

# If/When/How Explainer: Health Privacy Lawsuits Against the 2024 HHS Rule

**Note:** This resource was last updated July 1, 2025.

## Health care privacy is under attack:

In 2024, the Department of Health and Human Services passed a new rule (“2024 Rule”) pursuant to the Health Insurance Portability and Accountability Act (“HIPAA”). The 2024 Rule builds upon the privacy protection rule that the Department enacted in 2000, which established basic confidentiality protections for patients’ health information (“2000 Rule”). Recently, the 2024 Rule was vacated—meaning it is not in effect—by Judge Kacsmaryk in Texas, a known anti-abortion judge. Both the 2024 Rule and the 2000 Rule are under threat from states in several other cases that seek to criminalize healthcare access, explained below.

Eliminating or weakening either the 2024 and 2000 Rule would remove basic protections for patients’ sensitive and stigmatized reproductive health care information. This could expose patients and providers to criminal investigations and liability, even for explicitly lawful care, and exacerbate barriers to abortion care and gender-affirming care. The threat of liability will cause patients to avoid seeking health care out of fear, and it is likely to scare many providers away from providing timely and necessary care.

## What does the 2024 Rule do, and why is it needed?

- The 2024 Rule prevents health care providers from sharing patients’ reproductive health care information with law enforcement for the purpose of investigating lawful reproductive health care. [See here](#) for a great explainer by the American Medical Association with more detailed information about the 2024 Rule.
- After *Roe v. Wade* was overturned, advocates began to sound the alarm about efforts in states with conservative legislatures to use protected reproductive health information to engage in unfounded investigations against both patients and health care professionals. Reports out of Texas, for example, showed that a health care provider had turned over patient information to a conservative activist in hopes of helping to criminalize health care providers and parents who had provided or helped a professional to provide gender-affirming care. Additionally, [Indiana’s Attorney General](#) declared that termination of pregnancy reports should be accessible as public records, even after an opinion by another government official warned that the number of patients in Indiana receiving abortions was so small as to risk serious confidentiality violations by releasing them.

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## Who is challenging the 2024 Rule?

- **Dr. Carmen Purl**, a Texas physician, filed a lawsuit alleging that the 2024 Rule is unlawful and prevents physicians from reporting child abuse as required by Texas law. She wants to report young people who have accessed abortion or gender-affirming care to the state as child abuse. Dr. Purl won this lawsuit, because Judge Kacsmaryk ruled in part that 1) the 2024 rule interfered in—even if it didn’t actually prevent—child abuse reporting, 2) HHS—the agency that passed the 2024 rule—wasn’t allowed to tell states they couldn’t define child abuse to include an unborn child, and 3) HHS does not have authority to issue rules on “politically favored medical procedures.” This decision invites states like Texas to define child abuse to include parents allowing their children to access gender-affirming care and abortion, and possibly other reproductive<sup>1</sup>health care.
- **Texas** filed a lawsuit alleging that the 2024 Rule is unlawful and harms the state’s law enforcement investigative abilities. It also seeks to invalidate the 2000 Rule, which in part limits when a health care provider or health plan can provide protected health information in response to a government investigation.
- **Tennessee**, along with Alabama, Arkansas, Georgia, Idaho, Indiana, Iowa, Louisiana, Montana, Nebraska, North Dakota, Ohio, South Carolina, South Dakota, and West Virginia, filed a lawsuit alleging that the 2024 Rule is unlawful and harms the states’ investigative authority.
- **Missouri** filed a lawsuit alleging that the 2024 Rule is unlawful and harms the state’s investigative authority.
- For more details on these cases, check out [this explainer from the National Partnership for Women & Families](#).

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## What impact could these lawsuits have?

We should all be concerned that policymakers are trying to gain access to our health care information. The state should never be able to needlessly sift through our healthcare documents and surveil our providers and choices about our own bodies.

If these lawsuits succeed, patients and providers could be exposed to criminal investigations and liability, scaring people out of seeking necessary care. Fear of being reported for their reproductive healthcare decisions has already cost people their lives. It’s imperative that we fight these lawsuits to protect our communities and our patients.