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Social Media Disclosure Results in HIPAA Enforcement

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Let's face it -- social media is the way of the world. As such, it's become commonplace to post social media reviews of goods, services and service providers. Unfortunately, a Texas dental practice has found itself on the wrong side of a social media posting, resulting in a settlement with the U.S. Department of Health and Human Services Office for Civil Rights ("OCR").

Elite Dental Associates, Dallas ("Elite") has agreed to a \$10,000 settlement payment and corrective action plan ("CAP") for disclosing patient information in alleged violation of HIPAA. OCR's review of Elite began in 2016, when a patient complained to OCR that Elite had disclosed her last name and health information in response to a review that the patient had posted on Yelp®. OCR's investigation alleged that Elite had engaged in similar disclosures involving multiple patients and that the practice lacked proper social media policies and procedures.

The two (2) year CAP requires Elite to: (i) prepare and revise, as necessary, appropriate policies and procedures, its patient authorization form and Notice of Privacy Practices; (ii) submit revised documents to OCR for review and approval; (iii) properly train its staff; (iv) issue breach notices and make breach reports to OCR relating to the Yelp® reviews; and (v) submit annual reports to OCR.

Individuals and entities subject to HIPAA should be mindful of the use of social media in their practices and tighten up their controls, documents and training to avoid untoward consequences. Schenck Price is available to assist in compliance reviews, document preparation, training and implementation.

For more information, contact Deborah A. Cmielewski at dac@spsk.com or 973-540-7327.

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