

## 21st Century Cures Act Information **BLOCKING** and **EHI**

The 21<sup>st</sup> Century Cures Act was signed into law in 2016 and the final rule went into effect in June of 2020. The requirements of the Cures act for pediatric practices went into effect April 5, 2021 and extends to all electronic personal health information by the fall of 2022. You are familiar with PHI-protected health information and you learned this phrase after the HIPAA Privacy Rule was launched or in your medical training.

The Cures act introduces a new term, **Electronic health information (EHI)**, which refers to patient data stored in electronic formats that are collected and shared for **healthcare** delivery and public health purposes. In this description, “primary use” of the **EHI** refers to use of your electronic patient data for providing direct **healthcare** services, such as treatment.

It has a broad range of uses across healthcare but for pediatric practices it primarily pertains to information exchange and it introduced another new industry term that we will all be very familiar with in a matter of time: it is called **information blocking**. The Cures act is intended to ensure that physicians are utilizing technology to be able to exchange electronic health information with their patients and other healthcare sources efficiently. It is meant to *PUT THE POWER OF INFORMATION IN THE HANDS OF OUR PATIENTS AND THEIR FAMILIES*.

Shocked that this hasn't crossed your desk yet? Yes, so were many of us as it seemed to slip in when we were all focused on managing our businesses amidst the first pandemic that this country has seen since 1918.

### What does this mean for you:

- If a patient/parent requests his/her healthcare data and you have the ability to provide it electronically, but do not, this is considered information blocking. This is an unfair practice and is not allowed under the new 21st Century Cures Act.
- The act requires practices to respond to requests for electronic health information in a fair and consistent manner.
- The rule requires written policies for the Preventing Harm, Privacy, and security exceptions. These will be in addition to your existing HIPAA privacy and security policies.
- By improving interoperability and preventing information blocking, the regulations are meant to improve both the individual patient and population health outcomes.

We at Office Practicum are working diligently to make it easier to transfer health information. We are your partner. We have several webinars put out by our medical director to educate you on this new regulation. You can find the links to the recordings here:

- [21st Century Cures Act: What Pediatricians Need To Know](#)
- [21st Century Cures Act: Sample Pediatric Policies & Exceptions](#)

For information from the AAP on Pediatric Specific Provisions, visit:  
<https://www.aappublications.org/news/2021/04/01/hit040121>