



# Information Blocking

## AWARDS Information Sheet

The 21st Century Cures Act, which was signed on December 13, 2016, included provisions that push for greater interoperability, adoption of electronic health records (EHRs), and support for human services programs. One of the major themes of the Act is the strong emphasis on providing patients access to their electronic health information (EHI) in a form that is "easy to understand, secure and updated automatically."

Last year patient access was again brought to the fore when, on May 1st, 2020, ONC's Cures Act Final Rule on Information Blocking was officially published. Information Blocking is defined as anything that interferes with, prevents, or materially discourages access, exchange, or use of electronic health information.

Being familiar with the EHI access requirements laid out by the Final Rule is top of mind for many AWARDS customers of late. The official [ONC Fact Sheets](#) and online content should be your main source of information and reference material. As a compliant 'developer,' we are additionally offering this supplementary document in the hopes of helping you gain a better understanding of Information Blocking. This document parses the ONC documentation to break down Information Blocking into the basic concepts you as providers will need to know and understand. It has been created with information as we currently understand it today, however, this is a quickly evolving area so there may be contradictions between what you see here versus elsewhere. Where you find this to be the case, please reach out to us and we will work with you to ensure we all have the most accurate and up-to-date information.

---

## General Information

### What is Information Blocking?

Information Blocking is a practice by a Health IT Developer or Certified Health IT, Health Information Network, Health Information Exchange, or Health Care Provider that is likely to interfere with access, exchange, or use of electronic Health Information (EHI).

Simply stated, as a Health Care Provider, you are obligated to provide EHI that you maintain for any individual to that individual, or others designated by the individual, in a timely and consumable manner.

---

## Foothold Information

### What is Foothold Technology's role in Information Blocking?

Foothold is a Health IT Developer and as such, is identified as an "actor" by the Information Blocking Rule. This means that Foothold is responsible for sharing EHI upon request; however, most individual requests will go to the provider and not the technology vendor.

## Is Foothold Technology prepared for Information Blocking?


Yes, Foothold is prepared for Information Blocking. Specific items of note with regard to compliance and relevant AWARDS functionality are as follows:

- Foothold is in compliance with the Information Blocking Rule as a Health IT Developer.
- AWARDS currently includes many of the components of the necessary EHI export capability necessitated by the CURES Act Final Rule. We are working towards meeting the other requirements in accordance with ONC's [timeline](#).
- [AWARDS is certified](#) as 2015 Edition Health IT, which is the underlying criteria required by the CURES Act. Through 2022-2023 Foothold will update functionality to meet the CURES criteria as part of a Real World Test process and through live testing with the certified test body. The [AWARDS Certified Edition](#) and the [AWARDS Interoperability Center](#) both position Foothold to successfully meet direct requests for information, and to assist our customer agencies with requests they receive.

## How is Foothold Technology helping customers with Information Blocking?

AWARDS is a certified tool overall; however, individual agency databases will need to adopt the AWARDS Certified Edition configuration in order to be in compliance with the Information Blocking requirements. You can find more information about the Certified Edition [here](#), and to enable it, you can follow these [enhancement request instructions](#).

---

 **Note:** Depending on your use case, you may not need to enable all of the paid add-ons. When submitting your enhancement request, please provide details about your specific needs so that our team can advise you accordingly.

---

If your agency has adopted the AWARDS Certified Edition and receives a request for information that your team determines should be shared, you have a variety of options available in AWARDS:

- To automate patient data requests, you will want to enable our patient portal, which was designed to comply with the Federal requirements for patient data access. To provide access to the patient portal, please follow these steps for [creating a patient login](#).
- AWARDS ReportBuilders and ExportBuilders can be generated and filtered to provide the requested data, and the output can then be shared by your agency in your preferred secure messaging format.
- The [AWARDS Interoperability Center](#) is another tool that can be used to share data securely.

---

## Agency Information

### Is my agency affected by Information Blocking?


Yes - your status as a Health Care Provider automatically designates you as an “actor” as it relates to Information Blocking. As such, you are bound by the provisions of the Rule.

## How is my agency affected by Information Blocking?

You must be prepared to provide access to an individual's EHI upon request. You are NOT required, nor is it recommended, to proactively share information with individuals under your care.

## What information must my agency share?

The defined data set is identified in the CDC/USCDI (this will change in 2022). Below is a sampling of the elements that can be requested and that you must be prepared to share. A full list can be found [here](#).

 **Note:** If you do not maintain any of the noted data elements, you do not need to attempt to obtain this information from outside sources.

Demographics	Provenance (metadata)
Allergies	Smoking Status
Consultation Notes	Discharge Summary Notes
History and Physical	Imaging Narratives
Pathology Report Narratives	Procedure Notes
Medication Prescription and Monitoring	Counseling Session Start and Stop Times
Modalities and Frequencies of Treatment Furnished	Results of Clinical Tests
Summaries of Diagnosis, Functional Status, Treatment Plans, Symptoms, Prognosis, and or Progress Notes	

## What information is my agency NOT required to share?

There are exceptions to sharing information (see the full list [here](#)); however, most notable is the exception that Psychotherapy Notes do not need to be shared.

- Psychotherapy Notes are defined as notes recorded in any medium by Health Care Providers who are Mental Health Professionals and who document or analyze the content of conversations during private counseling sessions - or in a group, joint, or family counseling session - and are separate from the rest of the patient's medical record.
- To avoid information blocking, you should not include Diagnostic Information, Progress Notes, etc. within your Psychotherapy Notes.

## What happens if my agency refuses to share or delays sharing information?

This is an area of ongoing definition work:

- The Rule does not currently identify a compliance component for providers; however, one is currently in a comment period and will be released at a later date. We will share this information once it is released.

- Although the compliance rule is in development, everyone is included in the Rule as of April 5, 2021 and should be practicing under the Information Blocking Rule.

## Does my agency need to start proactively sharing individual health information?

No, the Rule clearly states that “actors” are to react to requests and not proactively provide information to individuals. It does not preclude you from proactively sharing, but there are many factors that should be weighed before including that as part of your internal policies, and it is not recommended.

## Is my agency’s only role to make a patient portal available to individuals?

No - a patient portal can be used as a mechanism to convey the information, and if your portal includes all the requested data elements, then that could suffice; however a portal is not the only mechanism approved to meet the information sharing rule. Other methods, such as data file sharing, are also allowed by the Rule.

## If my agency does not fulfill a request that we are technically able to, are we considered an information blocker?

Not necessarily:

- The eight information blocking exceptions defined in 45 CFR part 171 are voluntary and offer “actors” certainty that any practice meeting the conditions of one or more exceptions will not be considered information blocking.
- If you do not meet the conditions of an exception, it is not automatically information blocking; rather such practices will be evaluated on a case-by-case basis to determine whether information blocking has occurred.
- The full list of information blocking exceptions can be found [here](#).

## What should my agency do to ensure we can meet the conditions of the Rule?

At a high level, we recommend the following:

- Identify a person or small team to learn the workings of the Rule.
- The team is the clear and undisputed focal point of the Rule - all requests go through the team.
- The team should identify if the request is a legitimate request that meets all of the criteria, and whether or not the information should be shared or denied based on an exception.
- If it is determined that information will be shared, the team should ensure that the information is shared and received in a secure manner.
- If it is determined that the information request will be denied, the team must record in detail why the request was denied and provide that denial information to the requestor.
- The team should be responsible for logging all information requests regardless of whether they are approved or denied.
- If you have additional questions, feel free to send them through the AWARDS Help Desk and we will be happy to see how we can assist you.