

IS HIPAA BROKEN? HOW CAN IT BE FIXED?

Charles Ornstein

ProPublica

March 22, 2016

@charlesornstein

My first run-in covering privacy

Ex-worker indicted in celebrity patient leaks

Former employee of UCLA Medical Center is accused of selling data to the media.

April 30, 2008 | Charles Ornstein | Times Staff Writer

Los Angeles Times

More tied to UCLA snooping

The state links 14 people affiliated with the medical center to the improper viewing of celebrities' files.

May 13, 2008 | Charles Ornstein | Times Staff Writer

UCLA hospitals to pay \$865,500 for breaches of celebrities' privacy

Settlement with U.S. regulators also calls for UCLA to retrain staff and take steps to prevent future breaches. Some staff have already been fired for viewing the records of Farrah Fawcett, Michael Jackson and others.


Fast forward to 2014

Policing Patient Privacy

Are Patient Privacy Laws Being Misused to Protect Medical Centers?

A 1996 law known as HIPAA has been cited to scold a mom taking a picture of her son in a hospital, to keep information away from police investigating a possible rape at a nursing home, and to threaten VA whistleblowers.

by *Charles Ornstein*
ProPublica, July 24, 2014, 11:30 a.m.

27 Comments |  Print

This story was co-published with NPR's "Shots" blog.

In the name of patient privacy, a [security guard at a hospital in Springfield, Missouri, threatened a mother with jail for trying to take a photograph of her own son.](#)

In the name of patient privacy, a [Daytona Beach, Florida, nursing home said it](#)



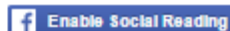
This is part of an ongoing investigation:

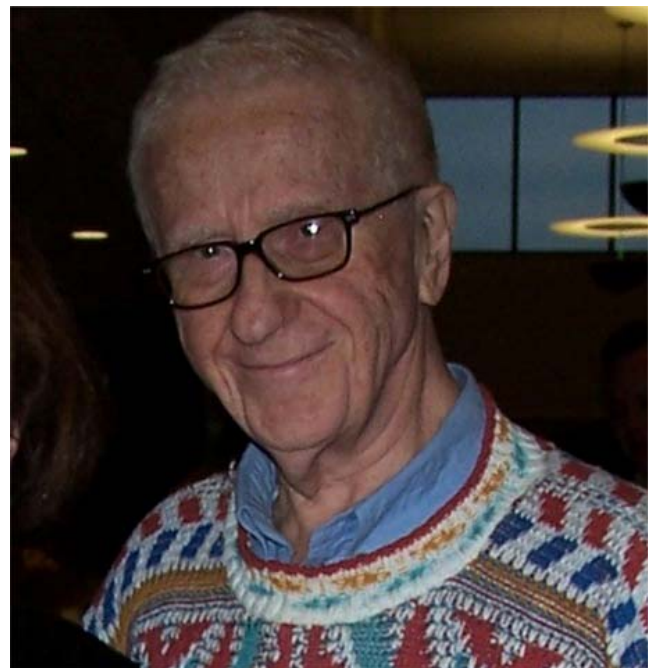
Policing Patient Privacy

ProPublica is exploring how patient privacy violations are affecting patients and the medical care they receive.



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Jackie
@find_evil

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Is a company like "HomeDNA" that does DNA paternity tests immune from [#HIPAA](#) medical privacy law? It appears so. imgur.com/9ftejt9

RETWEET

1

LIKES

4

A/R



4:27 PM - 11 Jun 2015



Charles Ornstein @charlesornstein · 11 Jun 2015

@find_evil I'm a reporter @ProPublica I would like to hear about what your complaint was about. Charles.ornstein@propublica.org



Jackie @find_evil · 11 Jun 2015

@charlesornstein @ProPublica Sent! I -- and others interested in the consumer genetics industry -- appreciate you looking into it.







Policing Patient Privacy

Nursing Home Workers Share Explicit Photos of Residents on Snapchat

A ProPublica review found 35 cases since 2012 in which nursing home or assisted living workers surreptitiously shared photos or videos of residents on social media. At least 16 cases involved Snapchat.

by [Charles Ornstein](#)
ProPublica, Dec. 21, 2015, 7 a.m.


62 Comments  Print



Photo: Mary Jo Boughto/Getty Creative, image composite: David Sleight/ProPublica

This story was co-published with the [Washington Post](#).

This is part of an ongoing investigation

Policing Patient Privacy

ProPublica is exploring how patient privacy violations are affecting patients and the medical care they receive.



SOCIAL SECURITY SUCKS  

TEXAS STATE DEPARTMENT OF HEALTH
BUREAU OF VITAL STATISTICS
STANDARD CERTIFICATE OF BIRTH

DATE OF BIRTH: 30
P. TEXAS: *El Paso*
NAME: *Alfonso*
Maiden name: *Luzmaria Gonzalez*
1151 G. Smith St.
El Paso, Texas, 79901
SEX OF CHILD: *Arrian Acosta*
IF CHILD IS NOT SEX, AS
RECORDED, SEE NOTE

1. Sex of child: *Male*
2. Race: *Hispanic or Latino*
3. Birth date: *08/12/1969*
4. Time, height, or other: *yes*
5. Number, in order of birth: *1*
6. Previous: *yes*
7. Length: *50 cm*
8. Date of birth: *08/12/1969*

FATHER: *Manuel Acosta*
MOTHER: *Luzmaria Gonzalez*

10. Signature of father: *[Signature]*
11. Signature of mother: *[Signature]*
12. Date: *12/18/15*
13. City: *El Paso*
14. State: *Texas*
15. County: *El Paso*
16. Registrar: *[Signature]*
17. Date: *12/18/15*

Born before 1969?
You can get an extra \$4,098
monthly with this...

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HIPAA Helper

Who is Revealing Your Private Medical Information?

by Charles Ornstein, Annie Waldman and Mike Tigas, ProPublica, Dec. 29, 2015

For the first time, you can easily search whether your hospital, clinic, pharmacy or health insurer has been named in patient privacy complaints, breaches or violations. This tool includes data from the U.S. Department of Health and Human Services Office for Civil Rights (which enforces HIPAA), the California Department of Public Health (which enforces California's medical privacy laws) and the U.S. Department of Veterans Affairs (which tracks privacy violations at its vast network of veterans hospitals and clinics). [Related Story: Few Consequences For Health Privacy Law's Repeat Offenders](#)







Search Privacy Violations, Breaches and Complaints

Search All Agencies 

For example: pictures, suicide, psychiatric

Where HIPAA Violations Happen


Health providers with the most privacy complaints that resulted in corrective-action plans or "technical assistance" provided by the U.S. Department of Health and Human Services Office for Civil Rights from 2011 to 2014:

 220 INCIDENTS	 146 INCIDENTS	 55 INCIDENTS
 204 INCIDENTS	 71 INCIDENTS	 51 INCIDENTS

Do you believe your privacy has been violated? Here's what you can do:

- [File a complaint with the HHS Office for Civil Rights](#)
- [If you are a veteran, file a complaint with the VA](#)
- [If you are being treated at a California facility, contact the state Department of Public Health](#)
- [Tell ProPublica about it](#)

Related Stories



<https://projects.propublica.org/hipaa/>

Where HIPAA Violations Happen

Health providers with the most privacy complaints that resulted in corrective-action plans or “technical assistance” provided by the U.S. Department of Health and Human Services Office for Civil Rights from 2011 to 2014:



220 INCIDENTS



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146 INCIDENTS



55 INCIDENTS

 **CVS**Health

204 INCIDENTS

Walmart 

71 INCIDENTS



51 INCIDENTS

Walgreens

183 INCIDENTS

 **LabCorp**
Laboratory Corporation of America

58 INCIDENTS



48 INCIDENTS





VA Privacy Complaints Increasing

Under the Freedom of Information Act, ProPublica requested data on privacy incidents involving employees and contractors working with the U.S. Department of Veterans Affairs. Totals by month:



Source: U.S. Department of Veterans Affairs; ProPublica analysis

“This is a problem that is widespread throughout the VA,” said Brandon Coleman, a VA whistleblower who testified before the Senate that his private medical records were inappropriately accessed by a co-worker.



Policing Patient Privacy



Farrah Fawcett Was Right – We Have Little Medical Privacy



Our reporter spent the past year reporting on loopholes and lax enforcement of the federal patient-privacy law known as HIPAA. He was often reminded of his interview years ago with Fawcett after her privacy was breached. “It seems that there are areas that should be off-limits,” she said.

Key takeaways

- HIPAA is dotted with gaps and loopholes.
- Technology is vastly outpacing regulation.
- Small privacy breaches can cause real, lasting harm.
- OCR needs to do a better job making documents and statistics available. It should not fall to the press.
- What should happen to repeat offenders?
- Average citizens care *very much* when their privacy is violated

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