

New HHS Guidance on Reproductive Patient Information and Privacy

Healthcare Law Update

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The U.S. Department of Health & Human Services, Office for Civil Rights issued new guidance regarding sexual and reproductive health information on June 29, 2022. The guidance clarifies that HIPAA-covered entities and business associates may use and disclose protected health information (PHI) relating to abortion and other sexual and reproductive health care without an individual's signed authorization only as expressly permitted or required by the Privacy Rule. The Privacy Rule permits – but does not require – providers to disclose PHI when complying with the law, for law enforcement purposes, and to prevent or lessen serious and imminent threat to the health or safety of a person or the public. Each instance of permissive disclosure must be pursuant to a mandate enforceable in a court of law and disclose only the PHI expressly authorized.

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