



LEGAL ADVICE FOR HEALTH PLANS

---

## ***PRIVACY LAW ALERT***

### ***April 23, 2014***

## **Health Insurer, Provider Pay \$1.9 Million for Breaches**

### **Settlement Arises from Self-Reported Breaches**

The Department of Health and Humans Services' Office for Civil Rights (OCR) announced yesterday that a health insurer and a health care provider had (collectively) agreed to pay over \$1.9 million “to resolve potential violations of the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules.” In each case, the OCR initiated an investigation of the breach as a result of the covered entity’s self-report of the breach, as required by the HITECH Act. And, in each case, the breach occurred when a laptop containing unencrypted protected health information was stolen from the covered entity. [Click here](#) for an OCR press release on the subject.

These settlements are indicative of a continuing trend in which OCR uses the self-reporting required by the HITECH Act and the HIPAA Breach Notification Rule (45 C.F.R. Part 164, Subpart D) to investigate violations of the Privacy and Security Rules. Moreover, OCR appears to be looking especially closely at breaches involving portable media containing unencrypted protected health information. Health plans should therefore consider reviewing internal policies and business associate agreements to ensure that, at a minimum, protected health information stored on portable electronic media is encrypted. Similarly, entities that serve as business associates should consider imposing encryption requirements on members of their workforce and their subcontractors with respect to protected health information saved on portable media.

\* \* \* \* \*

For more information, please contact Tom Bixby at (608) 661-4310 or  
[TBixby@tbixbylaw.com](mailto:TBixby@tbixbylaw.com)

**Thomas D. Bixby Law Office LLC**  
(608) 661-4310 | [www.tbixbylaw.com](http://www.tbixbylaw.com)

This publication should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents of this publication are intended solely for general purposes. You are urged to consult a lawyer concerning your own situation and any specific legal questions you may have.

This publication is not intended and should not be considered a solicitation to provide legal services. This publication or some of its content may be considered advertising under the applicable rules of certain states.

If you would like to be removed from this Alert list, please respond to this e-mail and ask to be removed.

© Copyright 2014 Thomas D. Bixby Law Office LLC