

# HIPAA PRIVACY RULE TO SUPPORT REPRODUCTIVE HEALTH CARE PRIVACY BACKGROUND

On April 22, 2024, the United States Department of Health and Human Services (HHS) Office for Civil Rights issued the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule to Support Reproductive Health Care Privacy Final Rule. HHS issued this final rule after hearing from communities that changes were needed to protect patient privacy and to prevent medical records from being used against people who obtain or provide legal reproductive health care.

This rule strengthens the existing law (HIPAA Privacy Rule) to better protect your privacy when it comes to reproductive health care. Specifically, it prevents information about your reproductive health care from being shared without your permission, in certain circumstances. Please use the materials in this toolkit to educate, inform, and ensure access to high-quality information about this rule.

## Understanding the New Rule

- The Supreme Court's overturning of *Roe v. Wade* has changed the legal landscape as several states have enacted laws banning or significantly restricting access to abortion.
- This changing legal landscape increases the likelihood that an individual's protected health information may be disclosed in ways that cause harm to the interests that HIPAA seeks to protect, including the trust of individuals in health care providers and the health care system.
- As a result, patients are increasingly concerned about the confidentiality of information they share with their health care providers out of fear that their information may be used by or shared with law enforcement.
- The HIPAA Privacy Rule to Support Reproductive Health Care Privacy protects trust between individuals and health care providers by ensuring that protected health information cannot be used or disclosed to investigate or impose liability on someone for the mere act of seeking, obtaining, providing, or facilitating legal reproductive health care.

## Key Messages for your use when communicating about the HIPAA Privacy Rule to Support Reproductive Health Care Privacy:

### 1. Protecting the privacy of patient health information is essential.

The Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* overturning *Roe v. Wade* altered the legal and health care landscape and increased the likelihood that protected health information about a person's reproductive health may be used or disclosed in a way that undermines patient trust in the privacy of their communications with their providers.

### 2. Right now, somewhere in the country, a woman is leaving her home state where abortion is significantly restricted or banned to receive lawful reproductive health care in another state.

Patients should feel confident in the privacy of their protected health information and should not avoid obtaining lawful health care in another state or disclosing previous lawful health care to providers because they fear that their protected health information will be disclosed.

The rule's new protections will help ensure that patients can access the care they need without fear that their medical records will be used against them, their provider, or their loved ones—and help ensure that providers can speak freely with their patients and deliver high-quality care.

### 3. HHS has issued a rule to prohibit the use of protected health information in this way, keep this information safe, and ensure that people have access to high quality health care.

The HIPAA Privacy Rule to Support Reproductive Health Care Privacy prevents the use or disclosure of protected health information to investigate or impose liability on anyone for the mere act of seeking, obtaining, providing, or facilitating legal reproductive health care.

Among many things, this means that if you live in one state and travel to another state to receive lawful reproductive health care, neither your provider nor your health plan can share that information if someone tries to investigate you for obtaining that lawful reproductive health care without your lawful authorization or in circumstances where a lawful HIPAA release exception applies.

### 4. No matter where you live, no one should have their medical records used against them, their doctor, or their loved one just because they sought or obtained lawful reproductive health care.

HHS OCR is committed to enforcing the privacy rights of individuals under HIPAA. If you believe that a HIPAA covered entity, or its business associate, violated your (or someone else's) health information privacy rights, you may file a complaint with the HHS OCR at: [HHS.gov/Hipaa/Filing-a-complaint/Index.html](https://www.hhs.gov/hipaa/filing-a-complaint/index.html).

Tags #ProtectPrivacyProtectHealth #HHSOCR 1

If you have any questions about this notice or require additional information, please call the Chesapeake Regional Healthcare Privacy Officer at **757-312-6506**. Or you may contact the Privacy Officer by mail at:

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