

Empowering Patients Through Information Sharing: Cures Act Compliance Series

February 2022 / [Preparing for Cures Act Regulatory Compliance, Part 1 Q & A](#)

The following questions were submitted by participants before and during the February 16 webinar and February 23 Ask the Experts sessions. The answers provided are for informational purposes only; they do not, and are not intended to, constitute legal advice. Only your attorney can provide assurances regarding the application of this information to your particular circumstances.

For a more detailed discussion of the questions below, you may want to review the session recordings available in the [Cures Act Information Blocking section](#) of the CHCANYS website. This area also includes Q&A documents from other sessions in the Cures Act Educational Series.

The [ONC's Information Blocking FAQs](#) page also provides excellent information.

Q: What is the impact of the Cures Act regulations on IT departments?

A: The health center's internal IT department/resources or combination of internal and external resources will need to participate in reviewing and updating policies and procedures and vendor contracts normally managed by IT with regard to security, planned and unplanned downtime and EHR system configuration to ensure they align with the requirements in the Information Blocking exceptions for Security and Health IT Performance. The IT department will need to be familiar with these exceptions as well as the Content and Manner exception that addresses what PHI must be provided electronically if technically able and how the IT department should fulfill requests for EHI technically unless infeasible. IT will be responsible for:

- Leading and completing an EHI inventory and mapping to the systems that hold the data, in coordination with HIM and clinical operations.
- Understanding how to configure the clinical, practice management and revenue cycle management systems holding EHI to fully employ available interoperability features and functions that enable fulfilling requests for EHI access, exchange, or use in accordance with ONC Cures Act rule.
- Educating the HIM and clinical staff on the systems' features and functionality for electronically sharing information with external providers and with patients (i.e., Direct secure messaging, patient portal, FHIR server/APIs, via EHR connection to one of the NY regional HIEs, etc.). This may require help from the health centers' health IT vendors.
- Written procedures for the Manner condition of the Content and Manner Exception (how EHI requests are fulfilled for the alternative manners).
- Security policies, procedures and technologies for data loss prevention, integrity and availability; and health IT performance SLAs and downtime procedures for planned and unplanned downtime. For systems operated and managed by an external vendor, IT will need

to review and amend, if necessary, the existing contracts with its vendors to comply with the Information Blocking regulation.

Q: May we edit our current policies, or do we need to create separate policies for Cures Act compliance?

A: Yes, you may revise your current policies, especially your existing HIPAA policies addressing preventing harm, privacy and security to address the Information Blocking regulation and exceptions. You do not need to create separate policies for Cures Act compliance unless your there is not an existing policy and/or procedure.