Health IT Regulatory Updates

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Health IT – Regulatory Updates & Advocacy

• Information blocking discussion with National Coordinator for Health IT at Sept. 2021 MIC meeting
  • New ONC information blocking resources on ACP website
    https://www.acponline.org/practice-resources/business-resources/health-information-technology/interoperability-and-information-blocking-regulations

• Latest health IT advocacy in ACP comment letters to CMS and DEA
  • CMS’s Physician Fee Schedule Final Rule (Dec. 2021)
    • dQMs and FHIR for physician quality programs
    • Geographic site restriction waivers
    • Health Equity Initiative
    • Audio-only telehealth
    • EPCS
  • DEA’s Transfer of EPCS Between Pharmacies Proposed Rule (Jan. 2022)

• Upcoming: Advocacy related to health IT and administrative burden
Information Blocking Resources – Updates

Information Blocking Key Terms and Acronyms

Key terms, definitions, and acronyms associated with the regulations.

- **Key Terms**
- **Acronyms**
- **Definitional**

**EHI**
Before October 16, 2022, EHI was protected health information used as the term is defined in HIPAA to the extent that it would be included in a designated record set other than psychotherapy notes or information contained in a reasonable expectation of, or for use in, a law, criminal, or administrative action or proceeding, regardless of whether the group of records are used or maintained by or for a covered entity.

Like EHI, the data that constitutes PHI is not held in a specific system in which the EHI is maintained. Health information that is identified, consistent with the requirements of HIPAA, 45 C.F.R. 164.102, or in a context where the definition of EHI for the purpose of information blocking, includes any individually identifiable health information that is transmitted by or maintained in electronic media is PHI to the extent that the information would be included in the designated record set.

After October 16, 2022, PHI is identified by the data elements represented in the 2020 standard.

**PHI**
- Health information that identifies or reasonably could be used to identify an individual individually identifiable health information with certain exclusions such as health education and treatment records, education and employment records of a covered entity.

Such health information not only identifies the individual, such as demographic information, but also relates to the past, present, or future physical or mental health of or condition of an individual, the provision of healthcare to an individual, or payment for care. The information may be maintained or transmitted in any form or medium, including electronic, paper, or oral.

**ePHI**
Any PHI that is maintained or transmitted in electronic form.

**Designated record set**
- Electronic records containing records about individuals, environment, payment, claims adjudication, and care or medical management record systems maintained by or for a health plan, and/or other records that are used, in whole or in part, to make decisions about individuals.

**Record**
- Any item, collection, or grouping of information that includes PHI.

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