Can physicians openly discuss EHR issues?

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]

CASE EXAMPLE

Despite the Assistant Secretary for Technology Policy's/Office of the National Coordinator for Health Information Technology's (ASTP's/ONC's) 2020 restriction of the use of gag clauses in vendor contracts to improve transparency, a 2023 study found little impact. Although this change was meant to allow clinicians to more openly share usability concerns impacting both patient safety and professional satisfaction, only 7.5% of EHR usability and safety articles included screenshots post-policy, nearly unchanged from 7.6% prior. Meanwhile, the share of articles that would have benefited from screenshots nearly doubled, underscoring ongoing hesitancy or barriers to sharing visual examples.[2] To ensure these protections are meaningful, greater awareness by health system leaders, EHR vendors, and journal editors is essential to support physicians and researchers in identifying and addressing EHR flaws.

TAKEAWAY

Health system leaders, EHR vendors, and journal editors can raise awareness and provide education on the ASTP's/ONC's gag clause restrictions to empower physicians and researchers to openly share EHR usability and safety concerns—reducing EHR burden and improving patient safety through transparent, evidence-based improvements.

Resources

- 2022 ASTP/ONC Guidance: The Communications Condition of Certification. Accessed 2023.

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

2. Bapna M, Miller K, Ratwani RM. Electronic health record "gag clauses" and the prevalence of screenshots in peer-reviewed literature. *Journal of the American Medical Informatics Association : JAMIA*. 2023;30(10):1717-1719. doi:10.1093/jamia/ocad138