



LEGAL ADVICE FOR HEALTH PLANS

HEALTH LAW ALERT ***January 20, 2020***

2020 Civil Money Penalties for HIPAA Violations Set

Last week, the Department of Health and Human Services (HHS) published a Final Rule establishing Civil Money Penalties that the agency has authority to impose on health plans for HIPAA Privacy, Security, Breach Notification, and Transactions Rule violations, along with penalties for a variety of programs. The penalties will apply to violations that take place after November 2, 2015,¹ provided that the penalties are assessed on or after January 17, 2020. HHS will make annual adjustments to the penalty amounts based on inflation.

The inflation adjustment is authorized by the Federal Civil Penalties Inflation Adjustment Act of 1990 as modified by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The annual adjustments are designed “to improve the effectiveness of civil monetary penalties . . . and to maintain the deterrent effect of such penalties.”

The Final Rule modifies 45 C.F.R. Part 102, which contains a table showing the inflation-adjusted Civil Money Penalty for various types of violations. The Final Rule (and the table showing adjusted Penalties) are published at 85 *Federal Register* 2869 ([click here](#)).

[Click here](#) for penalties applicable to violations of the HIPAA Privacy, Security, Breach Notification, and Transactions Rules (or go to the “Resources” page of tbixbylaw.com and look under “**Other Resources**.”

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

¹ This is the effective date of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which required HHS to adjust penalties for inflation.

Thomas D. Bixby Law Office LLC

(608) 661-4310 | 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 2020 Thomas D. Bixby Law Office LLC*