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Subject: A Reminder to Check and Double-Check
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Good afternoon, Health Care Component Contacts and Business Managers –

Please share the article below with those in your area who handle PHI. An employee inadvertently sent patient PHI to the employer, rather than to the requested personal address. The PHI included sensitive information.

Accidents happen, but this is a reminder to use EXTREME CAUTION when faxing PHI, especially when it include sensitive information about diagnosis, condition, or even a lawsuit. Staff should check and double-check the Authorization for to ensure they are sharing the right PHI with the right person at the right address. Managers should also review their current release procedures to ensure there are appropriate safeguards for sending PHI.

A [New York City hospital has paid a hefty HIPAA settlement](#) to federal regulators for privacy breaches that [impacted just two patients](#) but involved the impermissible disclosure of sensitive medical information, including HIV status.

In a May 23 statement, the Department of Health and Human Services' [Office for Civil Rights](#) said St. Luke's-Roosevelt Hospital Center has paid \$387,000 and agreed to a corrective action plan to settle a case involving "careless handling of HIV information."

St. Luke's, which is one of seven hospitals in the Mount Sinai Health System, operates the Institute for Advanced Medicine, formerly called the Spencer Cox Center for Health. OCR says that in September 2014, it received a complaint alleging that a Spencer Cox Center staff member impermissibly disclosed the complainant's protected health information to the individual's employer.

"[This impermissible disclosure included sensitive information concerning HIV status, medical care, sexually transmitted diseases, medications, sexual orientation, mental health diagnosis and physical abuse,](#)" OCR says. The agency's subsequent investigation revealed that [staff at the Spencer Cox Center impermissibly faxed the patient's PHI to his employer rather than sending it to the requested personal post office box.](#)

In addition, during its investigation, OCR discovered that the Spencer Cox Center was responsible for another breach of sensitive information that occurred nine months earlier "but had not addressed the vulnerabilities in their compliance program to prevent impermissible disclosures," OCR says.

The resolution agreement between OCR and St. Luke's notes, that in that earlier case, the hospital inappropriately faxed similar sensitive PHI of another patient to an office at which the

individual volunteered, against the patient's expressed instructions.

"Individuals cannot trust in a healthcare system that does not appropriately safeguard their most sensitive PHI," Roger Severino, OCR director, says in the statement. "Covered entities and business associates have the responsibility under HIPAA to both identify and actually implement these safeguards."

Sensitive Health Information

The high settlement amount paid by St. Luke's in a case involving [privacy](#) incidents impacting only two individuals reflects the sensitive nature of information that was breached.

"There is no doubt that OCR felt compelled to act due to the sensitivity of the PHI disclosed, that the organization should have been aware of the enhanced safeguards surrounding this type of PHI and **there had been repeated occurrences of similar unauthorized disclosures,**" says privacy attorney David Holtzman of security firm CynergisTek.

"The message here is fix your problems when they happen," notes privacy attorney Kirk Nahra of the law firm Wiley Rein. "This was obviously a particularly sensitive piece of information, and it is possible that this also implicates a request for confidential communication or request for restriction in the HIPAA individual rights. So, while the [settlement] number may seem a bit high, this is both a repeated problem, and one that was not fixed, as well as a particularly harmful step."

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