Fact Sheet: OCR HIPAA Privacy Rule: Changes to Support Coordinated Care and Individual Engagement and Reduce Regulatory Burden

Last Updated: 11/17/2026

Background

On November 16, 2026, the Department of Health and Human Services (HHS) Office for Civil Rights (OCR) released the *HIPAA Privacy Rule: Changes to Support Coordinated Care and Individual Engagement and Reduce Regulatory Burdens* final rule. Along with the final rule, HHS OCR issued a press statement and fact sheet summarizing the final rule. The rule will be effective on January 18, 2027 with a compliance date of July 17, 2027.

This final rule adopts many of the proposals published as part of the 2021 *Modifications to the HIPAA Privacy Rule to Support, and Remove Barriers to, Coordinated Care and Individual Engagement* proposed rule. HHS OCR states the goals of this final rule include:

- Improving individual engagement by strengthening individuals' right to access their protected health information (PHI);
- Supporting coordinated care; and
- Reducing regulatory burden.

Key Provisions of the Final Rule

New Terms and Definitions

- Adopts the new terms "electronic health record" and "personal health application" to support patient directed access to electronic protected health information (PHI) under the HIPAA right of access.
- Updates the definition of "health care operations" to include care coordination and case management activities across health plans and covered healthcare providers, including individual-level and population-based activities.

Right of Access

- Reduces the time covered entities have to respond to a patient access request to as "soon as practicable, but no more than 15 calendar days after receipt of the request."
    - Covered entities are permitted a one-time extension of no more than 30 calendar days per request.

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- Permits individuals to direct a covered entity to transmit a copy of electronic PHI (ePHI) in an electronic health record to a person designated by the individual.
- Codifies language that a business associate may disclose PHI to an individual or an individual's designee as part of an access request.
    - HHS OCR also clarified that covered entities should address in their business associate agreements which parties are responsible for disclosing requested PHI under the right of access.
- Aligns HIPAA Privacy Rule requirements with other applicable state and federal laws related to electronic form and format for the purposes of responding to access requests in a "readily producible" electronic format.
- Clarifies the identity verification burden on individuals exercising their access rights by requiring covered entities to maintain uniform identity verification and right of access request submission requirements that are not "unreasonable."

Fees and Third-Party Transmission

- Clarifies when a covered entity is required to provide an individual with their ePHI through a personal health application.
- Updates the permissible fees for responding to right of access requests, including by specifying when ePHI must be provided at no charge to individuals.
    - This final rule also requires covered entities to post estimated fee schedules for copies of PHI obtained under right of access to their websites.
- Clarifies that covered entities are permitted to disclose PHI, without individual authorization, to social services agencies, community-based organizations, and similar third parties for individual-level care coordination and case management activities that constitute treatment or healthcare operations.
- Expands permission to use or disclose PHI of members of the Armed Forces to command authorities for purposes of mission readiness to all Uniformed Services.

Notice of Privacy Practices

- Updates Notice of Privacy Practices (NPP) requirements, including:
    - Clarifying individuals' rights related to their PHI and how to access those rights;
    - Removing provisions excepting inmates in a correction facility from the right to receive an NPP from a covered entity; and
    - Eliminating the need for covered healthcare providers with direct treatment relationships with individuals from obtaining written acknowledgement that the individual received a copy of the NPP.

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Business Associate Agreements

- Permits regulated entities to operate under certain business associate agreements for up to one year beyond the effective date of the final rule.
- Eliminates the need to have a business associate agreement with Telecommunications Relay Services (TRS) communications assistants for persons who are deaf, hard of hearing, or deaf-blind, or who have a speech disability.

Proposals Not Adopted in the Final Rule

The following provisions that were proposed by HHS OCR in 2021 were not finalized:

- The right of individuals to photograph their PHI.
- Requirements for covered entities to prioritize certain types of requests as urgent under the right of access.
- Requirements that covered entities must respond to an oral request by an individual under the right of access.
- Requirements for covered entities to provide individualized fee estimates and itemized fee statements upon request for copies of PHI requested under the right of access.
- Changes to the standards for "good faith belief" and "professional judgement" when deciding to disclosing PHI to persons involved in the care of an individual undergoing substance use disorder (SUD) or serious mental illness (SMI) treatment.
- Exceptions to the minimum necessary standard for individual-level care coordination and case management.

Anticipated Impact on Health Information Professionals

The HHS OCR final rule will have significant impact on the HI profession. AHIMA encourages HI professionals to work with key personnel including their release of information vendors to update existing right of access policies and procedures to meet the changes related to fees, patient directed access, and other provisions in the final rule. HI professionals should also work with their compliance teams to review their business associate agreements and to ensure they align with new requirements in this final rule.

All updates included in this rule must be implemented by July 17, 2027 to maintain compliance with HIPAA.

Questions? Contact us at advocacy@ahima.org.

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