

# If I Deny This Request, Is It Information Blocking?

Is the health information requested considered EHI?

**NO**

The request is not subject to information blocking rule.

**YES**

## USCDI

until October 2022

USCDI – US Core Data for Interoperability

## ePHI that is part of DRS

after October 2022

Excludes psychotherapy notes and information for civil, criminal or administrative action

NOT information blocking if you ...

Does the reason for denial fit in at least one of the exception categories?

Preventing Harm	Hold a reasonable belief that the practice will substantially reduce a risk of harm to a patient or another person
Privacy	Believe use or disclosure of EHI is prohibited under state or federal privacy laws and meets at least one of four sub-exceptions
Security	Implement a qualifying organizational security policy or a qualifying security determination
Infeasibility	Meet one of three conditions – uncontrollable events, segmentation, infeasibility under circumstances – and you provide a written response to the requestor within 10 business days stating the reason for infeasibility
Health IT Performance	Make health IT temporarily unavailable or degrades performance to benefit overall performance of the health IT
Content and Manner	Limit the content of its response or the manner in which it fulfills a request to access, exchange or use EHI provided certain conditions are met
Fees	Charge fees related to the development of technologies and provision of services that enhance interoperability
Licensing	Charge reasonable royalties to protect the value of their innovations and to earn returns on the investments they have made to develop, maintain, and update those innovations

**YES**

Denial will NOT invoke information blocking

Request can be denied with detail on rationale and relevant exception category(ies)

**NO**

Denial could potentially trigger an information blocking complaint

Request denial should be evaluated and release of requested information considered