

IB Claims and ONC Direct Review

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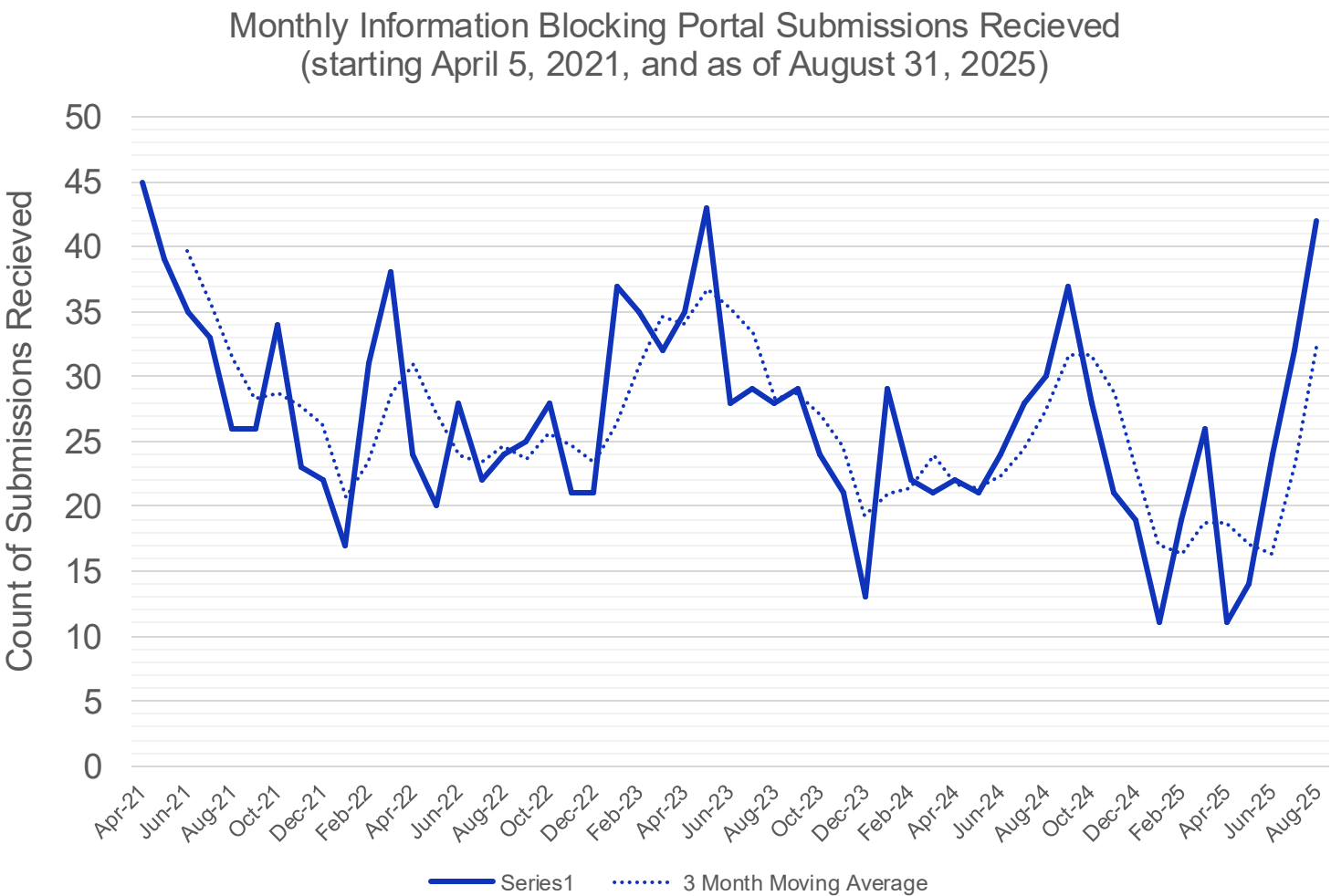
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Disclaimers

- ▶ **The contents of this presentation are based on the provisions codified in 45 CFR parts 170 and 171 and preamble discussion of these provisions in relevant final rules.** While every effort has been made to ensure the accuracy of this presentation of those provisions, this presentation is not a legal document. Statutes and regulations have the force of law. Therefore, in the event of any inconsistency between this presentation and any relevant statute or regulation, the statute or regulation controls.
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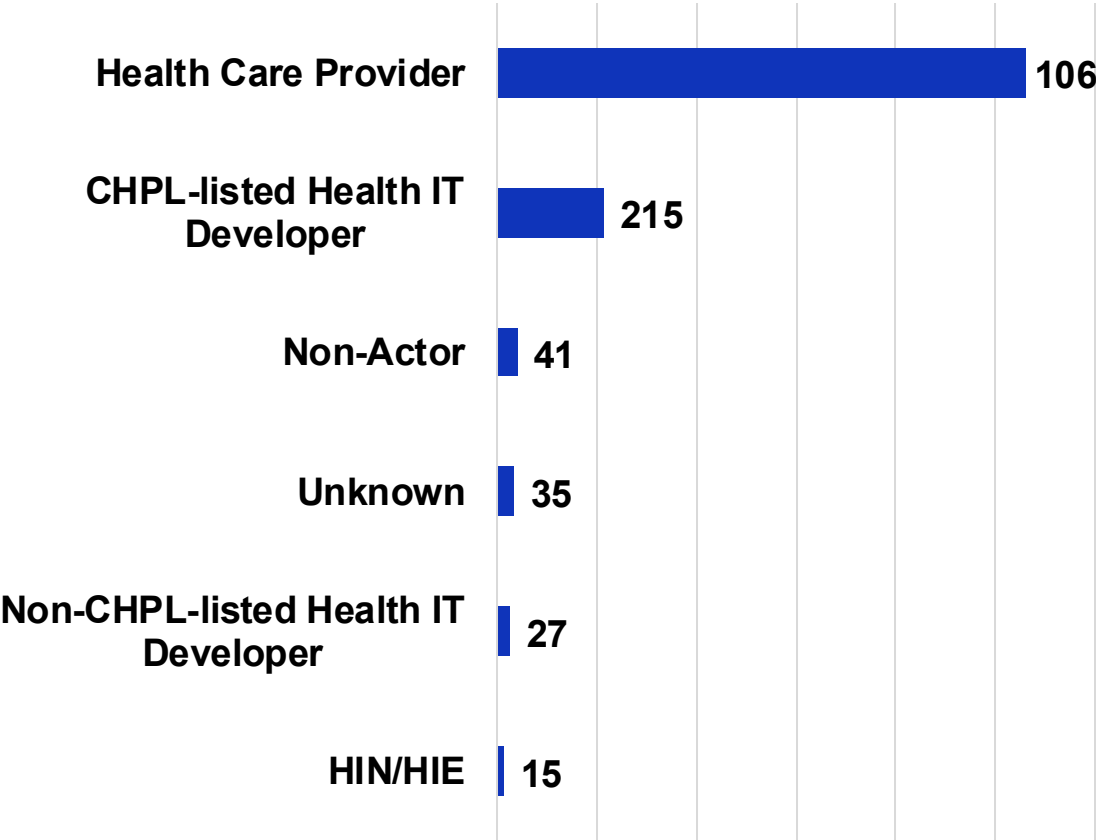
Information Blocking Claims Received by ASTP: Summary Counts

Summary counts as of 8/31/2025	
Total number of information blocking portal submissions received	1,420
Total number of possible claims of information blocking	1,336
Total number of submissions received that did not appear to be claims of potential information blocking	84

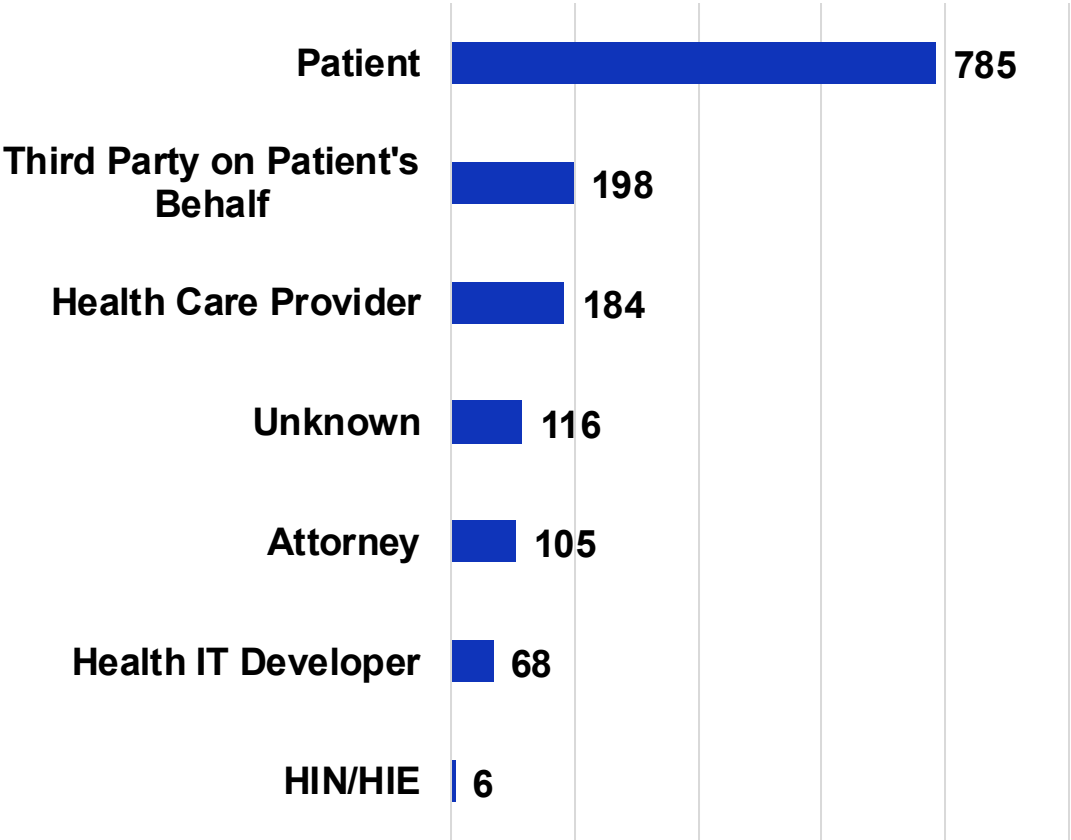


Information Blocking Claims Received by ASTP: Summary Counts

Claims Counts by Potential Actor




Claims Counts by Type of Claimant




Disclaimers on Information Blocking Claims Counts

- The distribution of claims of possible information blocking received by ASTP through the Report Information Blocking Portal is not likely to be completely representative of the totality of possible information blocking that is occurring.
 - In [national survey data](#) presented by ONC, 92% of responding HIOs and 97% of responding hospitals said they “Never/Rarely” report potential information blocking to HHS.
 - Entities may be reluctant to submit claims of possible information blocking to HHS due to concerns about possible retaliation by the subject of their claim. [By law](#), information received by ONC in connection with a claim or suggestion of possible information blocking that could identify who submitted the claim is exempt from mandatory disclosure under the Freedom of Information Act.
- Information on categorization of claims is based solely on ASTP’s inference from the facts and allegations as presented by the claimant.
- Any determination as to whether an information blocking actor’s conduct met the information blocking definition or not would require a fact-based, case-by-case investigation and review against all elements of the information blocking definition.


Information Blocking Quick Stats: Information Blocking Claims by the Numbers

 Official Website of the Assistant Secretary for Technology Policy/Office of the National Coordinator for Health IT



Assistant Secretary
for Technology Policy


TOPICS ▾BLOGNEWS ▾DATAABOUT ASTP ▾



HealthIT Data


Health IT Data provides access to analysis, reporting, and datasets that monitor health information technology trends and Office of the National Coordinator for Health Information Technology programs and policies.

SEARCH




Apps

Apps are interactive tools to visualize and analyze ONC's open data.




Quick Stats

Quick Stats are visualizations of key health IT data and statistics.



Data Briefs

Data Briefs provide health IT adoption and use statistics derived from surveys and administrative data and in-depth analysis of health IT policies and programs.



Datasets

Data are open data sets derived from government-sponsored surveys and programs.



Assistant Secretary
for Technology Policy

TOPICS ▾BLOGNEWS ▾DATAABOUT ASTP ▾



HealthIT.gov > Data > Quick Stats > Information Blocking Claims: By the Numbers

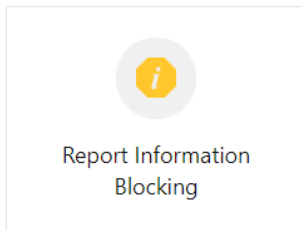
Information Blocking Claims: By the Numbers

Total number of portal submissions received, number of submissions that represent claims of possible information blocking, and number of claims by type of potential actor and type of claimant

Report Information Blocking Portal Page

Information Blocking Portal

WHAT IS THE STATUS OF MY REPORT?



Additional Considerations:

- If you believe that a [HIPAA covered entity or business associate](#) violated your (or someone else's) health information privacy rights or committed another violation of the HIPAA Privacy, Security or Breach Notification Rules, please file your complaint directly with The [HHS Office for Civil Rights](#)
- [By law](#), information received by ONC in connection with a claim or suggestion of possible information blocking that could identify who submitted the claim is exempt from mandatory disclosure under the Freedom of Information Act.

You are NOT required to submit any personally identifying information when submitting concerns, complaints, feedback, or inquiries. If you want to remain anonymous to ONC, please click the "yes" button within the submission window.

In order to keep your personal information as protected as possible, we encourage you not to send us any information in any medical record or designated record set that can be used to identify you or others and that was created, used, or disclosed in the course of providing a health care service such as diagnosis or treatment or health care payment.

We also encourage you not to send ONC any of the following identifiers: home address, social security or other national identification number (such as an insurance card number), passport number, IP address, driver's license number, credit card numbers, date of birth, birthplace, genetic information, login name, screen name, nickname, or handle, fax number, medical record numbers, health plan beneficiary numbers, device identifiers and serial numbers, biometric identifiers, including finger and voice prints, and full face photographic images and any comparable images (such as a MRI or x-rays).

Report Information Blocking

Information Blocking

Do you wish to remain anonymous to ONC? *

☐ Yes

☒ No

First Name *

Last Name *

Email Address *

Description *

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- In order to keep your personal information as protected as possible, we encourage you not to send us any information in any medical record or designated record set that can be used to identify you or others and that was created, used, or disclosed in the course of providing a health care service such as diagnosis or treatment or health care payment.
- We also encourage you not to send any of the following identifiers: home address, social security or other national identification number (such as an insurance card number), passport number, IP address, driver's license number, credit card numbers, date of birth, birthplace, genetic information, login name, screen name, nickname, or handle, fax number, medical record numbers, health plan beneficiary numbers, device identifiers and serial numbers, biometric identifiers, including

Create

Cancel

Information Blocking Portal Process – Overview

ASTP Scope



ASTP may investigate and may take action under the ONC Health IT Certification Program*



***For example, ASTP may issue a Notice of Non-conformity to the developer because the developer's actions did not conform to the Certification Program requirement in 45 CFR § 170.401. A developer may be required to submit a Corrective Action Plan and could also face suspension or termination of the certification.*

ASTP acknowledges receipt of the claim and shares it with OIG. 

Is it a claim against a Healthcare Provider?

Yes

No

Is it a claim against a Health Information Network/Health Information Exchange?

Yes

No

Is it a claim against an Offeror of Certified Health IT?


Yes

No

Is it a claim against a Health IT Developer of Certified Health IT?

Yes

Yes

Not an information blocking claim.
No information blocking authority for ASTP or OIG. ONC informs the submitter. 

OIG Scope



OIG Authority: OIG may investigate, and the HCP may be subject to appropriate disincentives.

OIG Authority: OIG may investigate and may issue civil monetary penalties.

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Public Health Service Act: 3001(c)(5)(D)

(D) CONDITIONS OF CERTIFICATION — [...] the Secretary, through notice and comment rulemaking, shall require, as a condition of certification and maintenance of certification...that the health information technology developer or entity—

- (i) does not take any action that **constitutes information blocking** as defined in section 3022(a);
- (ii) provides **assurances** satisfactory to the Secretary that such developer or entity, unless for legitimate purposes specified by the Secretary, will not take any action described in clause (i) or any other action that may inhibit the appropriate exchange, access, and use of electronic health information; [...]
- (iv) has **published application programming interfaces** and allows health information from such technology to be accessed, exchanged, and used without special effort through the use of application programming interfaces or successor technology or standards, as provided for under applicable law, including providing access to all data elements of a patient's electronic health record to the extent permissible under applicable privacy laws

ONC Certification Program Oversight: Direct Review

§ 170.580 ONC review of certified health IT

(a) **Direct Review** [...]

(2)[...](iii) **Noncompliance with a Condition and Maintenance of Certification requirement.** ONC may initiate direct review under this section if it has a reasonable belief that a health IT developer has not complied with a Condition or Maintenance of Certification requirement under subpart D of this part. [...]

(4) **Coordination with the Office of Inspector General.** [...]

(b) **Notice** [...] (2) **Notice of non-conformity** —

(i) **Circumstances that may trigger notice of non-conformity.** At any time during its review of certified health IT or a health IT developer's actions or practices under paragraph (a) of this section, ONC may send a notice of non-conformity to the health IT developer if it determines that certified health IT or a health IT developer's actions or practices does not conform to the requirements of the ONC Health IT Certification Program

(f) **Termination** — (1) **Applicability.** The National Coordinator may terminate a certification if:[...]

(iii) A determination is made that the health IT developer is noncompliant with a Condition or Maintenance of Certification requirement under subpart D of this part

§ 170.581 Certification ban.

(a) **Circumstances that may trigger a certification ban.** The certification of any of a health IT developer's health IT is prohibited when: [...]

(2) ONC determines a certification ban is appropriate per its review under § 170.580(a)(2)(iii).

Interagency Coordination: Public Health Service Act – 300jj-52

(c) Identifying barriers to exchange of certified health information technology [...]

(3) Referral The National Coordinator and the Office for Civil Rights of the Department of Health and Human Services may refer to the Inspector General instances or patterns of refusal to exchange health information with an individual or entity using certified electronic health record technology that is technically capable of trusted exchange and under conditions when exchange is legally permissible.

(d) Additional provisions

(1) Information sharing provisions The National Coordinator may serve as a technical consultant to the Inspector General and the Federal Trade Commission for purposes of carrying out this section. The National Coordinator may, notwithstanding any other provision of law, share information related to claims or investigations under subsection (b) with the Federal Trade Commission for purposes of such investigations and shall share information with the Inspector General, as required by law.

[FTC Expresses Unanimous Support for ONC Cures Act Final Rule](#)

Where to Find More Information

ASTP Website Resources





- Information Blocking Webpage (Fact Sheets, FAQs, Blogs, Webinars & Presentations, Press/Media):
<https://www.healthit.gov/topic/information-blocking>
- Information Blocking FAQs:
<https://www.healthit.gov/faqs>
- Health IT Buzz Blog: [https://www.healthit.gov/buzz-](https://www.healthit.gov/buzz-blog/)
[blog/](https://www.healthit.gov/buzz-blog/)
- ASTP Speaker Request Form:
<https://www.healthit.gov/speaker-request-form>

The screenshot shows the ASTP (Assistant Secretary for Technology Policy) website. The header includes the ASTP logo and navigation links: TOPICS, BLOG, NEWS, DATA, and ABOUT ASTP. The main content area is titled "Information Blocking" and features a sub-header "Information Blocking Resources". Below this, a navigation bar highlights "Fact Sheets" among other categories: FAQs, Blogs, Webinars & Presentations, and Press/Media. The main content lists various resources, each with a download icon and a title followed by the file type and size in brackets.




Fact Sheets	FAQs	Blogs	Webinars & Presentations	Press/Media
Information Blocking Reminders Related to API Technology [PDF - 271KB]				
Disincentives Common Questions [PDF - 163KB]				
Highlighted Regulatory Dates – Information Blocking Provisions [PDF - 330KB]				
Information Blocking Definition				
Information Blocking Terms Defined				
Understanding Electronic Health Information (EHI) [PDF - 344KB]				
			Disincentives Final Rule Overview [PDF - 224KB]	
			Health Care Provider Definition [PDF - 446KB]	
			Information Blocking Actors [PDF - 147KB]	
			Information Blocking Exceptions [PDF - 161KB]	
			Information Blocking Portal Process [PDF - 233KB]	



Reach out via phone or web

-  202-690-7151
-  Feedback & Questions: <https://www.healthit.gov/feedback>
-  Report Information Blocking Portal (direct link):
<https://healthit.gov/report-info-blocking>
-  ASTP Speaker Request Form: <https://www.healthit.gov/speaker-request-form>

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-  [@HHS_TechPolicy](https://twitter.com/HHS_TechPolicy)
-  [Assistant Secretary for Technology Policy](https://www.linkedin.com/company/Assistant-Secretary-for-Technology-Policy)
-  www.youtube.com/@HHS_TechPolicy

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