
U a D R c H a Ca

The Rule also finalized the following definition for reproductive health care: Reproductive health care is care that affects the health of an individual in all matters relating to the reproductive system and to its functions and processes. Note that the term “health care” includes, but is not limited to, the following:

- a) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body
- b) Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription

For clarity, HHS provides the following nonexclusive list of examples that meet the definition of “reproductive health care”:

- Contraception, including emergency contraception
- Preconception screening and counseling
- Management of pregnancy and pregnancy-related conditions, including pregnancy screening, prenatal care, miscarriage management, treatment for preeclampsia, hypertension during pregnancy, gestational diabetes, molar or ectopic pregnancy, and pregnancy termination
- Fertility and infertility diagnosis and treatment, including assisted reproductive technology and its components (e.g., in vitro fertilization)
- Diagnosis and treatment of conditions that affect the reproductive system (e.g., perimenopause, menopause, endometriosis, adenomyosis)
- Other types of care, services, and supplies used for the diagnosis and treatment of conditions related to the reproductive system (e.g., mammography, pregnancy-related nutrition services, postpartum care products)

However, meeting the definition of “reproductive health care” is not sufficient for information about such health care to be protected under the HIPAA Rules or this Final Rule. To be protected under HIPAA Rules or this Final Rule, the information about such health care still needs to meet the definition of PHI.

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