

Publications

Health Care Alert: ONC Issues Interim Final Rule Delaying Compliance Date for New “Information Blocking” Rules

Related Industries

Health Care

CLIENT ALERT | 10.29.2020

Today, October 29, 2020, the Office of the National Coordinator (ONC) released an interim final rule (IFR) delaying the compliance date for new “information blocking” requirements previously set to take effect on November 2.

By way of background, the ONC on May 1 published a final rule implementing certain provisions of the 21st Century Cures Act, including the Act’s prohibition against “information blocking” by health care providers, health IT developers of certified health IT, and health information networks and exchanges.

Because this rule represents a major shift in the way that health care providers will be required to respond to requests for access to electronic health information, achieving compliance will demand significant operational changes for many providers. Industry stakeholders have for months advocated for a delay in light of the challenges presented by the ongoing COVID-19 pandemic, and ONC has now responded by pushing the compliance date for the “information blocking” provisions to **April 5, 2021**.

The IFR also extends the period during which the definition of “electronic health information” subject to the information blocking prohibition will be limited to the USCDI data elements, previously set to end on May 2, 2022. According to the IFR, the definition of “electronic health information” will now be so limited through, “at a minimum,” October 6, 2022.

Other requirements established in the ONC’s May 1 rule will be delayed as follows:

New Applicability and Compliance Dates/Timeframes & Corresponding Provisions April 5, 2021 December 31, 2022

One Calendar Year Extension

- Information blocking provisions (45 CFR Part 171)
- Information Blocking CoC/MoC requirements (§ 170.401)
- Assurances CoC/MoC requirements (§ 170.402, except for § 170.402(b)(2) as it relates to § 170.315(b)(10))
- API CoC/MoC requirement (§ 170.404(b)(4)) - compliance for current API criteria
- Communications CoC/MoC requirements (§ 170.403) (except for § 170.403(b)(1) – where we removed the notice requirement for 2020)
- 2015 Edition health IT certification criteria updates (except for § 170.315(b)(10) – EHI export, which is extended until December 31, 2023)
- New standardized API functionality (§ 170.315(g)(10))
- Submission of initial attestations (§ 170.406)
- Submission of initial plans and results of real world testing (§ 170.405(b)(1) and (2))

The text of the IFR is available in full [here](#). Comments may be submitted up to 60 days after its publication in the Federal Register.

If you have questions about the IFR, the “information blocking” prohibition, or the impact of either on your organization, please contact Jonathan Ishee, Mairi Mull, or your regular Vorys attorney.