

ONC Interim Final Rule

Information Blocking and the ONC Health IT Certification Program: Extension of Compliance Dates and Timeframes in Response to the COVID-19 Public Health Emergency

ONC is taking steps to provide the health care system the flexibility to effectively respond to the public health threat posed by the spread of COVID-19. In review of the ONC Cures Act Final Rule, we determined the following updates are necessary through this interim final rule:

- Extending the compliance dates in the ONC Health IT Program (Program), including certain 2015 Edition health IT certification criteria and Condition and Maintenance of Certification requirements.
- Making changes to the Program by updating standards and clarifying regulatory text for specific certification criteria.
- Making technical corrections and clarifications.

Compliance Dates

Provision	Final Rule	Interim Final Rule
Condition of Certification (CoC) – Information Blocking – (§ 170.401)	November 2, 2020	April 5, 2021
CoC – Assurances – (§ 170.402(a)(1)) – Will not take any action that constitutes information blocking or actions that inhibit access, exchange, and use of electronic health information (EHI)	November 2, 2020	April 5, 2021
CoC – Assurances – (§ 170.402(a)(2) and (3), and (b)(1)) – Other	Effective date: June 30, 2020	April 5, 2021
CoC – Communications – (§ 170.403) – Communications requirements, except for § 170.403(b)(1) where we removed the notice requirement for 2020	Effective date: June 30, 2020	April 5, 2021
CoC – API – (§ 170.404(b)(4)) – Compliance for current API criteria	November 2, 2020	April 5, 2021

Provision	Final Rule	Interim Final Rule
CoC – API – (§ 170.404(b)(3)) – Rollout of new standardized API functionality certified to § 170.315(g)(10)	May 2, 2022	December 31, 2022
CoC – Real World Testing – 2015 Edition health IT certification criteria updates – EHI export. See Assurances below	May 2, 2022	December 31, 2022
CoC – Assurances – (§ 170.402(a)(4) and (b)(2)) – EHI Export Rollout § 170.315(b)(10)	May 1, 2023	December 31, 2023
CoC – Communications – (§ 170.403(b)(1)) – Notice to all customers with which developer has contracts or agreements containing provisions that contravene Communications CoC	Annually beginning in calendar year 2020	Begin annual cycle 1 year later CY 2021
CoC – Initial Attestations – (§ 170.406)	April 1-30, 2021 attestation window for attestation period running June 30, 2020 through March 31, 2021	Begin annual cycle 1 year later April 1-30, 2022
CoC – Real World Testing – (§ 170.405(b)(1) and (2)) – Submit initial plan and initial results submission	Plan: December 15, 2020 Results: March 15, 2022	Begin annual cycle 1 year later Initial Plan: December 15, 2021 Initial Results: March 15, 2023
USCDI – Update to the USCDI standard for § 170.315 (b)(1), (b)(2), (e)(1), (f)(5), (g)(6), (g)(9), and (g)(10)	May 2, 2022	December 31, 2022
New and Revised Certification Criteria – Update standards or implement for § 170.315 (b)(3), (b)(7), (b)(8), (c)(3), (d)(2), (d)(3), (d)(10), (d)(12), and (d)(13)	May 2, 2022	December 31, 2022