

PREPARING FOR INTEROPERABILITY

The 21st Century Cures Act & Information Blocking Provisions

WELCOME

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HEALTHCARE CONSULTING

 **MederioGroup**
ENGINEERING BETTER HEALTH CARE

INFORMATION BLOCKING DEFINED

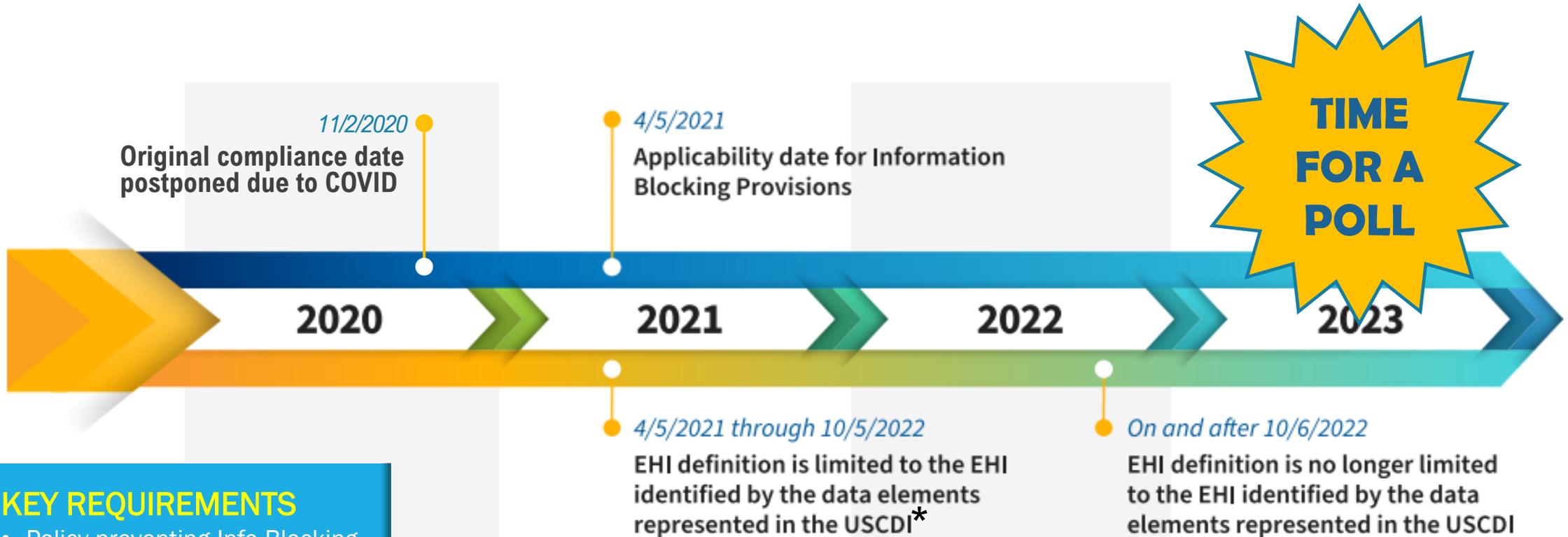
*“A practice by a health IT developer of certified health IT, health information network, health information exchange, or health care provider (a.k.a. “Actors”) that, except as required by law or specified by the Secretary of Health and Human Services (HHS) as a reasonable and necessary activity, is **likely to interfere** with access, exchange, or use of electronic health information (EHI).”*

THE BIG ~~WHINE~~ ~~WINE~~ WHY

- Make a patient's EHI more electronically accessible through the adoption of standards and certification criteria and support patient electronic access at no cost.
- Accommodate a bi-partisan initiative to re-inject competition into health care markets by lowering barriers to entry and preventing abuses of market power.
- Support health care providers' independence to choose the “provider-facing” third-party services they want to use to interact with the certified EHR technology they have acquired.
- Establish application programming interface (API) requirements for patients' access to their health information without *special effort*.
- Establish interpretive guidance for the information blocking definition and its application by identifying reasonable and necessary activities that would not constitute information blocking (i.e. exceptions).

The Cures Act is designed to advance interoperability, that is, to support the access, exchange, and use of electronic health information, and address occurrences of information blocking.

TIMELINE FOR COMPLIANCE



KEY REQUIREMENTS

- Policy preventing Info Blocking
- Supporting procedures to address exceptions
- Training staff and providers

*USCDI: [US Core Data for Interoperability](#)

YOUR ROLE IN THE STORY



- Web-based filing of complaints (healthit.gov)
- OIG will act as the enforcement arm
- Civil/Monetary penalties expected

Narrative Tension



The Plot Thickens

- Complaints will be filed; court cases will establish precedence
- Cyberattacks will continue to escalate and garner attention
- Technology and regulations will adapt and evolve

Patient-Centered Ecosystem delivers single source of truth



The Happy Ending



Health IT Developer of Certified Health IT



Health Information Networks (HIN)/Health Information Exchanges (HIE)



Health Care Providers

Meet the Actors

COMMON RISK AREAS FOR PROVIDERS

- Internal policies and procedures that require staff to obtain a patient's written consent before sharing any EHI with unaffiliated providers for treatment purposes.
- A provider has the capability to provide same-day EHI access in a format requested by an unaffiliated provider, or by the patient, but takes several days to respond.
- Providing electronic access to a preferred group of providers while denying or making access more difficult to others.
- Internal policies and procedures that prohibit the release of diagnostic results until they are reviewed and signed by a provider.
- Disabling the use of an EHR capability that would enable staff to share EHI with users of other systems.
- Charging a patient or unaffiliated provider an unreasonable fee for fulfilling a request for ePHI.
- Taking several days to respond to ANY request for EHI from a patient or authorized covered entity.

WHAT ARE THE EXCEPTIONS?



**PREVENTING
HARM
EXCEPTION**



**PRIVACY
EXCEPTION**



**SECURITY
EXCEPTION**

EXCEPTIONS THAT INVOLVE
not fulfilling requests to access,
exchange, or use EHI



**INFEASIBILITY
EXCEPTION**



**HEALTH IT
PERFORMANCE
EXCEPTION**

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**EXCEPTIONS TO THE
INFORMATION
BLOCKING
PROVISION**



**LICENSING
EXCEPTION**



**FEES
EXCEPTION**



**CONTENT AND
MANNER
EXCEPTION**

EXCEPTIONS THAT INVOLVE
procedures for fulfilling requests
to access, exchange, or use EHI

STEPS TO ACHIEVE COMPLIANCE

- Get educated and keep learning
- Identify deficiencies in your EHR for sharing EHI; consider all elements of the [USCDI](#)
- Collaborate as a team and role play through specific scenarios; focus on the application of exceptions in your environment
- Create decision trees to promote consistency
- Develop an Information Blocking Avoidance policy and any necessary supporting procedures
- Review existing policies, procedures, and practices to ensure consistency
- Educate staff and providers – make it relevant
- Develop internal metrics to periodically review/report to your providers to keep information blocking awareness top of mind
- Ask for help



NOW ITS YOUR TURN.

Q&A

If we aren't able answer your question live, a member of our team will reach out directly after the webinar has concluded.

You can also reach out to either of us directly via LinkedIn:

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