

Attorney General Hilgers Signs Mississippi Letter to Ensure Law Enforcement Protects Nebraskans

Nebraskans care for their neighbors. They both cherish personal privacy but also understand the need for efficient, effective law enforcement. Our office invites responses and inquiries of the work we do. Unfortunately, the current understanding of the Attorney General signing a recent Mississippi-led letter is being shaped by misleading rhetoric.

HIPAA protects the privacy of your medical information. But it has also always contained an exception permitting disclosure to law enforcement for investigatory and enforcement purposes. That exception has always required law enforcement to go through regular channels – such as issuing a subpoena or obtaining a court order – and access is only granted when it furthers a law enforcement purpose.

The Biden Administration has proposed a rule that would narrow this exception, making it harder (and in some cases impossible) for Nebraska law enforcement to obtain evidence they need to hold bad actors accountable. If the Biden Administration's change is adopted, our law enforcement would be unable to effectively do their job and protect Nebraskans. The new rule could protect:

- A sexual predator family member who assaults a minor child and tries to cover up their heinous crime by obtaining abortion services or other reproductive care;
- A doctor who commits malpractice during a non-abortion surgical intervention related to reproductive health, such as a hysterectomy or tubal ligation;
- A nurse or pharmacy tech who steals abortifacient pills from a medical facility and distributes them outside normal channels, using a clinic or pharmacy's list of patients;
- An activist who provides harmful advice to pregnant women regarding "self-help" or "back-alley" abortion techniques;

Our office signed Mississippi's letter because we want to ensure that Nebraska's law enforcement can continue to protect Nebraskans, including some of our most cherished and vulnerable citizens. The breadth of the Administration's proposed rule means it would likely be used as a shield by bad actors. The Attorney General values and will fight to protect your privacy rights but also strongly supports law enforcement. Mississippi's letter ensures our law enforcement officers have an important tool they need to properly do their job.