

## Compliance Today – February 2024



Marti Arvin ([marti.arvin@erlanger.org](mailto:marti.arvin@erlanger.org), [linkedin.com/in/marti-arvin-7a6a587/](https://www.linkedin.com/in/marti-arvin-7a6a587/)) is Senior Vice President, Chief Compliance and Privacy Officer at Erlanger Health System in Chattanooga, TN.

### The proposed information blocking provider enforcement rule

---

by Marti Arvin, JD, CHC-F, CCEP-F, CHPC, CHRC

The proposed enforcement rule for providers under the information blocking provisions of the 21st Century Cures Act was published in the *Federal Register* on November 1, 2023.<sup>[1]</sup> Under the proposed rule, the U.S. Department of Health and Human Services Office of Inspector General (OIG) will investigate allegations of potential information blocking by providers. Providers OIG identifies as guilty of information blocking will be referred to the Centers for Medicare & Medicaid Services (CMS) for disincentives to be applied against the provider. The disincentives will be tied to the Medicare Prospective Payment System (PPS), and the Merit-Based Incentive Payment System (MIPS), under which providers demonstrate meaningful use of certified health information technology solutions. Disincentives may also be associated with participation in Accountable Care Organizations (ACO).

This document is only available to members. Please log in or become a member.

[Become a Member](#) [Login](#)