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1. Why is this happening?

It's not optional. It's a new federal mandate and there is no opting out, similar systems have been implemented and will be rolled out throughout the country. Notes have historically been available to patients on request through Health Information Management/Medical Records. This change will improve patient's access to their notes.

2. What will be released?

April 5th 2021 will be first day new signed notes will be released to the patient portal. Historic notes created before April 5th will not be published in the portal unless they are signed after that date. Data prior to April 5th 2021 will be viewable for labs, radiology and other data points required by regulations. The exact content that we are required to release is part of the United States Core Data for interoperability at the Office for the National Coordinator for Health Information Technology [USCD V1](#).

3. Which areas of practice will this new rule affect?

This will affect all patient interactions including emergency, inpatient and ambulatory visits.

4. How will this affect my clinical practice?

- From an Information Technology perspective, you will need to know the reasons to block a note from the portal and how to pick a note type which is not seen in the portal.
- Please note this is an IT focused document on note selection and new data availability. You may want to look up information outside the scope of this document such as:
 - o [Open notes](#): a movement promoting transparent communications in healthcare.
 - o Articles on how to document. There are many articles such as ["Your patient is Reading Your Note: Opportunities, Problems, and Prospects"](#) – Journal of Medicine.
- Open dialogue with your patients, staff, and leadership will be the key to success.

5. Will patients see results before the provider does?

Yes, this is possible. Clinicians are encouraged to set expectations with patients at the time of ordering to mitigate patient concerns.

6. What are the exemptions that allow me to block a patient from seeing a note?

- Preventing physical harm: a note can be blocked if a provider believes viewing the note could cause substantial harm to the life or physical safety of the patient or another person. Mental or emotional harm is NOT considered a reason to block a note.
- Privacy: Any request from a patient to block a note from the portal is an acceptable reason to use a confidential non-portal note type.

7. Can I block a note because the patient requested that it be blocked?

Yes

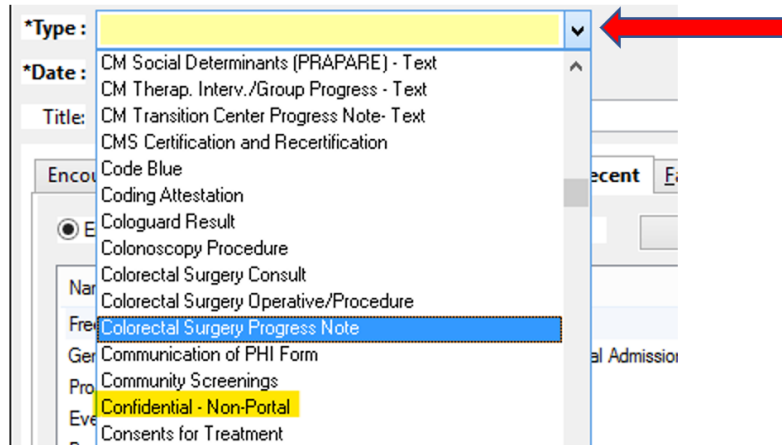
8. Can I block just part of my regular note?

This is technically not possible, so please use a separate note for the information you want excluded from the portal.

9. How do I block a note?

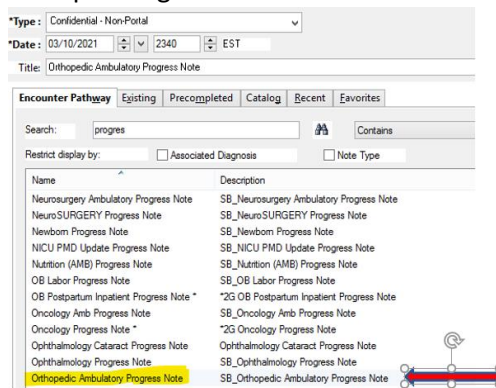
Use a Confidential-Non-Portal Note type:

- a. Choose the appropriate Non-Portal Note Type (**NOTE TITLE DOES NOT PREVENT THE NOTE FROM POSTING ON THE PORTAL ONLY NOTE TYPE DOES**):



- b. Pick the template you would like to use associated with the Non-Portal note type:

Example Progress note



- c. Use the autotext zz*ConfidentialNon-Portal*:

I understand that by using the protected note type the contents of this note will NOT appear in the patient portal. The information included is no broader than the information that is needed to be protected.

I am using this note because (multiselect):

[_] Patient requests that information NOT be included in a note that would be available on the portal.

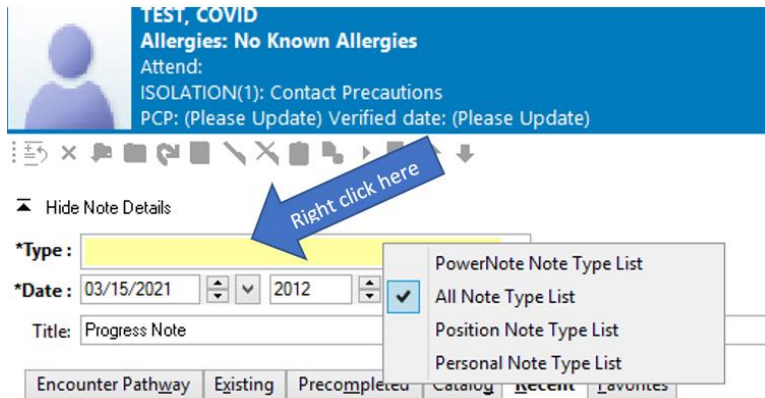
[_] I have a reasonable belief that restricting this information from the portal will substantially reduce a risk of harm to the patient or another person.

[_] Other:

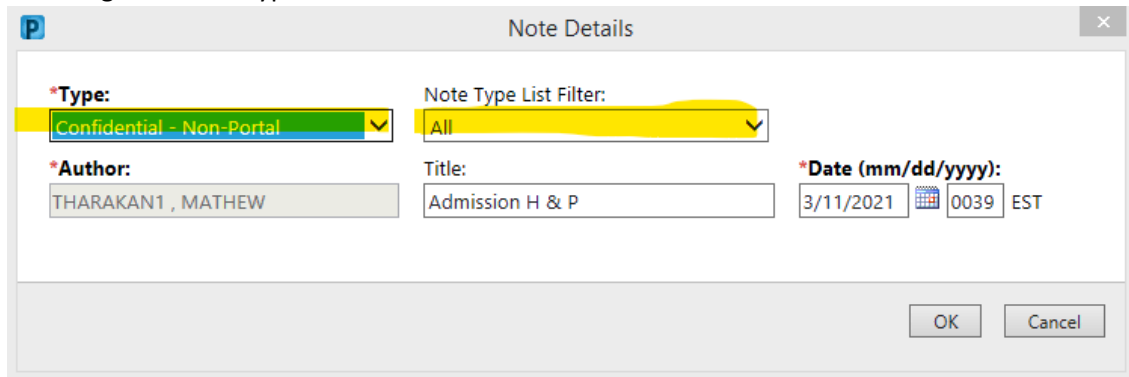
NOTE: Any information that is considered releasable should be documented in separate releasable note type.

10. What should I do if I don't see the Confidential Non-Portal note type in the Type drop down as shown in the examples?

You may need to right click on the type drop down field:



Or change the Note type List Filter to All:



11. Can I block ALL my notes during a single visit or encounter?

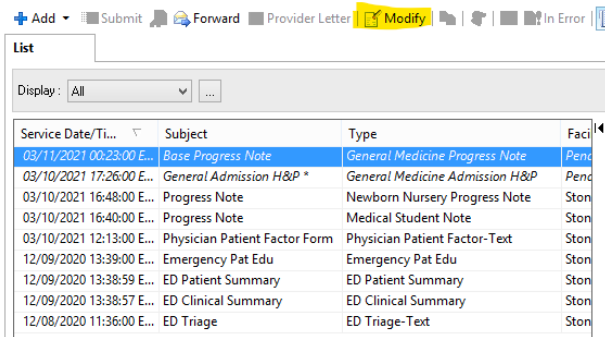
NO. The law requires you decide on each note if the information included should be blocked, consequently you must choose the confidential non-portal note type each time you want to block information. Remember the information blocked must be no broader than the topic that needs to be blocked.

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12. How do I block a note if I accidentally picked a regular note type and signed the note?

Powernote:

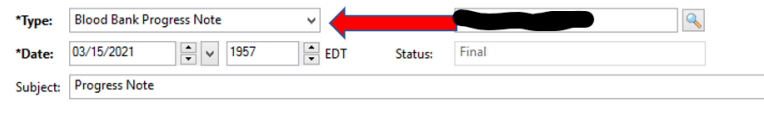
- Go back to the note and click modify



Service Date/Ti...	Subject	Type	Facil
03/11/2021 00:23:00 E...	Base Progress Note	General Medicine Progress Note	Penc
03/10/2021 17:26:00 E...	General Admission H&P *	General Medicine Admission H&P	Penc
03/10/2021 16:48:00 E...	Progress Note	Newborn Nursery Progress Note	Ston
03/10/2021 16:40:00 E...	Progress Note	Medical Student Note	Ston
03/10/2021 12:13:00 E...	Physician Patient Factor Form	Physician Patient Factor-Text	Ston
12/09/2020 13:39:00 E...	Emergency Pat Edu	Emergency Pat Edu	Ston
12/09/2020 13:38:59 E...	ED Patient Summary	ED Patient Summary	Ston
12/09/2020 13:38:57 E...	ED Clinical Summary	ED Clinical Summary	Ston
12/08/2020 11:36:00 E...	ED Triage	ED Triage-Text	Ston

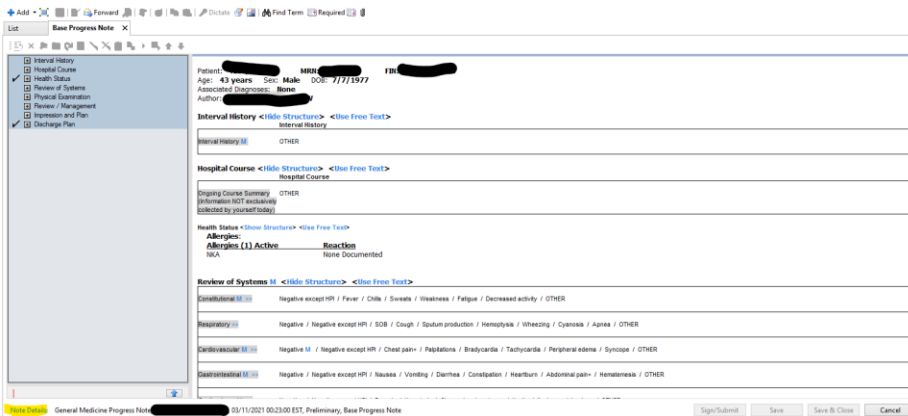
- Choose addendum or revise

- If you choose Addendum then you can change the note type here:



*Type: Blood Bank Progress Note
*Date: 03/15/2021 1957 EDT Status: Final
Subject: Progress Note

- If you choose revise click on the Note Details link at the bottom of the note:



*** Final Report ***

Progress Note

Patient: TEST, COVID MRN: 70010329
Age: 43 years Sex: Male DOB: 7/7/1977
Associated Diagnoses: None

Interval History <Hide Structure> <Use Free Text>
Interval History OTHER

Hospital Course <Hide Structure> <Use Free Text>
Hospital Course
Discharge Course Summary OTHER
(Information not exclusively collected by yourself today)

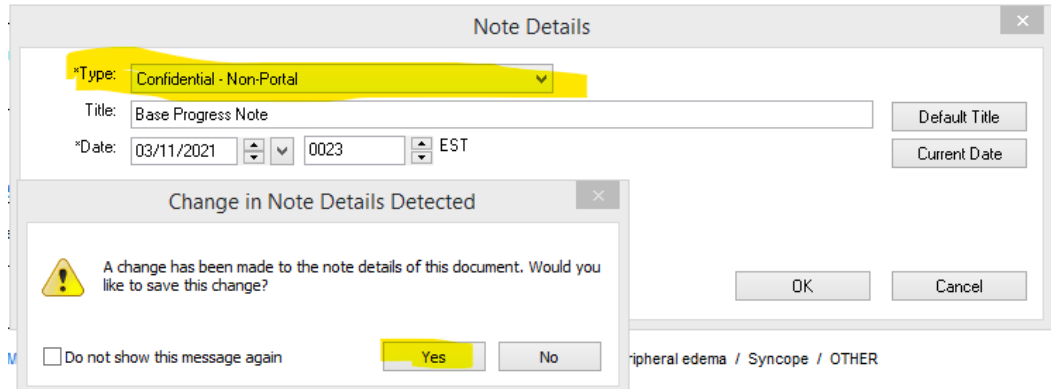
Health Status <Show Structure> <Use Free Text>
Allergies
Allergies (1) Active Reaction
NSA None Documented

Review of Systems <Hide Structure> <Use Free Text>
Constitutional Negative except HR / Fever / Chills / Sweats / Weakness / Fatigue / Decreased activity / OTHER
Respiratory Negative / Negative except HR / SOB / Cough / Sputum production / Hemoptysis / Wheezing / Cyanosis / Apnea / OTHER
Cardiovascular Negative M / Negative except HR / Chest pain / Palpitations / Bradycardia / Tachycardia / Peripheral edema / Syncope / OTHER
Gastrointestinal Negative / Negative except HR / Nausea / Vomiting / Diarrhea / Constipation / Heartburn / Abdominal pain / Hematemesis / OTHER

Note Details General Medicine Progress Note 03/11/2021 00:23:00 EST, Preliminary, Base Progress Note

- Change the Type section to a Confidential Non-Portal Note type and click Yes to the note details warning.

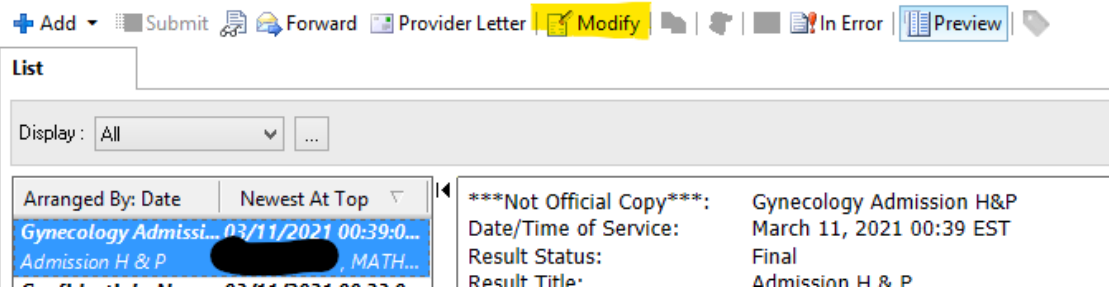
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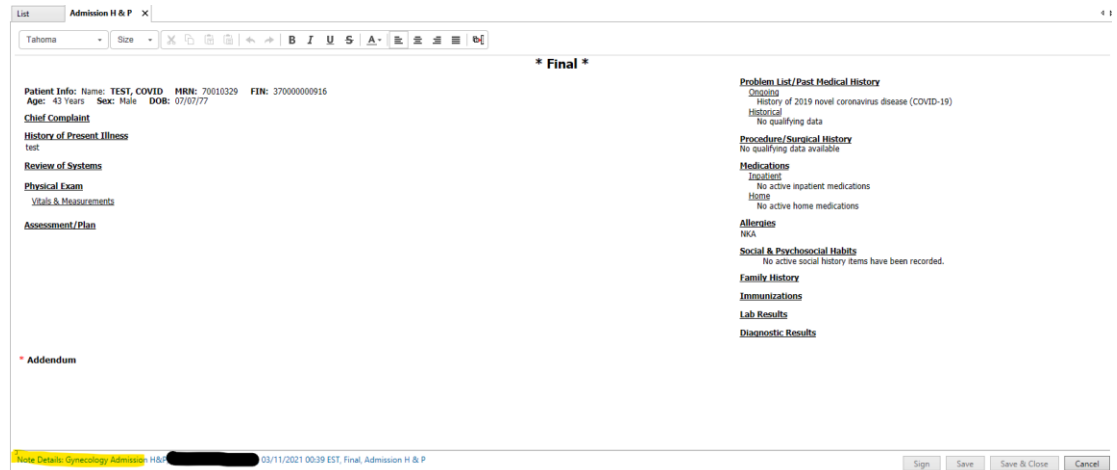
- f. For a revision or addendum, you may need to add minor changes to the note to make the signature button appear.

Dynamic Documentation:

- a. Go back to the note and click modify:

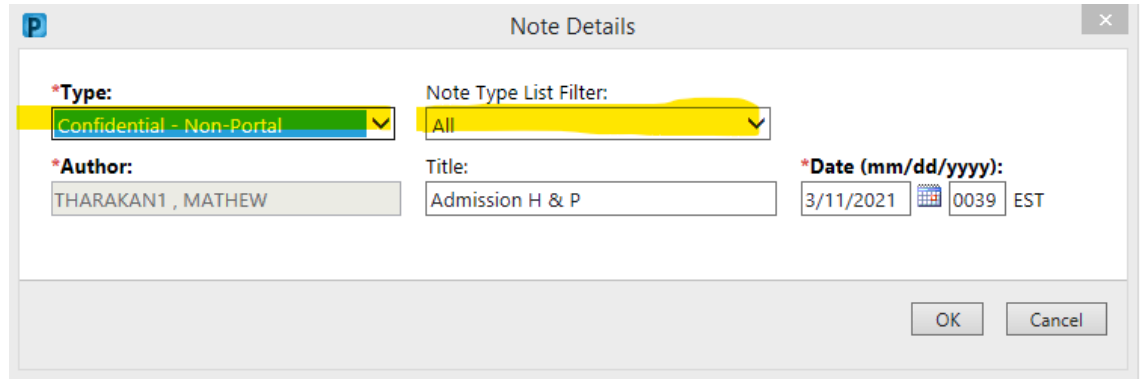


- b. Choose Addend note or Revise Note:
- c. Click on the Note Details on the bottom of the note:



- d. Change the Type section to a Confidential Non-Portal Note type and click Yes to the note details warning. Please note if you don't see the non-portal note in the Type section you will need to change the note type filter to All.

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- e. For a revision or addendum, you may need to add minor changes to the note to make the signature button appear.

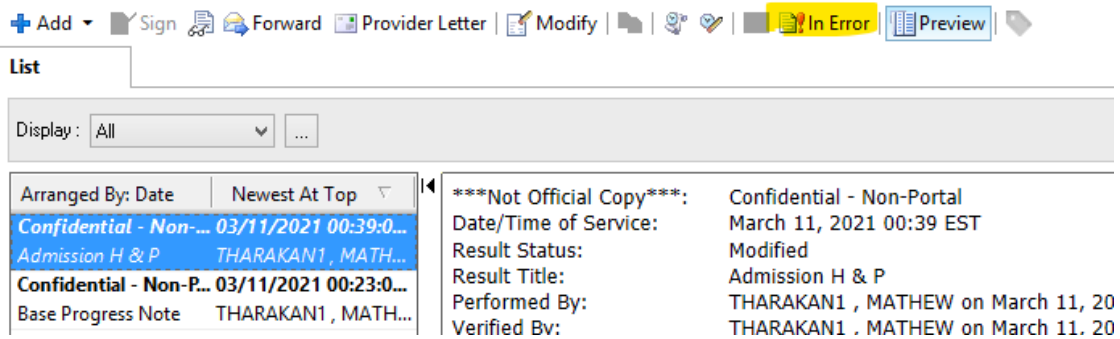
13. How do I release a note that I initially blocked and now I want to release it?

Follow the steps in question above, but change from a non-portal note type to a releasable note type.

14. What should I do if I documented on the wrong patient?

If you used a regular note type then it will be immediately viewable in the patient portal. You should:

- In error the note:



- The note will be removed from the patient portal.
- You should reach out to the patient after In Erroring the incorrect note.

15. Are Non-Portal notes the ONLY notes that will not appear in the patient portal?

No. There are a few other note types which will not appear in the patient portal:

- Psychotherapy (confidential)
- Sensitive & Protected note types: This note type should be used rarely. These notes are NOT considered part of the medical record and thus cannot be used for billing.
- Medical Student Note Type: These will not appear in the portal and are non-billable. If you want to bill from a medical student note they must pick a regular note type.
- Confidential Non-Portal Notes consist of:
 - Anesthesia/Pain Confidential Non-Portal
 - Confidential- Non-Portal
 - Family Medicine – Confidential Non-Portal
 - General Medicine – Confidential Non-Portal
 - Gynecology – Confidential Non-Portal
 - InfectiousDisease – Confidential Non-Portal
 - Neurology – Confidential Non-Portal

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- viii. Obstetrics – Confidential Non-Portal
- ix. Pediatrics – Confidential Non-Portal
- x. Peds Adolescent – Confidential Non-Portal
- xi. Peds ID – Confidential Non-Portal
- xii. Psychiatry – Confidential Non-Portal
- xiii. Surgery – Confidential Non-Portal

16. How will medical student notes be treated?

- Medical Student Note type will NOT be released to the portal, even if signed by an attending as long as they are filed under a Medical Student note type.
- Medical students should always pick the Medical student note type unless they are on specific rotations which allow attendings to co-sign and bill medical student notes.
- In cases where attendings can co-sign a medical student note for billing purposes it will be important the student chooses a regular note type and NOT the medical student note type.

17. Will nursing and ancillary notes be released to the portal?

Not at this time; however, by 2022 the information required to be released in the patient portal will greatly expand to almost everything. We will periodically be adding information based on patient request and regulations to meet the 2022 deadline.

18. Will Cerner Message center messages sent between providers and staff be sent to the patient portal?

If staff click the too Consumer box anytime during the message center conversation then the whole thread of messages will be shared with the patient in their portal. If you want to communicate with the patient via message center its best practice to start a new message to the patient.

19. Will physician handoff comments/notes be posted to the patient portal?

No. Only information documented in clinical notes will be released to the portal.

20. If I don't finish my note and it's saved but not signed, will it appear in the patient portal?

No, only signed notes will appear in the patient portal. There is an expectation that notes will be finalized and signed in a timely manner.

21. Can I block an individual result from being released into the patient portal?

No. At the moment only documentation can be prevented from populating the patient portal. ALL other information ([USCD V1](#)) will go to the patient portal. If the patient has given someone proxy access to their portal information, they should be comfortable sharing the information, if not they should change their proxy access by calling 1-877-621-8014. If the patient consents information will also be shared with the Health Information Exchange (HIE), and the Regional Health Information Organization (RHIO).

22. If I use a non-portal note type will the patient still see problems, medications, and labs which relate to the information in the non-portal note?

Yes. That's why it's important to discuss proxy access with the patient when you are blocking information from the portal.

23. Will I be audited if I block a patient from viewing their note?

- Federal law mandates compliance with this law and there can be fines associated with noncompliance.
- There will be periodic compliance checks

24. Will the patients be able to see who wrote the notes released to the patient portal?

Yes, names will appear on the signature line of notes. As long as a releasable note type is documented by a medical student, resident, or clinician (doctor, or advanced practice provider) they will be released to the patient portal on signature immediately.

25. Can I tell if a patient has read my note or seen the results?

No, there is currently no way to tell if your patient or their proxy has seen the information posted to the portal.

26. How should I handle patient comments and requests to change the notes?

You have two options:

- a. You should instruct the patient can contact Health Information Management (HIM) and go through a “request for amendment”. You are NOT obliged to make the changes if you don’t agree with the changes requested, please work with HIM in these circumstances.
- b. If you are talking to the patient and you agree with the changes then you can update the electronic medical record accordingly.

27. How do I document information that can be offensive to the patient, but I feel it is medically important to include in my note?

If you need to include medically important information that you feel may be upsetting to the patient, you may wish to discuss this with them at the time of visit so that you will have a chance to answer their questions and respond to any concerns. Clinicians are encouraged to use patient friendly language in writing notes.

28. Will pediatric notes or psychiatric notes be released?

Yes, unless a Non-Portal Note type is used. All notes will be released to the portal in compliance with the law.

29. Will sensitive information like STD, HIV, Cancer markers, drug levels, and toxicology screens be released to the patient portal?

Yes, ALL information released to the portal is considered the same as information released to the patient, so there will be no blocking of this type of data. This does not negate the need to discuss the results with the patient in a timely manner.

30. I work in the emergency department and I deal with a lot of sensitive topics, how should I document these sensitive topics?

The provider will need to use their discretion regarding which content will need to be documented on a non-portal note type. The criteria to block a note from release are:

- Preventing physical harm: a note can be blocked if a provider believes viewing the note could cause substantial harm to the life or physical safety of the patient or another person. Mental or emotional harm is NOT considered a reason to block a note.
- Privacy: Any request from a patient to block a note from the portal is an acceptable reason to use a confidential non-portal note type.

31. Will operative notes be released?

Yes.

32. How will radiology, pathology, and microbiology results be handled?

They will be released immediately to the patient portal after they are signed. Preliminary reports will not appear on the portal.

33. Will addendums appear in the patient portal?

Yes; addendums will update the documents in the patient portal.

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34. How will these changes to the portal be explained to patients who use the portal?

An educational message will be sent to ALL currently portal users about these changes. Instructions on changing proxy access will also be provided (Call 1-877-621-8014). It will be important to discuss these changes with your patients, because you will need to make decisions on what information you document should go into the portal.

35. Does this affect ALL electronic health records outside of Stony Brook Medicine?

Yes, ALL health care vendors are required to comply with this regulation. The workflow described is valid for Cerner Powerchart users. If you work outside of Cerner Powerchart, there will be different workflows you need to follow to comply with information blocking regulations in those systems.

For questions about your role in complying with Information Blocking, contact the Privacy Office at 631-444-5796 or email us at hipaa@stonybrookmedicine.edu

For technical questions about how to pick a confidential non-portal note type Call the HELPDESK at 631-444-HELP (4357).