

PHYSICIAN'S MEDIA INTERVIEW VIOLATES HIPAA, LEADS TO \$125,000 SETTLEMENT

A Connecticut physician cost his group \$125,000 when he allegedly ran afoul of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule during an interview with a television reporter. The physician disclosed a patient's protected health information (PHI) while responding to a television reporter's request for comment in response to the patient's complaint. Attempting to refute a patient's complaint via the media is generally ill-advised due to HIPAA restrictions and the potential ongoing legal ramifications.

Of course, the safest responses to any media inquiry concerning a patient are either to not respond or say "no comment." Generally, a recommended approach to HIPAA compliance would include:

- maintaining privacy policies and procedures;
- implementing regular employee privacy training;
- conducting thorough internal investigations of complaints; and
- if necessary, drafting a calculated response to a complaint after considering the applicable laws and potential legal consequences.

In this case, the physician group agreed to pay \$125,000 to the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) to settle the alleged HIPAA violation. The Resolution Agreement includes a Corrective Action Plan that requires the group to actively monitor their compliance with HIPAA and submit documentation of their compliance to HHS for two years.

In 2015, the patient contacted the television reporter regarding an allegation that she was refused care because of her use of a service animal. The reporter then contacted the physician for his side of the story. Their conversation occurred after the physician was warned by the group's compliance officer not to respond to media requests. The issue was compounded when the physician group failed to take appropriate sanctions against the physician for his refusal to comply and release of patient information.

The federal government alleged two violations. This settlement agreement is a

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reminder to health care clients to review their entity's privacy policies and procedures on a regular basis to ensure compliance with HIPAA, and to distribute those policies and procedures to employees for constant implementation. If an employee acts in contrast to the advice of the entity's compliance officer and policies, it is imperative to have procedures in place to take appropriate disciplinary action against the employee and corrective action to minimize risk.

The resolution agreement and corrective action plan may be found [on the OCR website](#).