December 21, 2020

# Hurry Up and Wait: ONC Extends Compliance Dates for Information Blocking and Health IT Certification Requirements in 21st Century Cures Act Final Rule

Citing the unprecedented COVID-19 global pandemic and increasing demand on health-care providers on the front lines of the pandemic, the U.S. Department of Health and Human Services' Office of the National Coordinator for Health Information Technology (ONC) announced on October 29, extensions to the Information Blocking and Health IT Certification requirements in the 21st Century Cures Act final rule.

ONC noted that "[t]he interim final rule … provides the health care ecosystem additional flexibility and time to effectively respond to the public health threats posed by the spread of COVID-19."

As the COVID-19 pandemic looms on, health-care providers are offering patients increased telehealth/telemedicine options as an alternative to receiving care in person. Such increase in telehealth offerings has stretched the health information technology industry thin as systems are put in place to meet the growing telehealth demands. As some industry stakeholders have noted, time allotted to comply with ONC's rule has shifted to focusing on meeting current health-care needs.

The chart below (provided by ONC) outlines the updated compliance dates.

| New Applicability and Compliance Dates/Timeframes & Corresponding Provisions | | |
|---|---|---|
| **April 5, 2021** | **December 31, 2022** | **One Calendar-Year Extension** |
| ■ Information blocking provisions (45 CFR Part 171)<br>■ Information Blocking CoC/MoC requirements (§ 170.401)<br>■ Assurances CoC/MoC requirements (§ 170.402, except for § 170.402(b)(2) as it relates to § 170.315(b)(10))<br>■ API CoC/MoC requirement (§ 170.404(b)(4)) compliance for current API criteria<br>■ Communications CoC/MoC requirements (§ 170.403) (except for | ■ 2015 Edition health IT certification criteria updates (except for § 170.315(b)(10)EHI export, which is extended until December 31, 2023)<br>■ New standardized API functionality (§ 170.315(g)(10)) | ■ Submission of initial attestations (§ 170.406)<br>■ Submission of initial plans and results of real-world testing (§ 170.405(b)(1) and (2)) |

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| § 170.403(b)(1) where we removed the notice requirement for 2020) | | |

Day Pitney attorneys are readily available to assist you in your compliance efforts.

A copy of the interim final rule can be accessed here.

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