Health Information Compliance Alert

Health Information Exchange: Information Blocking Factors Into Patient Matching Issues

It's more about the money than the privacy, researchers warn.

It's true that the lack of EHR standardization and confusion over patient matching are largely to blame for issues with the practice. However, one recent study suggests that providers worried about losing patients -and income - often block the flow of information.

Definition: Information blocking happens when practices, EHR vendors, or health IT developers "knowingly and unreasonably interfere with the exchange and use of electronic health information" protected by HIPAA, indicates HHS Office of the National Coordinator for Health Information Technology (ONC) guidance.

Health information exchange (HIE) has become a hot button issue over the last two years, too. Several pro-patient federal programs like Meaningful Measures and Patients Over Paperwork were launched to improve care coordination and data sharing. In addition, CMS revamped Meaningful Use as Promoting Interoperability, with promises to severely punish providers who engage in information blocking (See Health Information Compliance Alert, Vol. 18, No. 3).

Details: Providers are leery of sharing patients' data with other clinicians for several reasons, but the reasons aren't usually associated with worries about HIPAA and patient privacy. In fact, most practices worry more about patients jumping ship for other physicians rather than whether their records are properly matched, one study maintains.

"Information blocking is not, strictly speaking, a legal barrier to HIE - rather, it is a market barrier that until recently the law had not intervened to correct," notes a study published in the population and health policy journal, **The Milbank Quarterly**. "It arises because of competitive disincentives to participate in HIE."

"It can be to providers' economic advantage to make patient information hard for others to access, because it makes it more difficult for patients to switch to other providers and for physicians to refer patients out of network," the authors concluded.

Consider These Facts

No comprehensive research has been done on how often research is blocked, but the researchers reveal that it is a prevalent practice that needs more investigation. According to the ONC, there are several common techniques providers and/or vendors use to impede the sharing of data. These might include, but are not limited to, the following:

- Charging fees to share data that make HIE expensive and "prohibitive."
- Policies that forbid data sharing between organizations.
- EHRs that don't connect with others to allow patient matching.
- Private payer or out-of-network rules that hinder HIE.

Interesting: HIPAA is often used as an excuse for why clinicians refuse to share patients' records, The Milbank Quarterly abstract showed. "Among the forms of blocking reported, one notable finding was that 50 percent of respondents said that hospitals and health systems routinely or sometimes 'use HIPAA as a barrier to patient health information sharing when it is not,'" said the study.

Note: Review The Milbank Quarterly abstract at https://onlinelibrary.wiley.com/doi/full/10.1111/1468-0009.12313.