



November 7, 2020

INFORMATION BLOCKING RULE DELAYED UNTIL APRIL 2021

The 21st Century Cures Act, a federal law enacted in 2016, includes provisions intended to enhance patient access to electronic health information and prevent information blocking. In response to the COVID-19 public health emergency, the federal Office of the National Coordinator for Health Information Technology announced last week that it will delay enforcement of the new patient access provisions until **April 5, 2021** (the original compliance date was November 2, 2020).

You may have seen articles about the Cures Act professing that “all patients in the United States will have immediate access to clinical notes.” Please be assured that these claims are somewhat exaggerated. Furthermore, as you know, patients *already* have the right to request a copy of their medical records under both HIPAA and New York law.

The Act and its implementing regulations define “information blocking” as a practice that is likely to interfere with access, exchange or use of electronic health information (EHI). The term information blocking includes both operability (the ability of computer systems or software to exchange and make use of information) and the ability of patients to access EHI maintained by their health care provider. Please keep in mind that the information blocking provisions of the Cures Act apply **only** to electronic health information.

We will continue to keep our members updated on how these new requirements may impact their psychiatric practice. The APA has already indicated that it plans to advocate on behalf of its members with respect to these new requirements which may result in significant administrative and financial burdens on psychiatrists.

For additional information, please see <https://www.psychiatry.org/psychiatrists/practice/practice-management/health-information-technology/interoperability-and-information-blocking>.

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