



Health Information Privacy Update

National Committee on Vital and Health Statistics

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HHS Office for Civil Rights (OCR)

OCR's New Director: Jocelyn Samuels



- Previously the Acting Assistant Attorney General for Civil Rights at the United States Department of Justice.
- Highlights of her tenure included leading the Division in landmark efforts to uphold protections under the Voting Rights Act of 1965; advancing systemic reform of city police departments; working to ensure rights of citizens under *Olmstead*; overseeing the prosecution of hate crimes; and preventing housing, lending, and employment discrimination.

Prior to her tenure at the Department of Justice, Ms. Samuels was the Vice President for Education and Employment at the National Women's Law Center in Washington, D.C. Her prior experience also includes work as a Labor Counsel to Senator Edward M. Kennedy. She is an experienced litigator with an extensive knowledge of civil rights legislation and a passionate advocate for the rights of the underserved. Ms. Samuels received her law degree from Columbia University, where she was a Notes Editor of the Law Review, and her bachelor's degree from Middlebury College, where she graduated magna cum laude and was elected to Phi Beta Kappa.

Enforcement

- **Parkview Health System, Inc. – June 23, 2014**
 - Parkview is a nonprofit health care system that provides community-based health care services to individuals in northeast Indiana and northwest Ohio.
 - OCR opened an investigation after receiving a complaint from a retiring physician alleging that Parkview had violated the HIPAA Privacy Rule.
 - In September 2008, Parkview took custody of medical records pertaining to approximately 5,000 to 8,000 patients while assisting the retiring physician to transition her patients to new providers, and while considering the possibility of purchasing some of the physician's practice.
 - On June 4, 2009, Parkview employees, with notice that the physician was not at home, left 71 cardboard boxes of these medical records unattended and accessible to unauthorized persons on the driveway of the physician's home, within 20 feet of the public road and a short distance away from a heavily trafficked public shopping venue.
 - Parkview will pay \$800,000 and adopt a corrective action plan to address deficiencies in its HIPAA compliance program, including revised policies and procedures, staff training, and reporting to OCR.

New Guidance on HIPAA and Same-Sex Marriage: *Spouse, Marriage and Family Member*

- The HIPAA Privacy Rule contains several provisions that recognize the integral role that family members, such as spouses, often play in a patient's health care.
- OCR issued guidance on September 19 that addresses the effect of the 2013 Supreme Court decision in *United States v. Windsor* on these provisions, making clear that spouses include both same-sex and opposite-sex individuals who are legally married, whether or not they live or receive services in a jurisdiction that recognizes their marriage.
- In the coming months, OCR intends to issue additional clarifications through guidance or to initiate rulemaking to address same-sex spouses as personal representatives under the Privacy Rule.

7th Annual OCR/NIST Conference on Safeguarding Health Information: Building Assurance through HIPAA Security

- September 23-24, 2014, Grand Hyatt, Washington, D.C.
- Key Highlights:
 - Executive Order 13636: The Healthcare Sector and the Cybersecurity Framework
 - FDA's session on Medical Devices: A Practical Guide for Securing Patient Data
 - NIST's Panel: Safeguarding Data Using Encryption
 - Verizon's session on Lessons Learned from Data Breaches
 - Keynote on Waking Up the C-Suite to Privacy and Security Risks
 - Update from the National Health Information Sharing and Analysis Center (NH-ISAC)
- 300 registered in person, 350 via webinar >> mostly covered entities and business associates

More Information

<http://www.hhs.gov/ocr/privacy/>