

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 21<sup>st</sup> 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 *21<sup>st</sup> 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 *21<sup>st</sup> 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  
Oracle  
Research!America  
United Spinal Association