

News

HIPAA Considerations for Abortion and Abortion Travel Benefits

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Even before the Supreme Court overturned the *Roe v. Wade* decision in *Dobbs v. Jackson Women's Health Organization* on June 24, 2022, some states were beginning to enact more restrictive abortion laws, including those that give private citizens the right to sue. Since the Court's decision, many pre-Roe laws that were not previously repealed, but were unconstitutional under Roe, arguably once again were effective. In addition, states have continued to enact new laws or provide additional guidance restricting abortion services. These laws have been a mix of civil and criminal laws, and some contain aiding and abetting-type provisions.

Many employers, health plans, third party administrators, and insurers are concerned that states will request information regarding whether a health plan has covered abortion-related benefits or even individual names of who has received these types of services and that current privacy laws may not always be a shield to having to turn over this information. Employers also are concerned about HIPAA issues if the employer itself is arranging abortion-related travel benefits or where the plan needs to provide information to the employer to impute income for tax purposes with respect to abortion-related travel.

In the ECFC FLEX Reporter article, "HIPAA Considerations for Abortion and Abortion Travel Benefits," Groom principals, [Katie Bjornstad Amin](#), [Christine Keller](#), and [Christy Tinnes](#) address recent frequently asked HIPAA questions in this area.

To read the full article, [click here](#).