Office of the New York Attorney General

Shield Law quick guide

for responding to information requests that may be about legally protected health activity

Step 1 Confirm whether the request is covered by the Shield Law because it is about ***legally protected health activity (LPHA)***, for example:

Reproductive health care, including:
- pre- and postnatal care
- assisted reproduction
- contraception (birth control)
- miscarriage management
- abortion
- STI testing or treatment

Gender-affirming care, including:
- puberty delaying medications
- hormone therapy
- counseling
- voice training
- surgical procedures that help a person adjust their body and appearance to match their gender identity

If you are not sure if the request is about LPHA, obtain the Coverage Affirmation.
- If the Coverage Affirmation specifies the request is not about LPHA, and any information received will not be used to punish such activity, no further Steps are required.
- If the Coverage Affirmation indicates the request is about LPHA, proceed to Steps 2-4.

If about LPHA: Proceed to the following Steps

If not about LPHA: No further Steps required

Step 2
Obtain Affirmation of Permissible Purpose

Step 3
Notify OAG within 5 business days via notice page (ag.ny.gov/shield-law-notice) along with any affected individuals

Step 4
Wait 30 days before providing any information

⚠ **Note: The following circumstances may eliminate or change one or more of the Shield Law Steps.**

A valid and enforceable court order may also eliminate or change one or more of the steps.

A recipient of an information request about LPHA may not produce the information unless it has complied with ***all*** applicable steps.

	Step 2: Obtain Affirmation of Permissible Purpose	Step 3: Notify OAG and affected individuals	Step 4: Wait 30 days
Written requests, authorizations, or consent forms signed by the patient for release of their own records (including valid HIPAA authorizations)	No additional Steps required		
Disclosures related to treatment and routine medical billing, if the patient has signed a written authorization or consent form permitting the release of their records for these purposes	No additional Steps required		
Disclosures that are required to comply with government grant reporting or audit requirements°°°°°	No additional Steps required		
Written requests by a person or entity who is the subject of an investigation or proceeding to punish legally protected health activity°	Required	Not required	Not required
Requests in connection with government or law enforcement investigations into conduct that would violate New York law°	Required	Required	Required

Related forms: **ag.ny.gov/shield-law-forms**

Learn more about the Shield Law: **ag.ny.gov/shield-law-guidance**