

June 16, 2023

Melanie Fontes Rainer
Director for Office of Civil Rights (OCR)
U.S. Department of Health and Human Services
Office for Civil Rights
Attn: HIPAA and Reproductive Health Care Privacy NPRM
Hubert H. Humphrey Building, Room 509F
200 Independence Avenue, SW
Washington, DC 20201

Re: HIPAA Privacy Rule To Support Reproductive Health Care Privacy, RIN 0945-AA20

Submitted electronically via www.regulations.gov

Dear Ms. Fontes Rainer,

athenahealth, Inc. (“athenahealth” or “athena”) appreciates the opportunity to respond to the Department of Health and Human Services (HHS) Notice of Proposed Rulemaking (NPRM) and guidance on the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule (Privacy Rule) and the privacy of individuals’ protected health information (PHI) relating to abortion and other sexual and reproductive health care.

For the reasons outlined below, athenahealth strongly supports the proposed rule’s purpose to strengthen the Privacy Rule protections by prohibiting the use or disclosure of PHI to identify, investigate, prosecute, or sue patients, providers and others involved in the provision of legal reproductive health care.

Over the past 26 years, athenahealth has built a network of approximately 385,000 healthcare providers in both the ambulatory and acute settings in all 50 states. We provide electronic health record (EHR), practice management, care coordination, patient engagement, data analytics, revenue cycle management, and related services to physician practices and hospitals. More than 155,000 providers utilize athenahealth’s nationwide, cloud-based network. We also support on-premise software solutions. athenahealth’s vision is to create a thriving healthcare ecosystem that delivers accessible, high quality, and sustainable healthcare for all. We work towards this vision partially by reducing the burden of regulatory requirements and administrative challenges facing healthcare providers today.

Consistent with our vision stated above, athenahealth’s role as a technology partner to medical practices is to advance patient and provider access to information and care. As laws and regulations are modernized to adapt to new technology and unprecedented connectivity, we believe healthcare data privacy policy must support healthcare providers, protect patient safety, be consistent and uniform, advance data interoperability, and encourage innovation. It is our firm belief that technology tools and accurate



information support and enhance the trusted relationship between a patient and their health care provider.

athenahealth recognizes and appreciates the administration's efforts to ensure that healthcare is accessible and equitable. Consistent with the spirit of this proposed rule, we share HHS' goal that individuals should not forgo necessary health care. The health care provider delivering that care must have the entire patient narrative to enable the highest quality care possible. Patients should not be discouraged to share health information with their provider for fear that such information will be used against them. Similarly, providers should accurately document medical conditions and treatments to ensure continuity of care across the healthcare ecosystem without fear of jeopardizing their role as a care provider or the patient's safety and privacy. We believe this proposed rule strengthens trust in the privacy and confidentiality of healthcare information and protects all patients, particularly those in vulnerable situations.

We look forward to continuing to work with your team to improve healthcare. Please do not hesitate to contact me directly at 617-402-8516.

Regards,

A handwritten signature in black ink, appearing to read "Greg Carey", written over a horizontal line.

Greg Carey
Director, Government & Regulatory Affairs
athenahealth, Inc.