

INFORMATION BLOCKING TIP SHEET

This may be helpful information for practices participating in the MIPS/Medicaid Meaningful Use programs. These programs require that you attest to the following:

Prevention of Information Blocking	ONC Direct Review Attestation
<p>I attest that I - (1) Acknowledge the requirement to cooperate in good faith with ONC direct review of his or her health information technology certified under the ONC Health IT Certification Program if a request to assist in ONC direct review is received; and (2) If requested, cooperated in good faith with ONC direct review of his or her health information technology certified under the ONC Health IT Certification Program as authorized by 45 CFR part 170, subpart E, to the extent that such technology meets (or can be used to meet) the definition of CEHRT, including by permitting timely access to such technology and demonstrating its capabilities as implemented and used by the MIPS eligible clinician in the field.</p>	<p>I attest to CMS that I - (A) did not knowingly and willfully take action (such as to disable functionality) to limit or restrict the compatibility or interoperability of certified EHR technology. (B) Implemented technologies, standards, policies, practices, and agreements reasonably calculated to ensure, to the greatest extent practicable and permitted by law, that the certified EHR technology was, at all relevant times: (1) Connected in accordance with applicable law; (2) Compliant with all standards applicable to the exchange of information, including the standards, implementation specifications, and certification criteria adopted at 45 CFR part 170; (3) Implemented in a manner that allowed for timely access by patients to their electronic health information; and (4) Implemented in a manner that allowed for the timely, secure, and trusted bi-directional exchange of structured electronic health information with other health care providers (as defined by 42 U.S.C. 300jj(3)), including unaffiliated health care providers, and with disparate certified EHR technology and vendors. (C) Responded in good faith and in a timely manner to requests to retrieve or exchange electronic health information, including from patients, health care providers (as defined by 42 U.S.C. 300jj(3)), and other persons, regardless of the requestor's affiliation or technology vendor.</p>

Key Elements to Remember:

1. Information Blocking impacts patient care, stifles innovation, and can come with financial implications in the form of penalties or disincentives.
2. The following USCDI data should have been in compliance by **April 5th, 2021**:
 - Allergies and Intolerance • Assessment and Plan of Treatment • Care Team Members • Clinical Notes • Goals • Health Concerns • Immunizations • Laboratory • Medications • Patient Demographics • Problems • Procedures • Provenance • Smoking status • Unique Device Identifier(s) for a Patient's Implantable Device(s) • Vital Signs

****This will expand to the full HIPPA electronic designated data set 5/2/2022.***
3. There are 8 exceptions established by the ONC.
 - a. Preventing harm, privacy, security, Health IT performance, infeasibility, content and manner, fees, and licensing
 - b. Health IT performance being the most frequently referenced if needed
4. The practices should be aware of the following information in particular:
 - a. Who is the practice champion/ultimately responsible?
 - b. How is the practice currently sharing electronic information with patients, workflow for handling data requests (in a timely manner), workflow for handling data requests that are received electronically (in a timely manner)?

The bottom line- the more data that is shared electronically, the better! To decrease the chances of being accused of information blocking, practices are encouraged to use the patient portal, third party apps, and DSM's.

Sources:

https://www.advisory.com/-/media/Advisory-com/Research/QRR/2020/QRR_ONC-information-blocking-slides_091620.pptx

<https://www.healthit.gov/cures/sites/default/files/cures/2020-03/InformationBlockingExceptions.pdf>

<https://www.healthit.gov/topic/information-blocking>

<https://www.healthit.gov/curesrule/>

For further assistance, please contact your local AHEC Practice Support Coach or practicesupport@ncahec.net.

This information was developed by SEAHEC Practice Support.

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