

CURES ACT FINAL RULE

Enforcement Discretion Dates and Timeframes

Provision	Compliance Date/Timeframe	Enforcement Discretion Date/Timeframe
Condition of Certification (CoC) – Information Blocking	6 months after final rule publication	3 months after the compliance timeframe
CoC – Assurances – Will not take any action that constitutes information blocking or actions that inhibit access, exchange, and use of electronic health information (EHI)	6 months after final rule publication	3 months after the compliance timeframe
CoC – Assurances – EHI Export Rollout	36 months after final rule publication	3 months after the compliance timeframe
CoC – Assurances – Other	Effective date of final rule	3 months after the compliance date
CoC – Communications – Notice to all customers with which developer has contracts or agreements containing provisions that contravene Communications CoC	Annually beginning in calendar year 2020	Notice can be made until March 31, 2021 for the 2020 calendar year
CoC – Communications – Other	Effective date of final rule	3 months after the compliance date
CoC – Application Programming Interface (API) – Compliance by Certified API Developers with health IT certified to <i>current</i> API criteria	6 months after final rule publication	3 months after the compliance timeframe
CoC – API – Rollout of new standardized API functionality	24 months after final rule publication	3 months after the compliance timeframe
CoC – Real World Testing (RWT) – Submit <i>initial</i> plan and <i>initial</i> results submission	Plan: December 15, 2020 Results: March 15, 2022	Generally remains the same, except for initial cycle for the annual submissions Initial Plan: Initial RWT plans (i.e., 2021 RWT plans) may be submitted through March 15, 2021 Initial Results: Initial RWT results from the 2021 performance year may be submitted up through June 2022
CoC – RWT – Updates to United States Core Data for Interoperability (USCDI)	24 months after final rule publication	3 months after the compliance timeframe
CoC – Initial Attestations	April 1-30, 2021 attestation window for attestation period running from the effective date of final rule through March 31, 2021	Generally remains the same except for the initial attestation, which will now be accepted through July 30, 2021
ONC-Authorized Certification Bodies (ONC-ACBs): Initial RWT plan and initial results submission	Plan: December 15, 2020 Results: March 15, 2022	Same as CoC RWT enforcement discretion for initial plan and initial results
ONC-ACBs: Certification to Common Clinical Data Set (CCDS)/USCDI Criteria	Only certify to CCDS for 24 months after final rule publication	3 months after the compliance timeframe
ONC-ACBs: Certification to Application Access - Data Category Request Criterion	Only certify for 24 months after final rule publication	3 months after the compliance timeframe
ONC-ACBs: Certification to Data Export Criterion	Only certify for 36 months after final rule publication	3 months after the compliance timeframe