

Health Information Compliance Alert

Enforcement News: OCR Issues HIPAA Guidance After SCOTUS Decision

If your patients have privacy concerns about their reproductive rights, the HHS Office for Civil Rights (OCR) offered new HIPAA-related guidance.

Update: On June 24, the U.S. Supreme Court overturned *Roe vs. Wade*, which protected a woman's right to an abortion, in its 6-3 ruling on *Dobbs vs. Jackson Women's Health Organization*. On June 29, OCR issued new insight on HIPAA privacy and women's reproductive rights in response to the Court's decision.

"How you access health care should not make you a target for discrimination. HHS stands with patients and providers in protecting HIPAA privacy rights and reproductive health care information," said HHS Secretary **Xavier Becerra** in a release. "Anyone who believes their privacy rights have been violated can file a complaint with OCR as we are making this an enforcement priority."



Becerra added, "Today's action is part of my commitment to President **Biden** to protect access to health care, including abortion care and other forms of sexual and reproductive health care."

The two main points of the guidance include the following:

1. Offer advice for providers on disclosing and safeguarding patients' protected health information (PHI).
2. Address patients' and providers' privacy concerns about PHI safety on mobile devices, search engines, and period tracker and health IT applications.

Plus: OCR also gives tips on how health data is collected and limiting the output, cell phone usage and health IT, and browsing and searching the web.

Resource: Find the release and links to OCR's myriad of HIPAA guidance at www.hhs.gov/about/news/2022/06/29/hhs-issues-guidance-to-protect-patient-privacy-in-wake-of-supreme-court-decision-on-roe.html.