**Compare Cures Act Final Rules to HIPAA**

**Risk Tip Sheet 4**

**How does the CURES ACT differ from the HIPAA Privacy Rule:**

**Cures Act:** Actor refers to healthcare provider, health IT develop of certified health IT, health information network or health information exchange

**HIPAA:** Covered entity refers to every healthcare provider who electronically sends health information in connection with certain transactions, associated with the healthcare system

**Cures Act:**  Cures Act enhances the concept of accessing data by mandating flexibility in how and with whom patients share their EPHI.

HIPAA: Allows patients a right to their data/EPHI.

**Cures Act:** Prohibits actors from interfering with access, exchange or use of EHI, unless an exception applies.

**HIPAA:** Permits covered entities to disclose PHI only for treatment, payment and healthcare operations

**Cures ACT:** Electronic health information is electronic PHI that would be included in a designated record set without respect to whether such information is in the possession of an entity subject to HIPAA (excludes psychotherapy notes and information compiled for litigation)

**HIPAA:** Protected health information is individually identifiable health information held or transmitted by a covered entity or its business associate

Resources:

* <https://www.opennotes.org/onc-federal-rule/>
* <https://www.ama-assn.org/system/files/2020-02/patient-records-playbook.pdf>
* <https://journal.ahima.org/the-compliance-clock-is-ticking-on-oncs-21st-century-cures-act-regulations/>
* <https://www.ama-assn.org/system/files/2020-10/onc-final-rule-ama-summary.pdf>
* <https://www.healthit.gov/curesrule/resources/information-blocking-faqs>
* <https://www.healthit.gov/curesrule/what-it-means-for-me/clinicians>
* <https://sironastrategies.com/wp-content/uploads/2020/03/HIT-Leadership-Roundtable-WP-FINAL.pdf>