



OCR Update

National Committee on Vital and Health Statistics

May 27, 2015

Rachel Seeger, Senior Advisor
HHS Office for Civil Rights (OCR)

April 2015 Guidance: HIPAA and Workplace Wellness Programs

- Given the increasing prevalence of wellness programs that are offered as part of group health plans, which are covered entities under the HIPAA Rules, OCR issued guidance to address the applicability to employer wellness programs of the nondiscrimination provisions of the HIPAA statute and implementing regulations by the Departments of Labor, Treasury, and HHS.
 - When HIPAA Rules apply to workplace wellness programs
 - Where a workplace wellness program is offered through a group health plan, protections should be in place under HIPAA with respect to access by the employer as plan sponsor to individually identifiable health information about participants in the program.

April 2015 Settlement Underscores Need for Secure Disposal of Paper Records

- Cornell Prescription Pharmacy agreed to pay \$125,000 and adopt a corrective action plan to correct deficiencies in its HIPAA compliance program. Cornell is a small, single-location pharmacy that provides in-store and prescription services to patients in Denver, specializing in compounded medications and services for hospice care agencies in the area.
- OCR opened a compliance review after receiving an email from a Denver news outlet regarding the disposal of unsecured documents containing the protected health information (PHI) of 1,610 patients in an unlocked, open container of Cornell Pharmacy's premises. The documents were not shredded and contained identifiable information regarding specific patients.
- Corrective action plan requires Cornell to develop and implement a comprehensive set of policies and procedures to comply with the Privacy Rule, and to develop and provide staff training.

What's to Come in 2015

- Final NICS Rule: The rule is now at OMB.
- ANPRM to solicit views on ways in which an individual who is harmed by an offense punishable under HIPAA may receive a percentage of any CMP or monetary settlement collected.
- More guidance, including cloud computing.
- Development of a portal to enable stakeholders to effectively communicate with us about issues on which they would like additional guidance.

For More Information

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