

21st Century Cures Act Topic Overview & Resource List

These sections of the Cures Act may apply to a private practice. Resources are provided, if needed.

Title I - Innovation Projects and State Responses to Opioid Abuse - resources and programs for health professionals and those in training about screening, addressing, and treating addiction.
National Institute on Drug Abuse - https://www.drugabuse.gov/nidamed-medical-health-professionals
Virginia Department of Health - https://www.vdh.virginia.gov/opioid-data/
Title II - Discovery - for those who are involved with medical research grants, funding, and clinical research training.
National Institutes of Health Research & Training - https://www.nih.gov/research-training/medical-research-initiatives/cures
Title III - Development - medical product and drug development and innovation through clinical trials and assessments.
U.S. Food & Drug Administration - https://www.fda.gov/regulatory-information/selected-amendments-fdc-act/21st-century-cures-act
Title IV - Interoperability, Technology, & Information Blocking
<ul style="list-style-type: none">• Help for healthcare providers to understand the Medicare and Medicaid EHR Incentive Programs and basic Health IT concepts.<ul style="list-style-type: none">○ https://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/FAQ○ https://www.healthit.gov/topic/interoperability• Information blocking - this impacts HIPAA. See attached <i>Quick Facts for Healthcare Providers</i>.• Details about how and why Health IT helps your patients access their own electronic PHI and can also improve health outcomes.<ul style="list-style-type: none">○ https://www.healthit.gov/topic/patient-access-health-records/patient-access-health-records• How to provide and receive reimbursement for providing telehealth services to Medicare patients.<ul style="list-style-type: none">○ https://www.cms.gov/medicare/medicare-general-information/telehealth
Title V - CMS Shared Savings Program quality requirements and physician fee schedules
<ul style="list-style-type: none">• Savings and reimbursement - https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/PhysicianFeeSched
Titles VI-XIV - Mental Health and Substance Abuse Care Providers and Programs
Virginia Department of Health - https://www.vdh.virginia.gov/opioid-data/provider-training-education/
Substance Abuse and Mental Health Services Administration (SAMHSA) - https://findtreatment.samhsa.gov/
Programs for Mental Health and Safe Communities
<ul style="list-style-type: none">• Service Members, Veterans, and their Families - https://www.samhsa.gov/smvf-ta-center• People with behavioral health conditions in the U.S. justice system - https://www.samhsa.gov/criminal-juvenile-justice• Virginia's Medicaid - https://coverva.org/en/

21ST CENTURY CURES ACT - INFORMATION BLOCKING RULE

QUICK FACTS FOR HEALTHCARE PROVIDERS

What is information blocking?

Anything a healthcare provider *knows* is likely to interfere with the ability of a patient or other authorized person(s) to access, exchange, or use *electronic* protected health information (ePHI).

- Taking longer than allowed to respond to patients' request for access to their records, or not responding at all.
- Charging patients a fee to access their records via a patient portal/EHR.
- Setting up policies, processes, or software systems in a way that limit or slow down a patient's access to their records.

What makes this different from patient access under HIPAA?

If you keep electronic records and a patient requests an electronic copy, the Information Blocking Rule requires that you provide it electronically. However, you are not required to buy new software or put new systems in place.

What if I do not have the technology or cannot respond to a patient's request?

You must respond with the information as requested unless one of the 8 exceptions applies. For example, the Content and Manner exception would apply if you do not have the exact electronic format requested. You would be able to provide the records to the patient in another agreed upon electronic format. Be sure to document each time an exception is used.

Preventing Harm	Protecting Privacy
Protecting Security (connection not secure)	Infeasibility (state of emergency, etc.)
Health IT Performance (EHR is down)	Content and Manner (form and format)
Fees (what/who can be charged)	Interoperability (software negotiation)

For more details visit: www.healthit.gov/topic/information-blocking

What should I do to prepare?

- Review your practice's release of information/records request process and related policies and procedures to make sure you are not interfering with access.
- Understand what choices are already available to you to provide patients with access to their electronic records. This may mean contacting your software provider or IT Support.
- Only charge fees for electronic copies of records if you provide them on a physical device like a USB or CDROM. Limit the fee to the cost of the device.

Are there penalties for information blocking?

- Not yet. Although the Information Blocking Rule is already in effect, the Office of the Inspector General has not yet established penalties for healthcare providers.
- Medicare providers should check with CMS for penalties related to Promoting Interoperability attestations. The Information Blocking Rule does not directly affect CMS' Promoting Interoperability program.

Questions?

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