

## **ATTENTION: REQUIREMENT FOR THIRD-PARTY RECORD REQUESTS FOR WALGREEN CO.**

Effective December 2, 2024, Walgreens requires a completed and signed attestation form for any third-party record request for the following:

- Law enforcement investigations (including pharmacy regulator investigations)
- Judicial or administrative proceedings
- Health oversight activities
- Disclosures to coroners and medical examiners (regarding decedents)

The attestation requirement is pursuant to the Final Rule to modify the Health Insurance Portability and Accountability Act (“HIPAA”), which is aimed to enhance the protection of reproductive health care data and patient/provider confidentiality. The Final Rule has defined reproductive health care data as *health care that affects the health of a patient in all matters relating to the reproductive system and to its functions and processes.*

The Final Rule indicates that regulated entities, including Walgreens, may not disclose protected health information (“PHI”) potentially related to reproductive health care for a prohibited purpose. Therefore, an attestation is required from the requestor verifying the PHI is not being requested for a prohibited purpose. A prohibited purpose would include:

- (1) To conduct a criminal, civil, or administrative investigation into any person for the mere act of seeking, obtaining, providing, or facilitating lawful reproductive health care.
- (2) To impose criminal, civil, or administrative liability on any person for the mere act of seeking, obtaining, providing, or facilitating lawful reproductive health care.
- (3) To identify any person for any purpose described in (1) or (2).

Walgreens understands that not all records will contain reproductive health care data. However, reviewing records to confirm the presence or absence of such data could take considerable time and create a delay for those third parties requesting records. Therefore, Walgreens will approach each applicable request as though it may contain reproductive health care data and **require a completed and signed attestation before a disclosure of PHI can be considered.** This approach is permissible and encouraged under the HIPAA Final Rule.

All regulated entities, including Walgreens, must be compliant with the Final Rule requirements by the set compliance date on December 23, 2024. Walgreens also complies with state law requirements regarding the disclosure of PHI, which includes reproductive health care data.

***The Walgreens attestation form is attached for your reference. To avoid delays, an attestation form must be used for all future, applicable record requests. Instructions are included for your reference.***

For more information, see:

45 CFR 164.502(a)(5)(iii)(A), (B), (C)

45 CFR 164.509

If you still have questions, the Walgreens Customer Care team can be reached at 1 (800) 925-4733.