



## Open Notes in Healthcare: The Good, the Bad, and the Ugly of the Cures Act

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On April 5, 2021, a requirement of the [21st Century Cures Act](#) went into effect: Patients must be able to access information in their EHRs “without delay.” (This requirement does not apply to paper records.) The Cures Act [prohibition against information blocking](#), often referred to as an “open notes” provision, provides patients with transparency in the outcomes of their healthcare via convenient access to information in their EHR, which can positively or negatively impact the patient-doctor relationship.

**The good news:** Many [patients feel better](#) about their provider after reading a note. Positive effects on the patient-provider relationship may be most significant among vulnerable patients, such as those with fewer years of formal education.

**The bad news:** Concerns about open notes mainly revolve around the potential for conflicts with patients and potential time conflicts.

Concerns include:

- Timing: The originally planned implementation date for the open notes provisions in the Cures Act was November 2020. Because of the COVID-19 pandemic, this was pushed back to April 2021.
- Uncertainty about the documentation process: Most patients will not understand clinical shorthand, and providers may need added time for explanation.
- Technology: Some EHR vendors are still racing to provide services that allow practices to remain in compliance with the Cures Act.

**The ugly news:** More frequent requests for records changes from patients could increase already weighty administrative burdens on providers. Worse, some of these requests will be for changes providers cannot support, and making time for careful conversations with patients and providing written responses for requests that are rejected will be a challenge.

When composing notes, certain simple strategies will raise the odds that notes will be well understood and well received. Beyond being clear and succinct, strategies for success include composing at least a portion of the note as instructions directly addressed to the patient and providing a list of commonly used medical terms and abbreviations.

For an in-depth review of strategies for success when composing notes, see [12 Strategies for Success With Open Notes in Healthcare: The Cures Act](#)

Unless an exception applies, clinical notes must not be blocked, but the Cures Act allows for a fairly long list of specific, well-delineated exceptions.

For information regarding exceptions to open notes, please see [What Open Notes Exceptions Does the Cures Act Allow?](#)

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