

Prevention of Information Blocking Attestation Tip Sheet: Objective 0

Centers for Medicare and Medicaid Services (CMS) is renaming the EHR Incentive Programs to the Promoting Interoperability (PI) Programs to continue the agency's focus on improving patients' access to health information and reducing the time and cost required of providers to comply with the programs' requirement

Beginning in 2017, Eligible Professionals (EP) are required to attest to cooperating with the Office of National Coordinator of Health Information Technology's (ONC) electronic health record (EHR) system direct review activities. EPs will answer these ONC questions in the Medicaid Promoting Interoperability Program application, Objective 0.

What Actions Are Required?

In order to successfully attest in 2018, you must act in *good faith* when you implement and use Certified Electronic Health Record Technology (CEHRT) to exchange electronic health information. This includes acting in good faith to:

- Work with your EHR vendor to make sure the technology is used correctly and is connected (and enabled) to meet applicable standards and laws.
- Ensure organizational policies and workflows are enabled and do not restrict the CEHRT's functionality in any way.

To not act in this manner, and knowingly interfere with the exchange or use of electronic health information, is considered "information blocking."

It is recognized that circumstances beyond an EP's control may limit the exchange or use of electronic health information; therefore, the attestation does not hold you responsible for outcomes you cannot reasonably influence or control.

There are no documentation submission requirements associated with Objective 0 attestation.

Statements to Which I am Attesting

In Objective 0, Eligible Professionals are required to attest to cooperation with the following policies:

1. Activities related to supporting providers with the performance of CEHRT including cooperation with ONC's direct review of certified health information technology (IT).
2. Actions related to supporting information exchange and the prevention of health information blocking (including knowingly and willfully interfering with the exchange or use of electronic health information).



The following two sections list the questions EPs are required to answer in Objective 0 and the answers needed to successfully attest to the Medicaid Promoting Interoperability Program.

1. Activities related to supporting providers with the performance of CEHRT

Question	Available Responses	Required response to demonstrate Promoting Interoperability (PI)
1. Do you and your organization acknowledge the requirement to cooperate in good faith with ONC direct review of your health information technology certified under the <u>ONC Health IT Certification Program</u> if a request to assist in ONC direct review is received?	Yes No	Response must be “ Yes ” to demonstrate PI.
2. Did you or your organization receive a request from an ONC direct review of your health information technology certified under the ONC Health IT Certification Program?	Yes No	Response does not affect demonstration of PI
a. If yes, did you and your organization cooperate in good faith with ONC direct review of your health information technology certified under the ONC Health IT Certification Program as authorized by <u>45 Code of Federal Regulations (CFR) part 170, subpart E</u> , to the extent that such technology meets (or can be used meet) the definition of CERHT, including by permitting timely access to such technology and demonstrating its capabilities as implemented and used by you in the field.	Yes No Not Applicable	If response is “ Yes ” to question 2, response must be yes to demonstrate PI
3. In addition, do you and your organization acknowledge the option to cooperate in good faith with ONC-Authorized Certification Bodies (ACB) surveillance of your health information technology certified under the ONC Health IT Certification Program if a request to assist in ONC-ACB surveillance is received?	Yes No Decline to answer	Response does not affect demonstration of PI
4. Did you or your organization receive a request to assist in ONC-ACB surveillance of your health information technology certified under the ONC Health IT Certification Program?	Yes No Decline to answer	Response does not affect demonstration of PI
a. If yes, did you and your organization cooperate in good faith with ONC-ACB surveillance your health information technology certified under the ONC Health IT Certification Program to the extent that such technology meets (or can be used to meet) the definition of CERHT, including by permitting timely access to such technology and demonstrating capabilities as implemented and used by you in the field?	Yes No Decline to answer	Response does not affect demonstration of PI

2. Actions related to supporting information exchange and the prevention of health information blocking:

Question	Available Responses	Required response to demonstrate Promoting Interoperability (PI)
1. Did you or your organization knowingly and willfully take action (such as to disable functionality) to limit or restrict the compatibility of interoperability of Certified EHR Technology?	Yes No	Response must be “No” to demonstrate PI
2. Did you and your organization implement technologies, standards, policies, practices and agreement reasonably calculated to insure, to the greatest extent practicable and permitted by law that the Certified EHR Technology was, at all relevant times: I. Connected in accordance with applicable law; II. Compliant with all standards applicable to the exchange of information, including standards, implementation specifications, and certification criteria adopted at 45 CFR part 170; III. Implemented in a manner that allowed for timely access by patients to their electronic health information; IV. Implemented in a manner that allowed for timely, secure and trusted bi-directional exchange of structured electronic health information with other health care providers, including unaffiliated providers, and with disparate certified EHR technology and vendors	Yes No	All responses must be “Yes” to demonstrate PI
3. Did you and your organization respond in good faith and in a timely manner to requests to retrieve or exchange electronic health information, including from patients, health care providers (as defined by 42 U.S.C. 300jj(3)), and other persons, regardless of the requestor’s affiliation or technology vendor.	Yes No	Response must be “Yes” in order to demonstrate PI

Sources

Centers for Medicare & Medicaid. [“Medicare and Medicaid EHR Incentive Programs Prevention of Information Blocking Attestation Fact Sheet.”](#) 2017.

Medicare Program. Merit-based Incentive Payment System (MIPS) and Alternative [Federal Register](#), Vol. 81, No. 2014, Friday, November 4, 2016. 77019–77035.

State of Vermont. [Screenshot of ‘Objective Zero’: ONC Questions.](#) 2017.