SB 648: Electronic Health Records in Nursing Homes

Position – Support

- The State of Maryland has launched groundbreaking programs to help nursing facilities use data to improve care. Under the leadership of the Health Services Review Commission (HSRC), a recent test project, using nursing home electronic medical record (EHR) data, to prevent hospitalizations in Montgomery and Anne Arundel Counties, was a great success. The rate of hospitalization dropped by 25% and the total cost of care for this population dropped by 6%.

- In response the state funded Maryland's Health Information Exchange (HIE) – CRISP – to create a statewide program modeled after the HSCRC test project. The early results showed a 40 percent drop in hospital admissions, which is critical to our hospitals under the Total Cost of Care contract. As of mid-February, over 100 nursing centers in Maryland have enrolled in the program and it is expected that virtually all will participate.

- Nursing homes pay electronic medical records companies to be the steward of the patient's medical records. These costs are borne by the state of Maryland through Medicaid payments. These EHR's are electronic versions of the paper medical records and the data contained in that EHR belongs to the patient. Federal laws have been passed to protect a patient's record and make them available to all members of the care team. Unfortunately, some EHR companies have acted as if the data belongs to them and can be monetized to the detriment of the patient's right to care. The federal acts were written with unintended loopholes that are being exploited and the US Senate is expected to look at these issues again in the near future with an intent to protect patients.

- In Maryland, the new CRISP program is potentially harmed by the behavior of nursing home focused EHR companies. This proposed legislation does not address hospital EHR companies, and rather is solely focused on the EHR's within the post-acute environment. The EHR companies have made data difficult to obtain. Federally required data transfers have been severely limited to the nature of the data available. For a more complete access to needed data, the EHR companies are attempting to block access unless exorbitant fees are paid.

- This bill supports the continued success of the CRISP program that potentially saves $200 million dollars for Maryland hospitals under the Maryland Total Cost of Care waiver. The bill establishes that chosen partners, following HIPAA regulations, should have unhindered access to patient information that is contained in the EHR. These programs are as much a part of the care team as doctors and nurses. The software is already paid for by the nursing homes and the state of Maryland. The data is inherently and legally owned by the patient for use by the medical team. It is essential that we not allow EHR companies to hold patient data hostage in the name of increased profits or the intention of eliminating breakthrough programs that they see as competition.

- This bill empowers nursing homes to provide coordinated, multi-disciplinary care while reinforcing the patients' ability to control access to the data in the EMR.

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