

August 6, 2018

Donald Rucker, MD
National Coordinator
Office of the National Coordinator for Health
Information Technology
Department of Health and Human Services
330 C St SW, Floor 7
Washington, DC 20201

Daniel R. Levinson
Inspector General
Department of Health and Human Services
330 Independence Avenue, SW
Room 5527, Cohen Building
Washington, DC 20201

Dear Dr. Rucker and Inspector General Levinson:

One year ago, Health IT Now convened a diverse group of stakeholders to discuss and make recommendations on regulations to implement the information blocking provisions of *the 21st Century Cures Act*, which was enacted in December 2016. Our diverse group came together because we believe information blocking poses a significant risk to patient safety and greatly contributes to increased costs and waste in the health care system.

Section 4004 of *21st Century Cures* requires the Secretary of Health and Human Services to issue regulations to prevent information blocking and to also identify reasonable and necessary activities that *do not* constitute information blocking. Further, the law requires the Office of the National Coordinator (ONC) to implement a standardized process for the public to submit reports on claims of health information technology products or developers of such products not being interoperable or resulting in information blocking and actions that result in information blocking. The Office of the Inspector General (OIG) has enforcement authority over vendors and providers who are found to engage in information blocking.

It has been 601 days since the *21st Century Cures Act* was signed into law. Every day that the administration delays implementation of these critical provisions places patients at risk of harm. Information blocking impedes provider access to the most current, accurate, or complete information on their patients. As the administration proposes and implements new rules related to open APIs and interoperability in Medicare's payment rules for hospitals and doctors, the lack of clear rules of the road needlessly creates uncertainty for vendors and providers alike.

The administration has had 601 days to draft and publish clear information blocking regulations. We understand the nuance required but feel that it is past time for a proposal to be made.

Sincerely,

American Academy of Family Physicians
American Academy of Ophthalmology
American Medical Informatics Association (AMIA)
Brain Injury Association of America
Call9
Cambia Health Solutions
Claim Your Health Data Coalition

Dorsata
Health IT Now
National MS Society
New Directions Technology Consulting, LLC
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Research!America
United Spinal Association