



**PHG Update: February 23, 2021**

Dear Valued Providers

We want to be a resource to our Premier Health Group Independent providers. Throughout this pandemic, we will provide clinical and operational updates as they become available to support the provider community.

In addition, we have created a resources page on the [PHG website](#).

Please feel free to contact us directly at **(937) 499-7441** if you have any questions

Yours sincerely,

*Matt*

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**UPDATE: COVID-19 Testing Locations**

As of **Monday, March 1**, there are a few updates on hours and locations for the 11 Premier Health COVID-19 collections sites. As you may be aware, the COVID-19 collection numbers are trending down so as a result we are reducing hours at some locations. In addition, we are taking the opportunity to change the current Miamisburg location (Premier Health Urgent Care - Miamisburg, located at 8 Prestige Plaza) to offer a better location (Miami Valley Hospital Austin Blvd. Emergency Center 300 Austin West Blvd. Miamisburg) for patients in and out.

Please note the changes will occur on **MARCH 1, 2021**. Everything is the same until then. [Please view the updated flier.](#) On the flier you will find all the changes reflected in red for ease of identifying the changes to the document.

**UPDATE: 21st Century Cures Act Information Blocking Rule**

**\*\*\* The following memo is being reissued and updated after the ONC 21<sup>st</sup> Century Cures Act's implementation was temporarily delayed due to the COVID-19 pandemic \*\*\***

The ONC 21<sup>st</sup> Century Cures Act prohibits blocking information from patients and requires that patients have immediate access to electronic health information and easily exchange information in their medical records. This change was effective November 2, 2020, but then was delayed until February 24, 2021. Organizations can be penalized up to \$1 million per violation for failing to comply with this rule, unless such failure falls into one of eight limited exceptions. Enforcement is possible for violations that occur on or after April 5, 2021.



## Background

The law was originally passed in 2016 to help bring new treatments to market more quickly. One provision prohibits “Information Blocking” to help facilitate unfettered access to patient records by other providers and patients themselves. A final rule containing definitions and details of what this entails was released on May 1, 2020. The final rule defines Information Blocking as “a practice that is likely to interfere with access, exchange, or use of electronic health information.”

## Are there any EXCEPTIONS to the Information Blocking Rule?

- It will not be information blocking for an actor to not fulfill or otherwise interfere with a request for access, exchange or use of electronic health information (EHI):
  1. Preventing Patient Harm (most relevant for providers)—if the conduct is necessary and reasonable to prevent harm to a patient or another person **IF** all of the following conditions are met:
    - Actor must hold a reasonable belief that the action will substantially reduce a risk of harm AND the practice must be no broader than necessary; AND
    - Action must satisfy at least one condition from each of:
      - Type of risk (as determined by practitioner or due to misidentified, mismatched or corrupt data); AND
      - Type of harm (practitioner determines access would likely harm the patient or another person); AND
      - Implementation basis (is consistent with Premier Health policy); AND
    - If based on a practitioner’s determination, the action must be implemented consistent with the patient’s right to request review of an individualized determination of risk of harm.

\*If you believe the exception applies and you can satisfy all three of the conditions above, there will be a box to “uncheck” that will block the release to the patient’s MyChart. The provider **MUST** thoroughly document in his/her note the specific clinical justification for not releasing the result. \*\*Emotional distress, by itself, will likely not suffice.

2. Privacy—to protect an individual’s privacy, provided certain conditions are met.
3. Security—to protect the security of EHI, provided certain conditions are met.
4. Infeasibility—if the request is infeasible, provided certain conditions are met.
5. Health IT Performance—to take 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, provided certain conditions are met.
6. Content & Manner—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, provided certain conditions are met.
7. Fees—to charge fees, including fees that result in a reasonable profit margin, for accessing, exchanging, or using EHI, provided certain conditions are met.
8. Licensing—to license interoperability elements for EHI to be accessed, exchanged, or used, provided certain conditions are met.



- Patients' health information requested prior to February 24, 2021, will be released pursuant to the laws, rules and policies in place at the time, and as specifically authorized on the patient's consent forms.

**We encourage providers to do the following before and after Feb. 24, 2021:**

- Have conversations with your patients so they understand there is a very high likelihood that they will have access to their test results before you will have reviewed them.
- Communicate your process for follow-up with them, including appropriate methods for asking questions, and how you will be providing your interpretation of the results
- When it comes to your documentation, be sure to consider that the patient will easily be able to read what you have documented.
- In some cases, patients may prefer to receive their results from their provider. It is their option to refrain from reviewing results in MyChart until they have had an opportunity to discuss them with you.
- Consider if you have documentation templates that include contact information not appropriate for the patient. If so, please remove that information from your template.