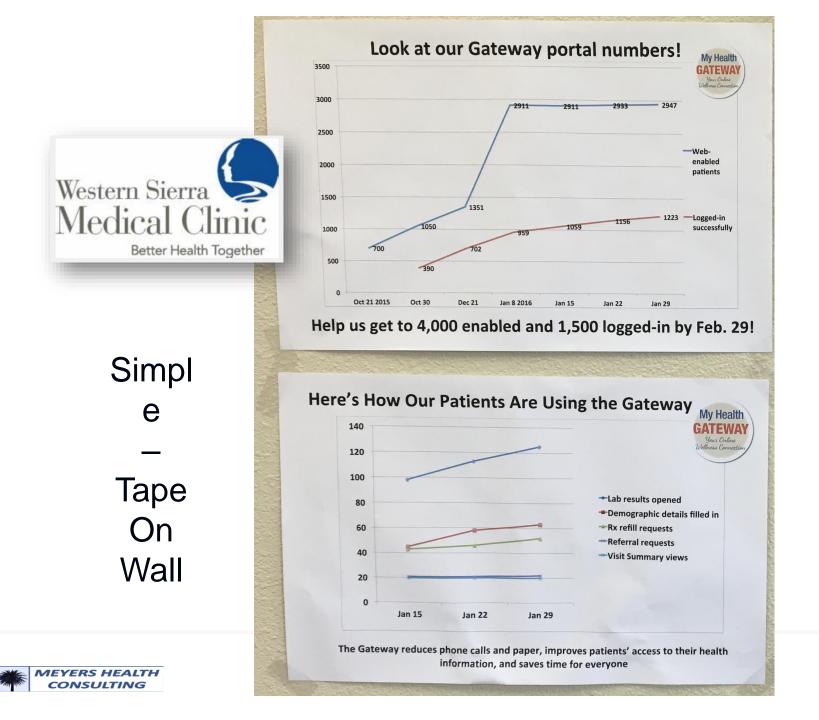
To impact any change in enrollment numbers, regular reporting to the clinics is necessary.















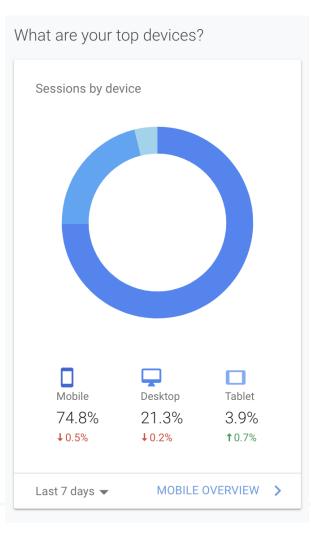


Comprehensive Metrics



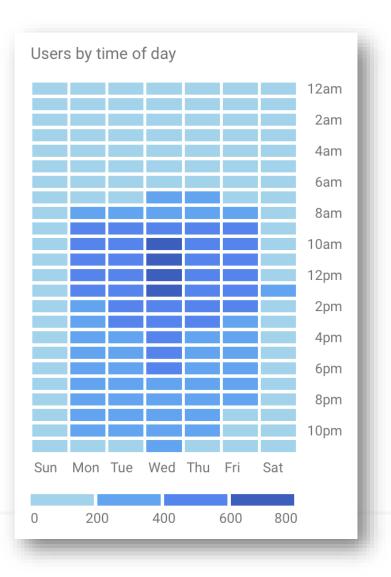


How Users Access The Portal

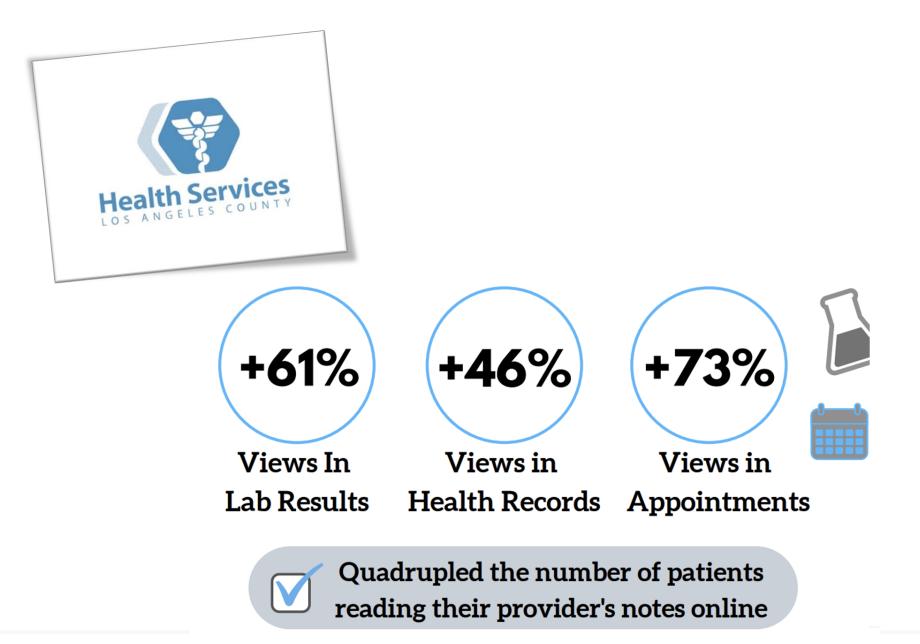




When Is The Portal Used?











Decision Points

C MEYERS HEALTH

Decide

<u>Wait</u>

- Unsure of board/senior leader support versus other projects
- Unknown EHR vendor options
- Looking at other secure communications platforms - texting?
- Other?

Start Portal Enrollment and

Active Use Improvment Project

- Supports a known
 Telehealth plan
- EHR vendor options are useful
- Known specific patient engagement use
- Board/Senior leader optimism and support for project and team





LA DHS Patient Portal Redeployment:

139 © MEYERS HEALAN Example of Redeployment

LA DHS: "Patient Portal is the Foundation for Secure Patient Engagement in the Digital Age"



C MEYERS HEALTH CONSULTING



"Purposeful" Redeployment Strategy

- Senior Leader Push
 - Engage Providers Champions Helped Build Simple Training Toolkit
- Survey and Site Visit
- Strategic Planning Senior Leader Meeting Everyone Voted on Top Action Items
- Program Management Tracking Tool Clear Action Item Owners
- Marketing Support for Top Action Items
- Top 5 Action Items:
 - Start Live Scheduling
 - Put Lifestyle Reminders (ELM, etc) on Portal
 - Make User Experience for Spanish-primary speakers easier
 - Allow Phone Numbers to Be Used To Enroll
 - Develop Process to Send Appointment Reminders

How do I get providers/staff to want to

use it?

YERS HEALTH





Senior Leader "Bump"







enroll today!

Please join the challenge to enroll our patients in the DHS Patient Portal! Using the Portal, patients can check up on their lab and radiology results, communicate with their provider and his/her team, refill prescriptions, reschedule appointments, among other functions. This is a great way for patients to receive information and services they need right from their homes. Please encourage the patients you interact with to



ONSULTING

Listen to Your Providers

"What is it about the portal that you love – that makes it worth the clicks"

"What is it that your patients would love about the portal – to overcome the enrollment/password reset/clicks hassle?"

How do we identify value to providers and staff to make patient engagement part of their processes?

Listen to the Patient - Focus Groups

- Focus groups at Harbor-UCLA and Mid-Valley (Dr. Alejandra Casillas)
 - English and Spanish speakers
- "My appointment letter came 2 days after my scheduled first oncology appointment. It would be great to see appointments on the portal."
- "I waste time on Facebook. I would rather be checking on my health just like I check my bank account."

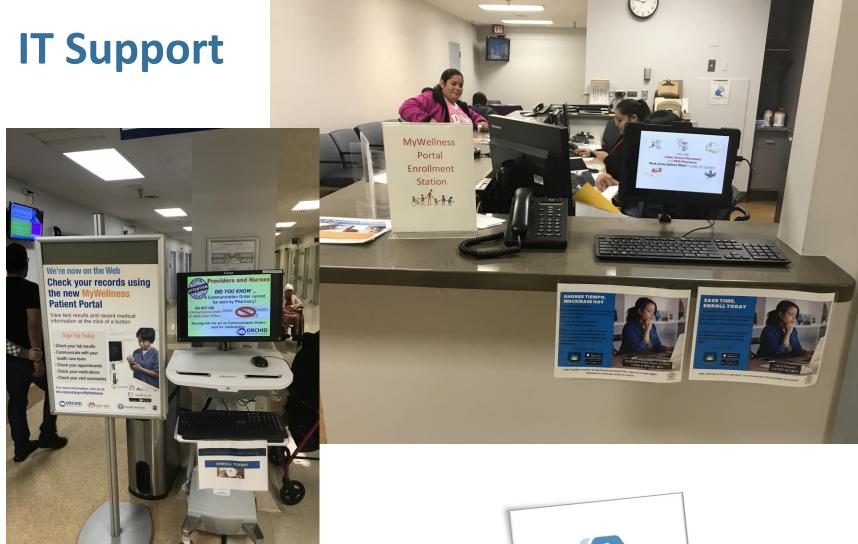


Listen to the Patient - Surveys

Patients are interested in the portal and have access to the internet

- 167 patients surveyed across DHS sites this year
 - 73% report access to the internet
 - 65% have not heard of MyWellness
 - 16% report being enrolled in MyWellness
 - 68% report being interested in enrolling in MyWellness







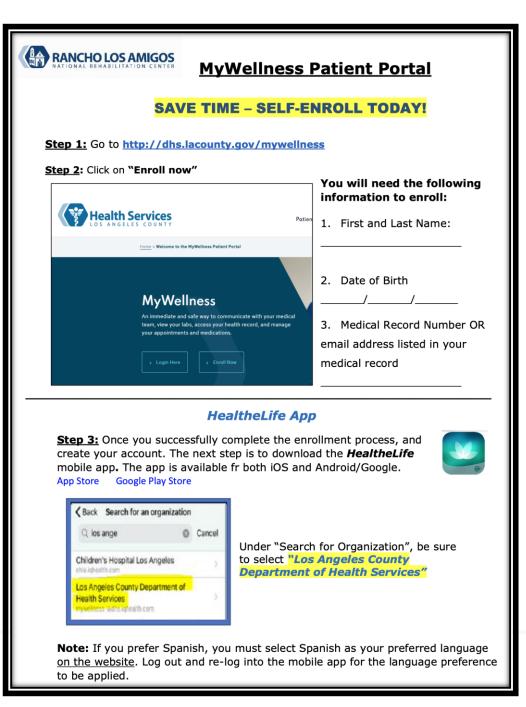


Telehealth Workflows Include Patient Portal Enrollment





Infograph Given at Vaccine Site





Enrollment and Active Use

WHAT WE'VE ACCOMPLISHED

Oubled the number of active users







Quotes From Staff After 6 Months

- Providers are starting to really like it it saves time and increases the quality of patient care!
- Providers report more comprehensive visits with portal users
- Providers report portal patients participate more in shared decision-making
- Saves time for everyone major reduction in admin task time/calls





A moderator will now bring questions forward from the chat



Please share your feedback using the survey link in the chat, the QR code below, or the link in the follow up email!









Continue the Conversation

The second part of this virtual workshop is taking place tomorrow <u>Thursday, June</u> <u>3 from 12:00 – 2:15 pm</u>

We hope to see you then!



