

REGULATORY UPDATE ANNOUNCEMENT TO OUR COMMUNITY & GOVERNMENT PARTNERS

Rush University System for Health values the partnerships we have with government and administrative agencies, law enforcement officials, lawyers and officers of the court, and our local coroners and medical examiners. We are invested in continuing a cooperative approach to meet the needs of our community, and so wanted to reach out to let you know about new federal regulations that require Rush to change the way we share patient information with you. **These changes are required to be implemented no later than December 23, 2024.** Given the significance of the changes, we invite discussions with you about these changes at any time to help find efficiencies and answer any questions you may have.

Below is a summary of what will change in our process starting December 23, 2024. Again, all of these changes are required by federal law:

- If we receive a request for PHI for health oversight purposes, judicial or administrative proceedings, for law enforcement purposes, or for coroner/medical examiner activities, we are required to obtain an attestation from the requestor if the PHI to be produced includes information potentially related to Reproductive health care (RHC). RHC is broadly defined as any care that affects the health of an individual in all matters relating to the reproductive system and to its functions and processes. It is not limited by age, sex/gender, or to services related to abortion or transgender care. Given the breadth of the definition and the prevalence of RHC information throughout our medical records, we will be requiring an attestation for any request made for one of the purposes listed above. The attestation elements are set by federal law and cannot be modified. An attestation is required every time you make a new request for PHI. It can be signed and provided digitally. We have provided a form attestation with this letter to provide clarity on what you will be asked to sign if your request falls within one of the listed purposes or activities.
- We are prohibited from disclosing any PHI with any requestor if the underlying purpose of the request is to investigate or impose criminal or administrative liability on a person for the mere act of obtaining, providing, facilitating, or seeking lawful RHC. If we are unable to understand the underlying purpose of your request, our staff may need to obtain additional information to confirm whether the disclosure is not prohibited or whether an attestation is required.
- If we receive an administrative request for PHI for law enforcement purposes, we are not permitted to disclose PHI unless the response to the administrative request is required by law, irrespective of whether the request relates to reproductive health care. This is a significant change for our community partners that investigate child and adult abuse and neglect reports. We are unable to respond to follow on investigation requests for PHI unless the request comes with a court order, subpoena, warrant, or other legally enforceable demand.

Please note that these requirements do not apply when a valid HIPAA authorization signed by the patient is provided to us.

We understand these changes may present obstacles or slow our ability to respond to requests for PHI from your agency, department, or firm. If you would like to discuss these issues with us at any time, please reach out to the Rush Privacy Office at 312-942-5303 or privacy_office@rush.edu. Again, we value our community partnerships and are committed to working with you and your team to ensure we can effectively and lawfully continue to help you serve our community.