

MYTH vs FACT

INFORMATION BLOCKING AND THE CHIROPRACTIC PROFESSION



"Information blocking and the Cures Act is just hype and offers no big changes."

Myth



The fact is that, although providers should not panic or overreact to the requirements, the federal government says, "Information blocking is a serious problem because it can prevent timely access to information needed to manage patients' health conditions and coordinate their care." [1]

"Information blocking and the Cures Act only apply to providers who use certified software."

Myth

The fact is that the federal government has addressed this by saying "information blocking regulations in 45 CFR part 171 apply to a health care provider, as defined in the Public Health Service Act and incorporated in 45 CFR 171.102, regardless of whether any of the health IT the provider uses is certified under the ONC Health IT Certification Program." [2]

"There is a small office exception."

Myth

The fact is that the Cures Act rules and regulations do NOT differentiate between large practices and small practices. [3] It simply applies to "providers" as defined in the Public Health Service Act and specifically includes chiropractic physicians. [4]

"It does not apply to practices that keep paper records."

Fact Now, BUT only partially true later

The fact is that only those records that would typically be kept in an electronic health record (EHR) system are included for the first 18 months. [5] However, beginning October 6, 2022, if you have electronic billing records or patient management records, they will be included. [6]

"Information blocking and the Cures Act are no different than HIPAA."

Myth

The fact is that HIPAA applies to all records whether in electronic format or on paper. Information blocking only applies to electronically-stored health information. Additionally, HIPAA permits providers to share information, but the Cures Act now requires it.

[1] https://www.healthit.gov/sites/default/files/information_blocking_complaints_flyer.pdf

[2] <https://www.healthit.gov/curesrule/resources/information-blocking-faqs>

[3] <https://www.federalregister.gov/documents/2020/05/01/2020-07419/21st-century-cures-act-interoperability-information-blocking-and-the-onc-health-it-certification>

[4] https://www.healthit.gov/sites/default/files/facas/2019-03-22_ONC_Cures_Act_NPRM_IB_%20HITAC_IB_Task_Force_508.pdf

[5] <https://www.healthit.gov/isa/united-states-core-data-interoperability-uscdi>

[6] <https://www.federalregister.gov/documents/2020/05/01/2020-07419/21st-century-cures-act-interoperability-information-blocking-and-the-onc-health-it-certification#p-3830>