



21ST CENTURY CURES ACT **BEHAVIORAL HEALTH** CHECKLIST

Ensure your business is prepared.



Behavioral Health
Success Series

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January/February 2021

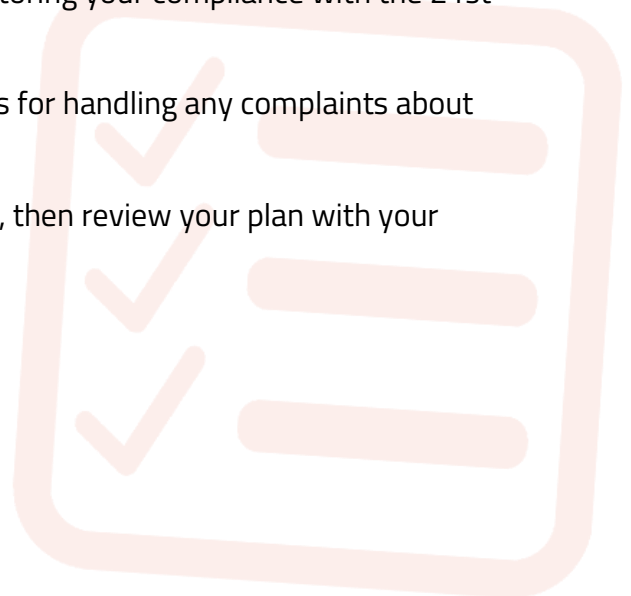
- ❑ Designate an Information Blocking Compliance Officer (or team lead) for your agency.
- ❑ Make time for the Information Blocking Compliance Officer to become informed and educated about the [21st Century Cures Act](#).
- ❑ Start with the ONC's Cures Act Final Rule and [what it means for clinicians](#).
- ❑ Educate yourself on "[the why](#)" behind this movement: to empower clients to have access to their own information.
- ❑ Make sure your team [understands the definition of EHI \(electronic health information\)](#) and how it applies to the information you have about your clients.
- ❑ Have the Blocking Compliance Officer make a presentation to your entire team so all team members are aware of this mandatory federal regulation.
- ❑ Mark **April 5, 2021**, on your calendar: the **applicability date** when this regulation applies to all stakeholders - clients, clinicians and Health IT vendors.

February 2021

- ❑ Assess your current processes for releasing information to clients.
- ❑ Identify your current method(s) of providing information to clients (such as paper copies, fax, encrypted email, PDFs).
- ❑ The 21st Century Cures Act states that if clients/representatives ask for their information in an electronic format, you have to provide it electronically. Identify the ways in which you can provide information to families in an electronic format ([CCDA](#), portal access to their records, through an API).
- ❑ Create a gap analysis of what you are required to do and what you currently provide (both in the process in which you get and respond to requests, and in the form that information is provided).
- ❑ After those gaps are identified, investigate what options are available to you to close those gaps. Does your EHR have features that you have not enabled or implemented?
- ❑ Begin the serious and important work to help your team understand that **client information belongs to the client and must be shared with them freely**.

March 2021

- ❑ Do an in-depth review of what sensitive EHI you store in your agency records that you may not want to release broadly in order to comply with jurisdictional legal requirements (such as psychotherapy notes, which are exempt from this requirement).
- ❑ Understand how your current technology does or does not enable you to separate/segregate/redact sensitive data from being released to clients.
- ❑ Familiarize yourself with HIPAA and other privacy jurisdictional laws that apply to where your agency is located and where your clients live.
- ❑ Do an in-depth review of the [8 categories of Information Blocking Exceptions](#) and determine what scenarios might apply to your agency.
- ❑ Create a draft Information Blocking Policy for your agency that:
 - ❑ Outlines how you share information with clients both on-demand/self-serve and by request
 - ❑ Delineates what (if any) information you protect, how, and why - including jurisdictional mandates
 - ❑ Lists any identified gaps in your ability to meet the requirements of the 21st Century Cures Act and your plans to close them
 - ❑ Outlines your practice policy for monitoring your compliance with the 21st Century Cures Act
 - ❑ Delineates your policy and procedures for handling any complaints about information blocking
- ❑ Hold a clinician meeting to ensure alignment, then review your plan with your entire team.



April 2021

- ❑ Schedule monthly touchpoints with your team for the remainder of the year.
- ❑ Commit to understanding the enforcement regulations/penalties from the Office of the Inspector General. (As of 1/15/21 they are not finalized, but you can follow updates on the [OIG website](#).)
- ❑ Finalize your Information Blocking Practice Policy and review it with your entire team.
- ❑ Hold a “mock” drill for a complaint about information blocking so your agency understands roles and responsibilities.
- ❑ Create a project plan for closing identified gaps and assign ownership and deliverables with dates.
- ❑ Promote to your clients how you are empowering them with their own information.
- ❑ Identify external entities that may be blocking your ability to receive EHI on your clients in order to provide safe/effective care (for example, Labs or HIEs that up until this point have refused to send you electronic information or charged onerous fees) and create a plan to address.
- ❑ Commit to making sharing of information a Continuous Improvement Project for your agency.

About the Sponsor

NextStep Solutions is passionate about providing behavioral health clinicians with innovative IT solutions for outpatient and residential facilities. Our EHR, teletherapy, billing services, and business analytic tools help agencies improve clinical and financial outcomes so you can adapt to the ever-changing healthcare environment. We are reviewing and updating all of our policies and procedures to ensure compliance with the 21st Century Cures Act.

Digital version available at www.nssbehavioralhealth.com/cures

