



## INFORMATION BLOCKING EXCEPTION #6: Content and Manner

**Official Title** – Content and Manner Exception: When will an actor’s practice to limit the content of its response to a request to access, exchange, or use of electronic health information (EHI) or the manner in which it fulfills a request not be considered information blocking?

**Exception applies if** an actor limits the content of its response to a request to access, exchange, or use EHI or the manner in which a request to access, exchange, or use EHI, provided certain conditions are met.

**Objective of the Exception** – This exception provides clarity and flexibility to actors concerning the required content (i.e., scope of EHI) of an actor’s response to a request to access, exchange, or use EHI and the manner in which the actor may fulfill the request. This exception supports innovation and competition by allowing actors to first attempt to reach and maintain market negotiated terms for the access, exchange, and, use of EHI.

### Key Conditions of the Exception:

- ✓ **Content Condition:** Establishes the content an actor must provide in response to a request to access, exchange, or use EHI in order to satisfy the exception.
  1. Up to 24 months after the publication date of the Cures Act final rule, an actor must respond to a request to access, exchange, or use EHI with, at a minimum, the EHI identified by the data elements represented in the United States Core Data for Interoperability (USCDI) standard.
  2. On and after 24 months after the publication date of the Cures Act final rule, an actor must respond to a request to access, exchange, or use EHI with EHI as defined in § 171.102.
- ✓ **Manner Condition:** Establishes the manner in which an actor must fulfill a request to access, exchange, or use EHI in order to satisfy this exception.
  - An actor may need to fulfill a request in an alternative manner when the actor is:
    - Technically unable to fulfill the request in any manner requested; or
    - Cannot reach agreeable terms with the requestor to fulfill the request.
  - If an actor fulfills a request in an alternative manner, such fulfillment must comply with the order of priority described in the manner condition and must satisfy the Fees Exception and Licensing Exception, as applicable.

**Addressed on:** [Page 25875 of final rule](#). For a detailed explanation of this exception also please reference our detailed [cheat sheet](#).