

# Fellow's Column: The 21st Century Cures Act and Disclosure of Sexually Transmitted Infections in the Neonatal Electronic Chart

Rebekah Daggett, MD, Patricia Pichilingue-Reto, MD, Shabih Manzar, MD

***“When treating an adult patient with sexually transmitted infections (STI), keeping the information confidential is more accessible as there is no proxy to access the electronic medical records (EMR).”***

The 21<sup>st</sup> Century Cures Act was passed in 2016. A Final Rule interpreting this law—over 300 pages—was published in May 2020 and took full effect on April 5, 2021. (1) Under Title V, section 4006, empowering patients and improving access to their electronic health information. (2) When treating an adult patient with sexually transmitted infections (STI), keeping the information confidential is more accessible as there is no proxy to access the electronic medical records (EMR).

However, when caring for an adolescent patient, guardians/parents may have access to EMR, which may create a problem of breaching confidentiality. (3,4) In the case of a newborn infant, both parents have access to the EMR, and that may create a dilemma for providers to look at what to document and what to block. (5) We present a case to highlight our point.

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A newborn infant was admitted to the nursery for management of probable congenital syphilis as the mother had a rapid reactive plasma reagin maternal (RPR) of 1:4 and inadequate treatment. The infant was started on intravenous penicillin after obtaining the laboratory and radiological studies per the infectious disease recommendations. The father, who had access to the chart via the patient portal, asked the provider about the indication of penicillin on his baby. In this case, the mother did not have any reservations about telling the father about her syphilis status. Still, the providers raised the question about how to approach the case if the mother had requested confidentiality. EMR documentation of confidential personal health information (PHI) may lead to untoward reactions, resulting in the endangerment of the infant or mother. For example, the documentation of a partner's violence in a child's EMR note may affect the safety of the other partner and

children. (6)

***“STIs are reportable conditions, and the exposed sexual partner is at a high risk of developing the disease. Therefore, they have the full right to know about it, while on the other end, the patient with an STI diagnosis has the right to confidentiality. Federal and state laws prevail in these scenarios with institutional policies as guidelines.”***

STIs are reportable conditions, and the exposed sexual partner is at a high risk of developing the disease. Therefore, they have the full right to know about it, while on the other end, the patient with an STI diagnosis has the right to confidentiality. Federal and state laws prevail in these scenarios with institutional policies as guidelines. As a primary care provider, a multidisciplinary approach with the involvement of a social worker, risk management, and infection control representative should be considered in such scenarios.

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*Rebekah Daggett, MD,  
Resident, Internal Medicine-Pediatrics  
Department of Pediatrics  
LSU Health, Shreveport  
St. Mary Medical Center  
Ochsner LSU Health  
Shreveport, LA*



*Patricia Pichilingue-Reto, MD,  
Faculty, Division of Pediatric Infectious Diseases  
Department of Pediatrics  
LSU Health, Shreveport  
St. Mary Medical Center  
Ochsner LSU Health  
Shreveport, LA*

*Corresponding Author*



*Shabih Manzar, MD  
Clinical Associate Professor  
LSU Health Sciences Center  
1501 Kings Highway  
Shreveport, LA 71103  
Telephone: 318-626-1623  
Fax: 318-675-6059  
Email: [shabih.manzar@lsuhs.edu](mailto:shabih.manzar@lsuhs.edu)*

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