



INFORMATION BLOCKING EXCEPTION #4: Infeasibility

Official Title – Infeasibility Exception: When will an actor’s practice that is likely to interfere with the access, exchange, or use of electronic health information in order to protect the security of EHI not be considered information blocking?

Exception applies if an actor engages in practices that are reasonable and necessary to protect the security of EHI.

Objective of the Exception – This exception is intended to cover all legitimate security practices by actors, but does not prescribe a maximum level of security or dictate a one-size-fits-all approach.

Key Conditions of the Exception:

- ✓ The practice must meet one of the following conditions:
 - Uncontrollable events: The actor cannot fulfill the request for access, exchange, or use of electronic health information due to a natural or human-made disaster, public health emergency, public safety incident, war, terrorist attack, civil insurrection, strike or other labor unrest, telecommunication or internet service interruption, or act of military, civil or regulatory authority.
 - Segmentation: The actor cannot fulfill the request for access, exchange, or use of EHI because the actor cannot unambiguously segment the requested EHI.
 - Infeasibility under the circumstances: The actor demonstrates through a contemporaneous written record or other documentation its consistent and non-discriminatory consideration of certain factors that led to its determination that complying with the request would be infeasible under the circumstances.
- ✓ The actor must provide a written response to the requestor within 10 business days of receipt of the request with the reason(s) why the request is infeasible.

Addressed on: [Page 25865 of final rule](#). For a detailed explanation of this exception also please reference our detailed [cheat sheet](#).