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Implication of the Office for Civil Rights notice of proposed rulemaking related to reproductive healthcare

by Marti Arvin, JD, CHC-F, CCEP-F, CHPC, CHRC

In the April 17, 2023, *Federal Register*, the U.S. Department of Health and Human Services Office for Civil Rights published a notice of proposed rulemaking (NPRM) that would modify the HIPAA Privacy Rule.^[1] The NPRM proposes to prohibit the use or disclosure of protected health information (PHI) related to reproductive healthcare by a covered entity for criminal, civil, or administrative proceedings if the services the patient sought were lawful or the identification of a party if it is initiating such a proceeding. If finalized, the NPRM would add a new definition under the HIPAA Privacy Rule for reproductive healthcare to include any “care, services, or supplies related to the reproductive health of the individual.”^[2]

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