

OCR IMPOSES PENALTIES AND REQUIRES CORRECTIVE ACTIONS FOR EMPLOYEES' UNAUTHORIZED VIEWING OF PHI

Early in July, the Department of Health and Human Services Office of Civil Rights ("OCR") entered into a settlement for \$865,500 with UCLA Health System ("UCLAHS") as a result of complaints alleging that UCLAHS employees repeatedly and without permissible reason looked at the electronic protected health information ("ePHI") of celebrity patients.

Although the complaint was initially made by only two patients, in its investigation OCR determined that from 2005-2008 unauthorized employees of UCLAHS repeatedly looked at the ePHI of numerous other patients as well. In addition to paying the settlement, UCLAHS committed to a correction action plan that includes (1) implementation of policies and procedures; (2) robust training for employees; (3) a commitment to sanction offending employees; and (4) designation of an independent monitor to assess compliance over 3 years.

This settlement is the fourth settlement in a year and highlights OCR's increasing enforcement of violations to HIPAA Privacy and Security Rules. Failure to have an effective HIPAA compliance program can result in significant monetary penalties, and therefore, providers and business associates alike should be evaluating their HIPAA compliance programs to ensure that appropriate safeguards are in place.

If you require any assistance in establishing or updating your HIPAA compliance program or have any other questions, please contact the GW attorney with whom you regularly consult.

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About Garfunkel Wild, P.C.

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If you have any questions regarding this Legal Alert, please contact Patrick J. Monahan II, Esq. at (203) 316-0483.

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