

Good Morning –

The details from last week's HIPAA action are a little amusing, so I thought I would pass them on to you. You never know who's going to report a HIPAA violation or why...but the motivation doesn't matter... (You may want to revisit your internal procedures for checking out documents containing PHI to employees.)

Jill

OCR announced a January 13, 2016 decision by an HHS Administrative Law Judge (“ALJ”) upholding the imposition of \$239,800 in civil monetary penalties (“CMP”) against Lincare, Inc. (“Lincare”). Lincare is a home health care company that provides respiratory care, infusion therapy, and medical equipment from centers located throughout the United States.

The enforcement action stems from a December 2008 **complaint by the estranged husband of a Lincare employee**. The husband reported to OCR that his wife, a center manager for a Lincare center in Arkansas, had moved out of the home they shared in August 2008. In November 2008, **the husband found PHI of 278 Lincare patients in the home, specifically “under a bed and in a kitchen drawer.”** Further investigation by OCR revealed that the employee continuously stored PHI in her car and in her home.

The investigation also uncovered the fact that Lincare’s privacy policy did not include policies or instructions to employees for protecting PHI taken offsite or any type of logging systems for tracking PHI taken offsite.

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