U.S. Department of Health & Human Services

Improving the health, safety, and well-being of America

Civil Rights

Health Information Privacy Enforcement Examples Involving HIV/AIDS

Private Practice Implements Safeguards

- Covered Entity: Private Practice
- Issue: Safeguards; Impermissible Uses and Disclosures
- Summary: A staff member of a medical practice discussed HIV testing procedures with a patient in the waiting room, thereby disclosing PHI to several other individuals. Also, computer screens displaying patient information were easily visible to patients. Among other corrective actions to resolve the specific issues in the case, OCR required the provider to develop and implement policies and procedures regarding appropriate administrative and physical safeguards related to the communication of PHI. The practice trained all staff on the newly developed policies and procedures. In addition, OCR required the practice to reposition its computer monitors to prevent patients from viewing information on the screens, and the practice installed computer monitor privacy screens to prevent impermissible disclosures.

State Hospital Sanctions Employees for Disclosing Patient’s PHI

- Covered Entity: Hospital/Health Care Provider
- Issue: Impermissible Disclosure
- Summary: A nurse and an orderly at a state hospital discussed the HIV/AIDS status of a patient and the patient’s spouse within earshot of other patients without making reasonable efforts to prevent the disclosure. Upon learning of the incident, the hospital placed both employees on leave; the orderly resigned his employment shortly thereafter. Among other actions taken to satisfactorily resolve this matter, the hospital took further disciplinary action with the nurse, which included: documenting the employee record with a memo of the incident; one year probation; referral for peer review; and further training on HIPAA Privacy. In addition to corrective action taken under the Privacy Rule, the state attorney general’s office entered into a monetary settlement agreement with the patient.

Dentist Changes Process to Safeguard PHI

- Covered Entity: Health Care Provider
- Issue: Safeguards, Minimum Necessary
- Summary: An OCR investigation confirmed allegations that a dental practice flagged some of its medical records with a red sticker with the word "AIDS" on the outside cover, and that records were handled so that other patients and staff without need to know could read the sticker. When notified of the complaint filed with OCR, the dental practice immediately removed the red AIDS sticker from the complainant’s file. To resolve this matter, OCR also required the practice to revise its policies and operating procedures and to move medical alert stickers to the inside cover of the records. Further, the covered entity’s Privacy Officer and other representatives met with the patient and apologized, and followed the meeting with a written apology.

Physician Revises Faxing Procedures to Safeguard PHI

- Covered Entity: Health Care Provider
- Issue: Safeguards
- Summary: A doctor’s office disclosed a patient’s HIV status when the office mistakenly faxed medical records to the patient’s place of employment instead of to the patient’s new health care provider. The employee responsible for the disclosure received a written disciplinary warning, and both the employee and the physician apologized to the patient. To resolve this matter, OCR also required the practice to revise the office's fax cover page to underscore a confidential communication for the intended recipient. The office informed all its employees of the incident and counseled staff on proper faxing procedures.