

Fact Sheet: OCR HIPAA Privacy Rule to Support Reproductive Health Care Privacy Final Rule: Judicial Updates

Updated: July 2025

Recent Court Action

On June 18, 2025, the U.S. District Court for the Northern District of Texas issued an order in the case *Carmen Purl, et al. v. U.S. Department of Health and Human Services et al.* declaring unlawful and vacating most of the HIPAA Privacy Rule to Support Reproductive Health Care Privacy, while preserving modifications to the Notice of Privacy Practices (NPP) requirements. Compliance with the remaining NPP modifications is required by February 16, 2026. The Department of Health and Human Services (HHS) has stated it will determine next steps after a thorough review of the court's decision and must decide if it will appeal by August 18, 2025.

Missouri v. U.S. Department of Health and Human Services et al. is a separate case that was filed in the U.S. District Court of Eastern Missouri on January 17, 2025. On July 3, 2025, both parties agreed to stay all proceedings until HHS decides its course of action in *Carmen Purl et al. v. U.S. Department of Health and Human Services et al.* Both parties were directed to file a status report by August 25, 2025 addressing next steps to the court. If this case moves forward and the decision conflicts with the order issued in response to the *Purl* case, then a Federal Circuit Court would be called upon to adjudicate the two decisions.

Vacated Provisions No Longer in Effect

- Prohibition restricting the ability of regulated entities to use or disclose PHI for activities with the purpose of investigating or imposing liability on any person for the act of seeking, obtaining, providing, or facilitating reproductive healthcare that is lawful under the circumstances in which it was provided, or to identify any person for such purposes
- Presumption provision that presumes the reproductive healthcare at issue was lawful under the circumstances in which such healthcare was provided when it was provided by a person other than the regulated entity receiving the request. The presumption can be overcome when a regulated entity has either actual knowledge, or factual information supplied by the person requesting the use or disclosure, that demonstrates a substantial factual basis that the reproductive healthcare was not lawful under the specific circumstances in which it was provided.
- Requirement for regulated entities to obtain a signed and dated written attestation from the person requesting PHI potentially related to reproductive healthcare attesting that the use or disclosure of PHI would not be used to investigate or impose liability on individuals, healthcare providers, or others who seek, obtain, provide, or facilitate reproductive healthcare that is lawful under the circumstances in which such healthcare is provided, or to identify persons for such activities
- Updates to key definitions relating to reproductive care and the clarification of the definition of a person

Remaining Provisions Still in Effect: Revisions to Notice of Privacy Practices

Covered health care providers, health plans, and health care clearinghouses are required to [revise their NPPs](#). The final rule requires revisions to NPPs to address proposals made in the Notice of Proposed Rulemaking for the Confidentiality of Substance Use Disorder Patient Records (Part 2 NPRM) and finalized in the Confidentiality of Substance Use Disorders Patient Records [Final Rule](#) (Part 2 Final Rule). These changes are part of the HHS implementation of the CARES Act.

Considerations for Compliance

AHIMA recommends organizations work with their legal counsel to determine the appropriate practices in achieving compliance with the updated requirements of this final rule. Organizations should continue to monitor the HHS Office for Civil Rights (OCR) [HIPAA and Reproductive Health webpage](#) for further guidance on compliance as the situation continues to evolve.

Final Rule Background

The Biden-Harris Administration, through the HHS OCR, released the [HIPAA Privacy Rule to Support Reproductive Health Care Privacy Final Rule](#) on April 22, 2024. The final rule modifies the HIPAA Privacy Rule to strengthen privacy protections for individuals' protected health information (PHI) related to reproductive healthcare. The requirements finalized in this rule were proposed in April 2023 and makes several adjustments to the regulation in response to public comments, including [comments provided by AHIMA](#).

If you have questions about the provisions in the final rule or the impact of recent court actions on the final rule, please contact the AHIMA Policy & Government Affairs Team at advocacy@ahima.org.