

What You Need to Know About the Information Blocking Final Rule

What is Information Blocking?

Official Definition: 21st Century Cures Act, Information blocking is a [prohibited] practice by an “actor” that is likely to interfere with the access, exchange, or use of electronic health information (EHI), except as required by law or specified in an information blocking exception. In other words - it was when providers would say that it would take "a while" to get you your records or say that clients couldn't have them.

Whom Does it Apply To?

The Cures Act applied the law to healthcare providers, health IT developers of certified health IT, and health information exchanges (HIEs)/health information networks (HINs). In other words - Any medical provider that uses the internet to transmit client information or keep track of client information.

Tell Me More About: PHI, EPHI, EHI

- ePHI = individually identifiable health information (PHI) that is transmitted or maintained in electronic media
- PHI = Personally Identifiable Information (PII) + Health Information (HI)
- EHI: Electronic Health Information (all of it!)

Under the Final Rule, EHI is no longer distinct from and more limited in scope than ePHI. Electronic Health Information (EHI) is now, as of October 6th, 2022, not limited to the data elements in the United States Core Data for Interoperability version 1 (USCDI v1) that must be contained in a designated record set. In other words - Medical Providers can't have different rules for electronic information and paper information.

What Do You Need to Do?

Clients: Now that you know your rights, when you want your records - you can just ask! Your provider can not delay or fail to provide access to your Electronic Health Information.

Providers: First and foremost, understand Rights of Access and what constitutes EHI/ePHI. Know that you must not commit Information Blocking, regardless of whether you're a HIPAA covered entity and regardless of

whether you use an ONC certified EHR. That means: do not delay, or fail to provide, access to EHI/ePHI to those with Rights of Access to that EHI/ePHI.

All Information is from the Person Centered Tech article
“What Do You Need to Know About the Information
Blocking Final Rule?”