



## INFORMATION BLOCKING EXCEPTION #1: PREVENTING HARM

**Official Title** – Preventing Harm 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 prevent harm not be considered information blocking?

**Exception applies if** an actor engages in practices that are reasonable and necessary to prevent harm to a patient or another person, provided certain conditions are met.

**Objective of the Exception** – This exception recognizes that the public interest in protecting patients and other persons against unreasonable risks of harm can justify practices that are likely to interfere with access, exchange, or use of EHI.

### Key Conditions of the Exception:

- ✓ The actor must hold a reasonable belief that the practice will substantially reduce a risk of harm;
- ✓ The actor’s practice must be no broader than necessary;
- ✓ The actor’s practice must satisfy at least one condition from each of the following categories: type of risk, type of harm, and implementation basis;
- ✓ The practice must satisfy the condition concerning a patient right to request review of an individualized determination of risk of harm; and
- ✓ Practice implemented based on an organizational policy or a determination specific to the facts and circumstances

**Addressed on:** [Page 25821 of final rule](#). For a detailed explanation of this exception also please reference our detailed [cheat sheet](#).