December 3, 2024

The Honorable Ron Wyden
Chairman
Committee on Finance
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Wyden:

Thank you for your leadership in advancing patient privacy. I am pleased to inform you that in response to your feedback Epic is developing a new software feature that will give patients more control over their private health records.

Epic is a health IT software developer with one of the nation's most widely adopted electronic health record (EHR) systems. EHRs help improve patient health outcomes by providing clinicians with complete and accurate medical data. Epic's patient portal, MyChart, is used by more than 180 million Americans to receive test results, schedule care, and communicate with their care teams.

As you know, Congress passed the *HITECH Act* to encourage healthcare organizations to adopt EHRs. Congress subsequently required interoperable electronic health information exchange through the *21st Century Cures Act.* Interoperability provides significant, and potentially lifesaving, benefits by allowing medical information to go with patients wherever they receive care. As an example, if a patient travelling away from home is admitted to an emergency department, an interoperable EHR can help the emergency care team quickly access medical records from the patient's home medical team.

While interoperable flow of health information is an important policy priority, it must also be balanced with patient privacy protections. Epic has long included a feature that allows patients to ask their providers to opt-out of sharing their records through Care Everywhere, Epic's interoperability software. During discussions over the past year, you have encouraged features that would give patients more direct control over whether their data is shared through Care Everywhere.

Based on these discussions and your encouragement, Epic is developing a new feature in MyChart that will help patients understand their options for data sharing and empower them to decide whether their medical records are shared across healthcare organizations. MyChart will list the healthcare organizations using Epic that have records for the patient and allow the patient to opt out of sharing via Care Everywhere for any of those healthcare organizations. Patients who opt out will not be visible to providers at other healthcare systems through Care Everywhere, and Care Everywhere will not send their records to other organizations.

Patients will be able to update their record sharing preferences at any time in MyChart. Automatic prompts will allow healthcare organizations to remind patients to confirm their sharing preferences when they receive sensitive care. We plan to release the feature next summer and expect that healthcare organizations using Epic will have access to it by the end of 2025.

The new feature will expand Epic's existing suite of privacy tools, which includes access controls, hidden records, and patient consents. While we make these privacy controls available to all healthcare organizations using Epic, each organization can choose which privacy features are right for them. At your request, Epic surveyed fifty customers, representing more than 300 hospitals, regarding their use of these privacy features. The results of that survey, which are attached, show that the Epic provider community has robust adoption of tools that protect patient privacy. It provides some indication that adoption of these tools further reduces improper access to patients' medical records.

We appreciate your thoughtful input and look forward to continued collaboration to help patients control access to their healthcare information.

Sincerely,



Emily Barey
Chief Nursing Officer

Break-the-Glass

2023 Calendar Year

16,482,528

Standard Break-the-Glass Presented: User Access

User was presented with a popup alerting them to the potential for sensitive data and chose to enter their password, reason for access, and was then granted access to chart.

6,985,462

Standard Break-the-Glass Presented: User Declined to Access

User was presented with a popup alerting them to the potential for sensitive data and chose to close the window instead of requesting access to chart.

553,296

Unbreakable Glass: Access Prevented

User was not permitted to access a patient or encounter that was identified as confidential.

Every time a user is presented with these popup alerts or tries to look up an Unbreakable Glass record, the events are added to a report that is then audited by the health care organization. Customers can also configure Break-the-Glass events to automatically trigger an In-Basket message that notifies designated users, real time, of access or attempted access.

318 hospitals | 7,524 clinics | 23,281,127 inpatient days | 62,377,273 outpatient visits

By User Type

User Type	Standard Break-the-Glass Presented: User Accessed	Standard Break-the-Glass Presented: User Declined to Access	Impermissible Break-the-Glass: Access Prevented
Non-Provider	5,677,005	3,554,210	334,434
Nurse	2,737,331	863,834	27,084
Other Provider	7,065,191	2,201,350	166,961
Physician	1,003,001	366,068	24,817
Total	16,482,528	6,985,462	553,296

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Additional Findings

1,494,467

Sensitive Notes

A note that was flagged, either manually or automatically by the system, as containing sensitive information. Once flagged, sensitive notes are hidden by default and health care organizations can configure rules to grant access to specific users.

67,850

Patients with Release Restrictions*

A manually added flag that indicates to Health Information Management release of information users that data should not be released outside of a health care organization without additional care or authorization.

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*As of data collection date, this is the total number of patients that have active release restrictions