

***Understanding  
the 21st Century  
Cures Act***

*Modernizing Healthcare Through  
Innovation & Access*

*April Garrison, BSN, RN*

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**Session  
Overview**

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What is the Cures Act

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Benefits of the Cures Act

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Final Rule

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Final Rule Implications

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Overview of How's Mom

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# The Cures Act: What is it?

The 21st Century Cures Act is a U.S. law enacted in 2016 to accelerate medical research and innovation. It aims to streamline drug and device approvals, promote health data sharing, support mental health and opioid treatment, and boost funding for biomedical research, including initiatives like the Cancer Moonshot and the BRAIN Initiative.


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## Benefits of the Cures Act

- Improved Access to Health Records  
Enhanced Care Coordination
- Reduction in Information Blocking
- Support for Innovation and Technology Adoption
- Regulatory Clarity and Compliance Tools
- Empowerment of Caregivers Family caregivers gain better visibility into their loved ones' health, enabling more active participation in care planning and monitoring.



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## Slide 4

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**AG1** Improved Access to Health Records: Residents and their caregivers can easily view and download electronic health information (EHI), including clinical notes, medications, and allergies. This empowers families and staff to make informed decisions.

Enhanced Care Coordination:

By mandating interoperability between health systems, the Act ensures that LTC providers can share patient data seamlessly with hospitals, specialists, and other care teams.

Reduction in Information Blocking: The Act makes it illegal to block access to EHI. LTC facilities must provide residents with their health data upon request, improving transparency and trust.

Support for Innovation and Technology Adoption: LTC providers benefit from a more modern health IT infrastructure, including APIs and patient portals that integrate with electronic health record (EHR) systems like PointClickCare.

Regulatory Clarity and Compliance Tools: The Act provides clear guidelines and exceptions for compliance, helping LTC facilities avoid penalties and stay aligned with federal standards

Empowerment of Caregivers Family caregivers: gain better visibility into their loved ones' health, enabling more active participation in care planning and monitoring.

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## Interoperability and Patient Access

Lack of seamless data exchange in healthcare has historically detracted from patient care, leading to poor health outcomes, and higher costs.

The CMS Interoperability and Patient Access final rule establishes policies that break down barriers in the nation's health system to enable better patient access to their health information, improve interoperability and unleash innovation, while reducing burden on payers and providers.

Patients and their healthcare providers will have the opportunity to be more informed, which can lead to better care and improved patient outcomes, while at the same time reducing burden.

In a future where data flows freely and securely between payers, providers, and patients, we can achieve truly coordinated care, improved health outcomes, and reduced costs.



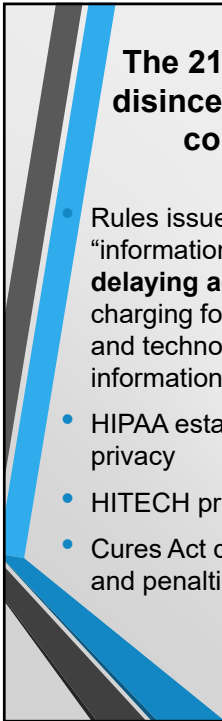
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## Final Rule: Information Blocking

Final Rule covering the 21st Century Cures Act. This Final Rule, published in the Federal Register, specifically covers the penalties for entities subject to the Act who engage in information-blocking practices. The original information blocking compliance date was September 1, 2023. The effective date of this Final Rule is **July 31, 2024**.




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## The 21st Century Cures Act Final Rule, implements disincentives for healthcare providers found to have committed information blocking violations.

- Rules issued under the Cures Act are designed to prevent “information blocking.” . It **also prohibits unnecessarily slowing or delaying access or limiting the timeliness of access** to EHI or charging for EHI. Long term care providers must have both policies and technologies in place that avoid blocking access to health information from residents and their families. In a nutshell:
  - HIPAA establishes the legal framework for protecting residents’ privacy
  - HITECH provides guidance on information sharing methodologies
  - Cures Act defines interoperability standards for health data sharing and penalties for information blocking.




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## Final Rule Implications for Long-Term Care Facilities

- Information Blocking Penalties
- Public Disclosure of Violations
- Referral and Investigation Process
- Encouragement of Data Sharing

This rule reinforces the importance of **transparency, interoperability, and patient access** in long-term care settings



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## Slide 8

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**AG1** Information Blocking Penalties LTC providers found to block access to electronic health information (EHI) may face penalties under federal programs. This includes:

Medicare Promoting Interoperability Program: LTC hospitals may lose part of their annual payment updates if deemed non-compliant.

Merit-Based Incentive Payment System (MIPS): LTC clinicians may receive a zero score in the Promoting Interoperability category, affecting reimbursement.

Public Disclosure of Violations HHS will publicly share information about providers—including LTC facilities—who commit information blocking, increasing accountability and reputational risk.

Referral and Investigation Process The Office of Inspector General (OIG) investigates claims and refers confirmed violations to CMS or other agencies for enforcement. LTC facilities are subject to this process just like hospitals and clinics<sup>2</sup>.

Encouragement of Data Sharing The rule promotes safer, more coordinated care by ensuring LTC providers share EHI with hospitals, specialists, and caregivers—especially critical during transitions of care.

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## The cost of the penalty for information blocking

- **No fixed monetary penalty** like the \$1 million civil fine imposed on health IT developers or exchanges.
- Instead, LTC providers—if they participate in **Medicare programs**—face **disincentives** such as:
  - **Reduced Medicare payments** under the Promoting Interoperability Program.
  - **Zero score in the MIPS Promoting Interoperability category**, which can significantly lower overall reimbursement.
- These disincentives are **not flat fines**, but they can result in **substantial financial losses** depending on the provider's Medicare participation level

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## Possible Tags

- F552 Right to be Informed/Make Treatment Decisions
- F553 Right to Participate in Planning Care
- F559 Choose/Be Notified of Room/Roommate Change
- F573 Right to Access/Purchase Copies of Records
- F576 Right to Forms of Communication with Privacy
- F580 Notify of Changes (Injury/Decline/Room, Etc.)
- F637 Comprehensive Assessment After Significant Change
- F806 Resident Allergies, Preferences and Substitutes


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**What can and should technologies do for your facilities?**

By definition, resident data sharing technologies should make it easy for residents and their families to access the residents' health data. These technologies must also ensure compliance with HIPAA and Cures Act regulations.

For facilities, they should also minimize the work required of staff to provide residents' data.



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## Communication



- These are frequent events that take significant time and also have financial penalties.
- These calls are happening multiple times a day in communities by nurses.
- These communications include care plan updates, change in conditions, change in food intake, change in weight, change in wound, doctor or np visit, new diagnosis, new lab/diagnostic report, new wound, planned discharge, request for medical records completed, resident fall, room change, updated diagnosis



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# Family Satisfaction

Less than 50% of family caregivers are satisfied with the amount and timeliness of the information they receive from senior living communities.

Family caregivers are just as concerned with the communication they experience as they are with the quality of care their loved ones received daily.



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## Communication Barriers

- Lack of communication between aides and nurses. Is the communication documented?
- How is communication between doctors/NP documented?
- How is communication with families done and documented?
- How does the team communicate new admissions, discharges, falls, and changes of condition between team members?



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## How's Mom technology

- The How's Mom app and Connections Hub enable organizations to streamline feedback solicitation and communication with residents and family members, with a full suite of tools, including chart views, mass notifications, visit planning, family feedback and more.
- This convenient software makes family communication a powerful - and easily manageable - tool for improving customer experiences and building census.



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## Use Automation

- An app like How's Mom will automate communication to family members. This can include doctor's visits, new orders, condition changes, weights, vital signs and other changes.
- Families make complaints to the State that are often founded due to lack of communication from the facility.
- <https://howsmom.net/>



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## Overview of How's Mom

- Real-Time Health Updates
- Mass Notifications
- Feedback and Ratings
- Secure and HIPAA Compliant
- Customizable Access
- Seamlessly integrates with facility EHR systems
- Helps facilities meet Cures Act and CMS communication compliance requirements
- Reduces administrative burden by automating documentation and streamlining workflows.

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## Make staff's job easier and Families happier

- Facility Directory: Share contacts with family
- Family Feedback: Capture family reviews directly
- Appointment Scheduler: Let family self-schedule their visits
- Chart View: Meds, Vitals, Conditions, Nutrition
- Enable concerned family to keep tabs on their loved ones
- Mass Notifications: Share COVID updates, key announcements and more

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**AG1** Real-Time Health Updates Families can view medication lists, vitals, nutrition, and other clinical data directly from their loved one's electronic health record (EHR).

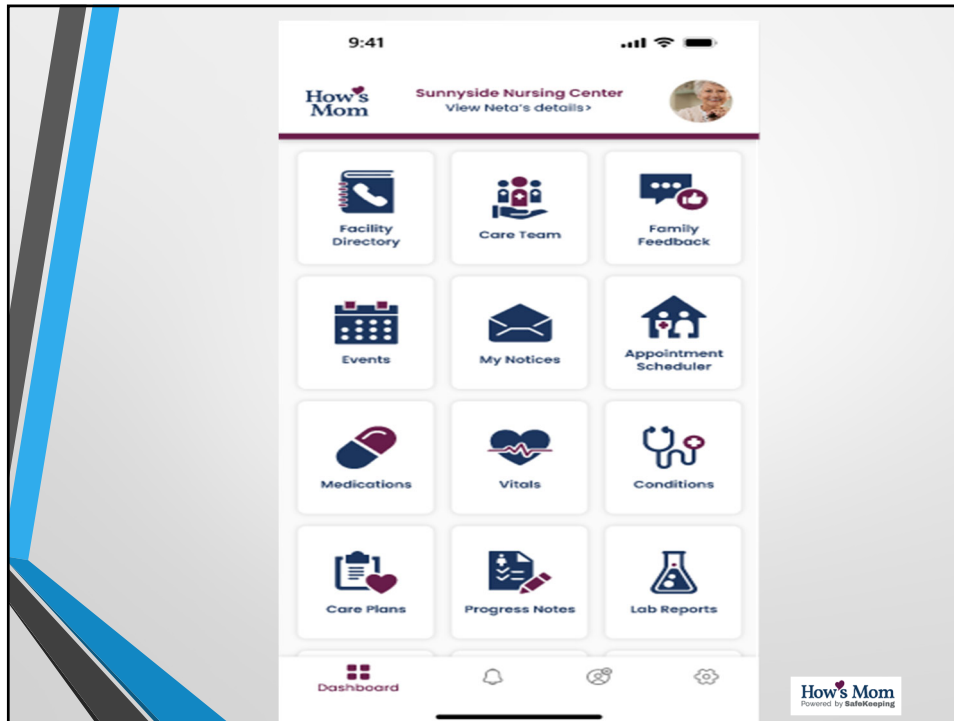
Mass Notifications Facilities can send alerts about emergencies, weather events, or COVID-19 updates via text, email, or in-app messages.

Feedback and Ratings Families can rate the care center and provide feedback to help improve services.

Secure and HIPAA-Compliant All communications and data sharing are encrypted and compliant with privacy regulations.

Customizable Access The app's features vary depending on what the care facility enables and the user's role (e.g., family member, medical staff).

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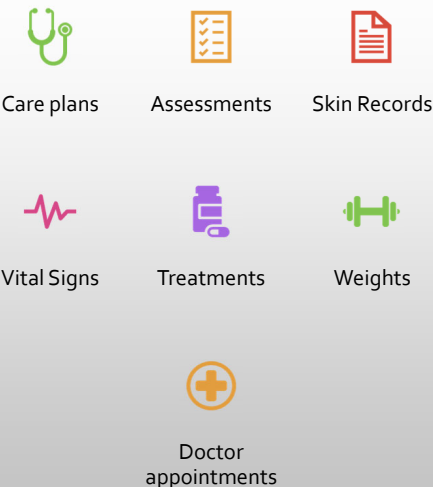
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## Data availability:

- Medication Lists: Current list of medications
- Vital Signs: Numerous vital readings including temperature, blood sugar, weight, and more
- Conditions: Any change to current conditions and brief summary update of existing conditions
- Nutrition Orders: Listing of allergies and food restrictions. Updates on recent meals and consumption levels

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Resident Records that families can see via How's Mom



- Care plans
- Assessments
- Skin Records
- Vital Signs
- Treatments
- Weights
- Doctor appointments

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## Are your Cures Act compliance strategy and technology HIPAA compliant?

- As the 21<sup>st</sup> Century Cures Act's information blocking enforcement is in full effect, long term care providers are understandably uncertain about their risk exposure.
- There are multiple considerations from data sharing practices and policies to data security and user experience. Other existing standards also come into play – especially HIPAA and HITECH regulations – that must be met.
- **Are your information sharing practices compliant with both HIPAA and the Cures Act? Do your technologies support seamless and secure information sharing? Are your residents and their families readily able to easily access their health information? Are your facilities ready to comply?**

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## HIPAA and Cures Act compliant features and technologies

- End-to-end data encryption
- User access restrictions
  - Resident account verification (name and date of birth)
- Staff data access restrictions
  - Role-based data access permissions
  - 2 Factor Authentication

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## HIPAA policies and procedures checklist

- Access Policies
  - Individual access rights
  - Personal representatives
- Use and Disclosure Policies
  - Use and disclosure of health information without individual authorization
  - Required use and disclosure of health information
  - Use and disclosure of sensitive health information
  - Minimum necessary standard procedures
  - Safeguards for use and disclosure/verification of identity and authority
- Administrative Policies
  - Record retention
  - Data use agreements (DUA)

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**What is the primary goal of the 21st Century Cures Act?**

- A. To privatize electronic health record system
- B. To accelerate medical innovation and improve patient care
- C. To reduce healthcare costs through insurance reform
- D. To eliminate Medicaid funding for long-term care

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**B- To accelerate medical innovation and improve patient care**



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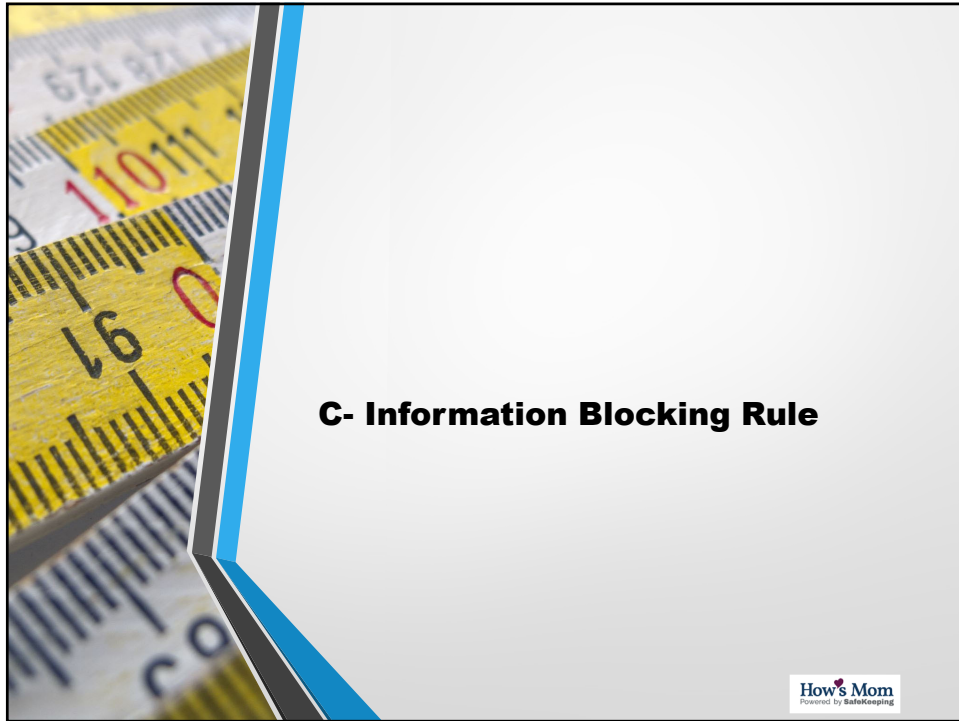


**Which rule under the Cures Act requires providers to share electronic health information with patients?**

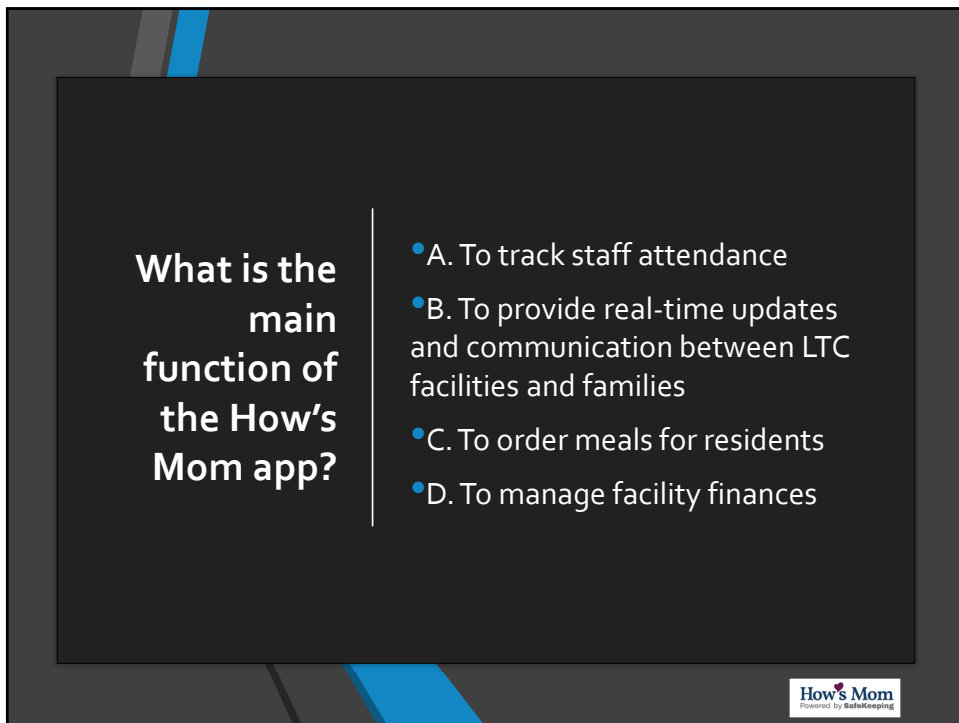
- A. HIPAA Privacy Rule
- B. Interoperability Mandate
- C. Information Blocking Rule
- D. Patient Consent Rule

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**B- To provide real-time updates and communication between LTC facilities and families**



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**What does the Information Blocking Rule under the Cures Act require?**

- **A.** Providers must block access to sensitive health data unless requested by insurance companies
- **B.** Providers must share electronic health information with patients unless a legal exception applies
- **C.** Providers must delete all patient records after discharge
- **D.** Providers must only share health data with government agencies

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**B-** Providers must share electronic health information with patients unless a legal exception applies



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What is the goal of preventing information blocking?

- A. To reduce internet usage in healthcare
- B. To increase provider control over data
- C. To empower patients with timely access to their health information
- D. To eliminate electronic records

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C- To empower patients with timely access to their health information



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## How does the How's Mom app support long-term care staff?

- A. By replacing their clinical documentation system
- B. By reducing phone calls and improving workflow
- C. By managing payroll
- D. By scheduling vacations

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B- By reducing phone calls and improving workflow



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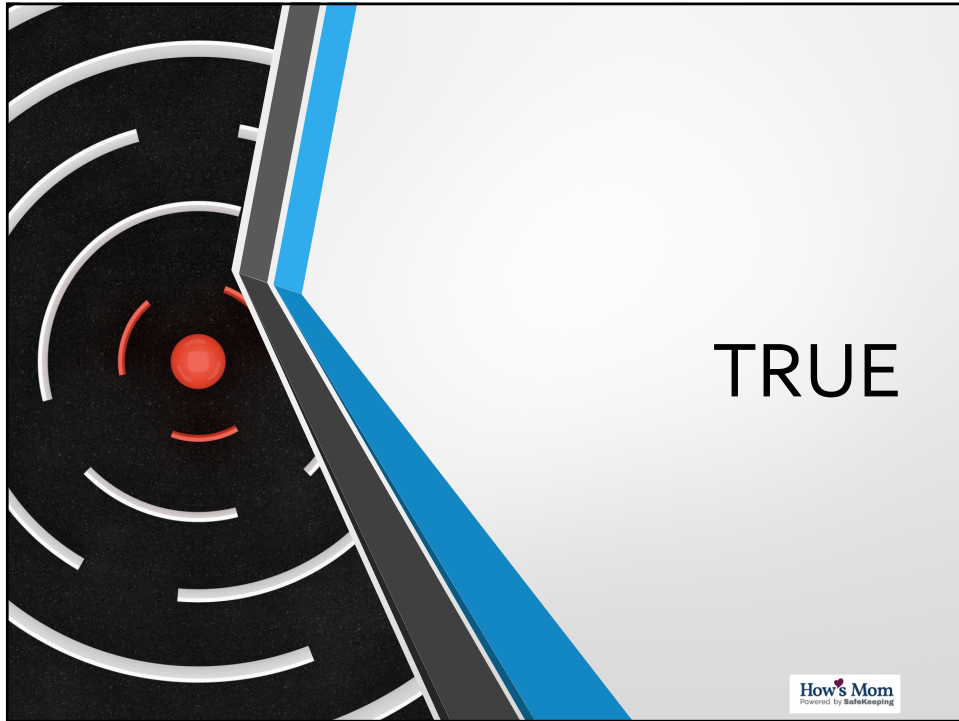
**How's Mom app is specifically tailored for long term care communication, and is Cures Act Compliant**

True

False

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**•KEY TAKEAWAYS**

- Information Blocking Rule**
  - LTC facilities using certified EHRs must provide residents access to their health data
  - Promotes transparency and family engagement in care decisions
- EHR Interoperability**
  - Encourages seamless data exchange between LTC, hospitals, and other providers
  - Supports smoother transitions of care and reduces duplication
- Resident Empowerment**
  - Residents and families gain direct access to clinical information
  - Encourages shared decision-making and personalized care planning
  - Enhances trust and satisfaction with LTC services

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## •KEY TAKEAWAYS

### •Compliance and Risk Management

- LTC providers must understand and comply with federal rules on data sharing
- Need for clear policies, staff education, and vendor support

### •Opportunities for Innovation

- Use of health IT to improve chronic disease management and reduce hospitalizations
- Potential for remote monitoring, telehealth, and predictive analytics
- Aligns LTC with broader healthcare transformation goal

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