

# 21<sup>st</sup> Century Cures Act:






## AN OVERVIEW FOR PROVIDERS

### WHAT IS THE 21ST CENTURY CURES ACT?

The 21<sup>st</sup> Century Cures Act was enacted by the 114th United States Congress and signed into law by President Obama on December 13, 2016. The act includes a number of provisions that enhance electronic health information sharing and promote greater interoperability.

The Office of the National Coordinator for Health IT (ONC) is the agency responsible for the implementation of the final rule (45 CFR 170.401, 170.402(a)(1), and 45 CFR part 171) on interoperability, information blocking, and the health information technology certification program released March 9, 2020. The Centers for Medicare & Medicaid (CMS) also released a final rule (CMS 9115-F) that same day to help patients access their complete health information in interoperable forms by providing further details on how healthcare providers, payors, and health IT developers are to comply with the set regulations through provider digital contact and ADT event notification mandates as a condition of participation (CoP).

### WHAT ARE THE DATES FOR COMPLIANCE WITH PROVIDER COMPONENTS?

		URGENCY	PROVIDER EFFORT
	March 31, 2021 <b>ATTESTATION &amp; PUBLIC REPORTING</b> Enhance tracking and attestations around information blocking.	●	●
	March 31, 2021 <b>DIGITAL CONTACT INFORMATION</b> Update and use national provider contact information.	●	●
	APRIL 5, 2021 <b>INFORMATION BLOCKING</b> Refine workflows and policies to ensure information is not blocked, with eight exceptions permitted.	●	●
	MAY 1, 2021 <b>ADT NOTIFICATIONS</b> Expand workflows to support notification of admit, discharge or transfer to community providers.	●	●
	DECEMBER 31, 2022 <b>CERTIFICATION (CEHRT)</b> Recommended to ensure your EHR vendors are certified and configured to support compliance.	●	●

## WHAT HAPPENS IF A HEALTH CARE PROVIDER IS NOT COMPLIANT?

**Public Reporting:** CMS requires their healthcare providers to attest annually, whether or not they have blocked health information. Attestations indicating information blocking will be publicly reported on the CMS Care Compare site.

**Financial Penalties:** The appropriate agency within the Department of Health and Human Services will review each reported event received on a “case-by-case” basis. If the healthcare provider is found to be in non-compliance with the rules governing information blocking, they will be fined. In addition, CMS can impose financial disincentives for information blocking as a CoP.

## WHAT IS THE CMS ATTESTATIONS AND PUBLIC REPORTING RULE?

Health systems submit attestations for the **CMS Quality Program (Promoting Interoperability)** incentives and indicate that they are not information blocking. Providers that attest to blocking information will be publicly reported on the CMS Care Compare site and incur penalties through quality disincentives. On December 9, 2020, CMS indicated that this public reporting will begin March 31, 2021.

## WHAT IS THE CMS DIGITAL CONTACT RULE?

The Digital Contact part of the Cures Act rule requires providers to update their personal contact information, including a DirectTrust address, on CMS’ **National Plan and Provider Enumeration System (NPPES)** site. Compliance for the Digital Contact requirement is due March 31, 2021.

## WHAT IS THE CMS ADT NOTIFICATION RULE?

**The Admission, Discharge and Transfer (ADT) notification** rule mandates hospitals to electronically notify the patient’s established primary care provider(s), provider group, and post-acute care facility upon emergency department registration or for admission, discharge, or transfer from a hospital. The requirement is for all hospitals, including critical access and psychiatric hospitals. Compliance with the ADT requirement is due May 1, 2021.

## WHAT IS THE INFORMATION BLOCKING RULE?

**Information blocking** is defined as a practice that interferes with or prevents access to electronic health information (information about a patient’s medical history, results, or treatment). This rule is a major change for patients, providers, and payors as it makes patient health information readily accessible by and portable with the patient, creating a sense of shared ownership and responsibility. It drives health information access and sharing into the digital world by encouraging health IT developers to build smartphone apps. Healthcare organizations will have to connect with third-party apps via certified application programming interfaces (APIs) to comply with patient requests for data sharing (or cite an exception). Compliance for the ONC information blocking rule is due April 5, 2021.

## WHAT IS THE ONC CERTIFICATION OF ELECTRONIC HEALTH RECORD TECHNOLOGY (CEHRT) RULE?

Electronic health record vendors and other developers must attain or retain **certification with accredited certification bodies** using ONC criteria for health information technology. These vendors will need to provide assurances to healthcare organizations that they are not exposed to information blocking through having a business relationship with them. There are various deadlines for each of the CEHRT component criteria. The first compliance date is December 31, 2022.

## LEARN MORE ABOUT THE CURES ACT AND STEPS PROVIDERS NEED TO TAKE:

### Our collection of multimedia resources includes:

- An eight-question readiness assessment
- A three-chapter white paper covering what providers need to know
- A podcast on information blocking: open notes, APIs, and more
- A video on implementing interoperability in the pandemic
- A webinar recording that dives into details of APIs and information blocking

## We can help.

Now is the time to focus on implementation — and thinking beyond compliance. Unlock interoperability, and you'll unlock new possibilities. **Contact us for more information.**

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