

1. Attestation No Longer Required

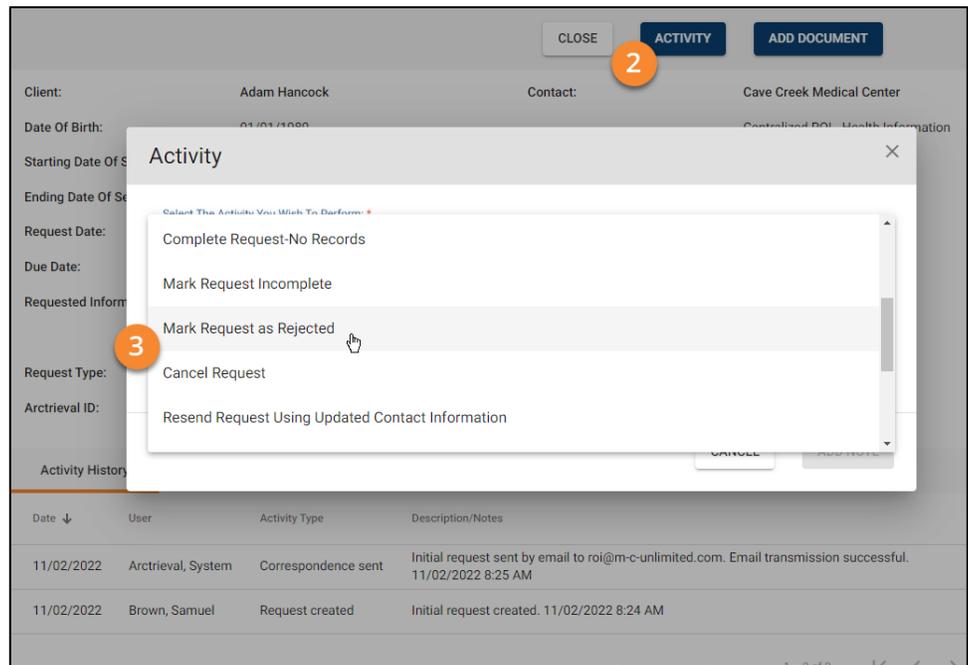
On June 18, 2025, the U.S. District Court for the Northern District of Texas issued an order declaring unlawful and vacating most of the HIPAA Privacy Rule to Support Reproductive Health Care Privacy at 89 Federal Register 32976 (April 26, 2024). With regard to the modifications to the HIPAA Privacy Rule Notice of Privacy Practices (NPP) requirements at 45 CFR 164.520, the court vacated only the provisions that were deemed unlawful, namely 164.520(b)(1)(ii)(F), (G), and (H). The remaining modifications to the NPP requirements are undisturbed and remain in effect, see Carmen Purl, et al. v. U.S. Department of Health and Human Services, et al., No. 2:24-cv-00228-Z (N.D. Tex. June 18, 2025). Compliance with the remaining NPP modifications is required by February 16, 2026. HHS will determine next steps after a thorough review of the court's decision.

Link to HHS guidance: <https://www.hhs.gov/hipaa/for-professionals/special-topics/reproductive-health/index.html>

2. Responding to the Rejection for Existing Request

Arctrieval added an item to the rejected request process as part of a request activity. Below is a summary of the Mark Request as Rejected process in Arctrieval. The detailed guide is available at www.Arctrieval.com/support.

1. Select the Request that was rejected.
2. Click the Activity button.
3. Select "Mark Request as Rejected" from the dropdown menu.



4. Select the Reproductive Health Care Attestation as the reason.

Activity

Select The Activity You Wish To Perform: *

Mark Request as Rejected

Please indicate why the request sent to Minnie Mouse Hospital was rejected by checking one or more of the boxes below.

- Revocation statement missing on the authorization.
- Expiration date missing on the authorization.
- Purpose of disclosure missing on the authorization.
- Redisclosure statement missing on the authorization.
- Ability or inability to condition treatment statement missing.
- Authorization is not signed by the patient or personal representative.
- Authorization is not dated.
- HIPAA Authorization is missing, required, or must use their HIPAA Authorization.
- Signature must be notarized.
- HITECH Request is not valid or is not accepted.
- Emailed, faxed, or mailed requests not accepted. Must use specific web portal or service.
- Reproductive Health Care Attestation.

Other Reason request was rejected:

.....

CANCEL MARK REJECTED PREVIEW REPLY SEND REPLY

5. Scroll down and enter the date of the rejection letter.
6. Click the Choose a File button to upload a PDF of the rejection letter.
7. Select one or more delivery methods.
8. Click the Preview Reply button to review the document before sending it.
9. Click the Send Reply button to send the rejection letter to the Contact.

Activity

Date rejection correspondence was received: *

10/27/2022

Upload Rejection Letter or Notice

Ciox Rejection ...

Select PDF file of correspondence for upload.

Send reply to Contact using:

- email (Automated)
- Fax (Automated)
- US Mail (Automated)
- US Mail (Manual)
- Other-PDF File for Upload (Manual)

Mark request rejected and do not send reply:

CANCEL MARK REJECTED PREVIEW REPLY SEND REPLY

3. Arctrieval Correspondence Text

The correspondence sent to the provider will include the following explanation:

While not finalized, the pending changes to the HIPAA Privacy Rule codify previous guidance on what constitutes an unreasonable measure as follows:

...examples of unreasonable measures include requiring an individual to do any of the following when a measure that is less burdensome for the individual is practicable for the entity: fill out a request form with extensive information that is not necessary to fulfill the request; obtain notarization of the individual's signature on a request form; or submit a written request only in paper form, only in person at the entity's facility, or only through the covered entity's online portal.

Confidentiality Notice: This communication, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution of this information is prohibited. If this was sent to you in error, please notify the sender and destroy all copies of the original message.

AAAB-2403

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As of June 18, 2025, HIPAA does not require a reproductive health attestation as a condition of disclosing PHI. In *Purl v. U.S. Department of Health and Human Services* (N.D. Tex.), the court vacated most of the 2024 HIPAA Privacy Rule to Support Reproductive Health Care Privacy, including the attestation requirement. Disclosures should be handled under the standard HIPAA privacy rules, including requests made pursuant to HIPAA Rule 45 CFR §164.524, and any applicable state-law requirements.

Please refer to the document titled HIPAA Rules-Right of Access attached to the request for more information about an individual right of access request.

The Department of Health and Human Services and The Office for Civil Rights issued guidance on this matter. They also conducted enforcement actions against covered entities that violated the HIPAA Privacy Rule's right of access standard. I want to call your attention to two specific investigations conducted by the OCR after the Ciox vs. Azar decision.

4. Model Rejection Response Letter

A model response letter is below if you must create correspondence outside the Arctrieval system.

Date

Facility Name

Address

City, State Zip

Dear Custodian of Records,

We received your correspondence dated **correspondence date** regarding a reproductive health attestation for our client, **client name**, who has a date of birth **MM/DD/YYYY**, per the Final Rule HIPAA Privacy Rule to Support Reproductive Health Care Privacy.

Client name's request was issued per HIPAA 45 CFR §164.524, and the requested attestation is not required.

On June 18, 2025, the U.S. District Court for the Northern District of Texas issued an order declaring unlawful and vacating most of the HIPAA Privacy Rule to Support Reproductive Health Care Privacy at 89 Federal Register 32976 (April 26, 2024). With regard to the modifications to the HIPAA Privacy Rule Notice of Privacy Practices (NPP) requirements at 45 CFR 164.520, the court vacated only the provisions that were deemed unlawful, namely 164.520(b)(1)(ii)(F), (G), and (H).

Modifications to the HIPAA Privacy Rule can sometimes be confusing. This information is provided as educational material to assist in reviewing processes and educating staff on the reproductive health information disclosure requirements regarding patient access requests.

We hereby redeliver the individual right of access request for immediate processing to avoid a formal complaint to the Office for Civil Rights for the potential HIPAA Privacy Rule violation.

Please contact our office if you have any questions. We will be happy to assist you.

Sincerely yours,

Your Name

Firm Name