

EHR Gag Clauses



THE MYTH

Physicians are restricted from openly discussing EHR issues such as those related to usability and interoperability.

DEBUNKING THE MYTH

Physicians, health care organizations, clinical staff, researchers, patients, and all other users of electronic health records (EHRs) cannot be restricted by vendors or developers from openly discussing topics related to usability, interoperability, security, user experience, developer business practices, and the way that a user has utilized the technology.¹

EHR users may openly discuss these topics with a few exceptions. For instance, vendors may restrict users from public communication that involves such aspects as premarket testing and development. Further, screenshots and videos may be shared, but only to the extent required to adequately communicate about a particular relevant health IT issue such as the usability or interoperability of an EHR.¹

Resources

- Office of the National Coordinator for Health Information Technology. Explained: The Communications Condition of Certification. HealthIT.gov. Published 2022. Accessed January 20, 2023. https://www.healthit.gov/sites/default/files/page/2022-12/Communications_Condition_of_Cert_Fact-sheet_508.pdf

References

1. Office of the National Coordinator for Health Information Technology. Explained: The Communications Condition of Certification. HealthIT.gov. Published 2022. Accessed January 20, 2023. https://www.healthit.gov/sites/default/files/page/2022-12/Communications_Condition_of_Cert_Fact-sheet_508.pdf

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