**Important Notice Regarding Individuals’ Right of Access to Health Records**

On January 25, 2013, HHS published a final rule entitled “Modifications to the HIPAA Privacy, Security, and Enforcement Rules Under the Health Information Technology for Economic and Clinical Health Act, and the Genetic Information Nondiscrimination Act; Other Modifications to the HIPAA Rules.”  (2013 Omnibus Rule).  A portion of that rule was challenged in federal court, specifically provisions within 45 C.F.R. §164.524, that cover an individual’s access to protected health information.  On January 23, 2020, a federal court vacated the “third-party directive” within the individual right of access “insofar as it expands the HITECH Act’s third-party directive beyond requests for a copy of an electronic health record with respect to [protected health information] of an individual  . . . in an electronic format.” Additionally, the fee limitation set forth at 45 C.F.R. § 164.524(c)(4) will apply only to an individual’s request for access to their own records, and does not apply to an individual’s request to transmit records to a third party.

The right of individuals to access their own records and the fee limitations that apply when exercising this right are undisturbed and remain in effect.  OCR will continue to enforce the right of access provisions in 45 C.F.R. § 164.524 that are not restricted by the court order.  A copy of the court order in *Ciox Health, LLC v. Azar, et al.*, No. 18-cv-0040 (D.D.C. January 23, 2020), may be found at <https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2018cv0040-51>.

**Your Rights Under HIPAA**

**This guidance remains in effect only to the extent that it is consistent with the court’s order in Ciox Health, LLC v. Azar, No. 18-cv-0040 (D.D.C. January 23, 2020), which may be found at**[**https://ecf.dcd.uscourts.gov/cgi-bin/show\_public\_doc?2018cv0040-51**](https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2018cv0040-51)**. More information about the order is available at**[**https://www.hhs.gov/hipaa/court-order-right-of-access/index.html**](https://www.hhs.gov/hipaa/court-order-right-of-access/index.html)**. Any provision within this guidance that has been vacated by the Ciox Health decision is rescinded.**

Most of us believe that our medical and other health information is private and should be protected, and we want to know who has this information. The Privacy Rule, a Federal law, gives you rights over your health information and sets rules and limits on who can look at and receive your health information. The Privacy Rule applies to all forms of individuals' protected health information, whether electronic, written, or oral. The Security Rule is a Federal law that requires security for health information in electronic form.

**For consumers**, more information on HIPAA protections for mental health and substance use disorder treatment is available here:  <https://www.hhs.gov/hipaa/for-individuals/mental-health/index.html>

**Filing a Civil Rights Complaint**

If you believe that you have been discriminated against because of your race, color, national origin, disability, age, sex, or religion in programs or activities that HHS directly operates or to which HHS provides federal financial assistance, you may file a complaint with OCR. You may file a complaint for yourself or for someone else.

If you believe that you have been discriminated against because of your disability by a State or local government health care or social services agency, you may file a complaint with the OCR. You may file a complaint for yourself or for someone else.

I agree and understand my rights to privacy. I have been offered a complete HIPPAA Notice of Privacy Practices packet.

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Patient Signature (Guardian Signature) Patient Printed Name

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 Date Witness Signature