



## Don't Get Hit with HIPAA Penalties! Reproductive Health Care Policies Past Due for Many

The deadline for compliance with the HIPAA Privacy Rule to Support Reproductive Health Care Privacy (the “Rule”) has passed. By December 23, 2024, HIPAA covered entities and business associates must have updated their HIPAA Policies and Procedures to include information required by the Rule, including modifications to existing HIPAA documents such as Notices, Policies and Procedures, Training Materials, Risk Assessments, and Business Associate Agreements. Additionally, all staff must be trained and well-versed in the new requirements.

### ***Spoiler Alert 1—Many Plan Sponsors Have Not Yet Made These Amendments.***

In addition to the updated documents, the Rule requires a new Attestation form. When a covered entity or business associate receives a request for reproductive protected health information, it must obtain a signed Attestation from the individual who requests the information confirming that the use or disclosure is *not* for a prohibited purpose. This Attestation requirement applies when the request is for PHI for any of the following:

- Health oversight activities;
- Judicial and administrative proceedings;
- Law enforcement purposes; and
- Disclosures to coroners and medical examiners.

A new, signed Attestation must be obtained for *each* specific use or disclosure request. Failure to obtain a signed Attestation where required, or if any part of the Attestation is deemed insufficient, on or after December 23, 2024, will be deemed an *automatic* HIPAA breach.

### ***Spoiler Alert 2—Many Plan Sponsors Have Not Yet Developed an Attestation Form.***

Civil penalties for HIPAA violations depend on whether the violation is willful or unknowing, ranging from \$100 - \$50,000 per violation.

The Rule requires covered entities and business associates to revise their Notice of Privacy Practices to support reproductive health care privacy as well.

### ***Good News—The Deadline for NOPP Revisions Is Not until February 16, 2026, but Updates Can Be Made Now, in Concert with Other HIPAA Policies.***

Please contact Haynes Benefits if you need assistance with updating your HIPAA documents, including Attestation forms or existing Business Associate Agreements and Notice of Privacy

Practices. Haynes Benefits has a set flat fee amount to complete the necessary changes to comply with the new Rule.

The content herein is provided for educational and informational purposes only and does not contain legal advice.

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