

Feds to toughen rules on privacy around abortion, contraceptive services

April 13 2023, by Cara Murez



U.S. officials said Wednesday that they plan to strengthen existing

privacy rules to prevent the sharing of private legal reproductive health care information for use in investigations and prosecutions against patients or providers.

The U.S. Department of Health & Human Services (HHS), through its Office for Civil Rights (OCR), [moved to strengthen](#) the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule protections.

The latest action would prohibit using or disclosing protected [health information](#) to investigate [patients](#) or their doctors for receiving or providing legal reproductive health services, including abortion care. The issue has become particularly pressing as more states move to ban or partially ban abortions.

"When the Supreme Court overturned *Roe v Wade*, nearly half a century of precedent changed overnight," HHS secretary [Xavier Becerra](#) said in a HHS news release. "The Biden-Harris administration is committed to protecting women's lawful access to reproductive health care, including abortion care. President Biden signed not one but two executive orders calling on HHS to take action to meet this moment and we have wasted no time in doing so. Today's action is yet another important step HHS is taking to protect patients accessing [critical care](#)."

The HHS noted that patients, providers and organizations have expressed a need for this change.

"I have met with doctors across the country who have shared their stories," said OCR director [Melanie Fontes Rainer](#). "These providers have expressed fear, anger and sadness that they or their patients may end up in jail for providing or obtaining evidence-based and medically appropriate care. Trust is critical in the patient-doctor relationship and medical mistrust can damage and chill patients' relationship with their

providers, imperiling patient health," she said.

"Today's proposed rule is about safeguarding this trust in the patient-provider relationship, and ensuring that when you go to the doctor, your private medical records will not be disclosed and used against you for seeking lawful care," Fontes Rainer added. "This is a real problem we are hearing and seeing, and we developed today's proposed rule to help address this gap and provide clarity to our health care providers and patients."

The existing Privacy Rule permits, but does not require, certain disclosures to [law enforcement](#) and others, subject to specific conditions, according to HHS.

Under this new proposal, reproductive health care would be defined to include, but not be limited to, prenatal care, abortion, miscarriage management, infertility treatment, contraception use and treatment for reproductive-related conditions such as ovarian cancer.

Wednesday's announcement coincided with the third convening of President Biden's Task Force on Reproductive Healthcare Access.

More information: The U.S. Centers for Disease Control and Prevention has [more](#) about the Health Insurance Portability and Accountability Act (HIPAA).

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