

**DEPARTMENT OF HEALTH & HUMAN SERVICES****OFFICE OF THE SECRETARY**

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Office for Civil Rights, Region III
150 S. Independence Mall West
Public Ledger Building, Suite 372
Philadelphia, PA 19106-3499

Reference: 13-165734
Investigator: Alisha Welch
Contact Telephone: (215) 861-4439

September 26, 2013

Privacy Officer
Planned Parenthood of Delaware
625 Shipley Street
Wilmington, DE 19801

Dear Sir or Madam,

On August 23, 2013, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), Region III received a complaint alleging Planned Parenthood of Delaware, the covered entity, has violated the Federal Standards for Privacy of Individually Identifiable Health Information (45 C.F.R. Parts 160 and 164, Subparts A and E, the Privacy Rule). Specifically, the complainant alleges that Planned Parenthood of Delaware has no curtains or separations between patient treatment areas, permitting patients to hear other patients' protected health information. This allegation could reflect a violation of 45 C.F.R. §§ 164.502(a) and 164.530(c).

OCR enforces the Privacy, Security, and Breach Notification Rules, and also enforces Federal civil rights laws which prohibit discrimination in the delivery of health and human services because of race, color, national origin, disability, age, and under certain circumstances, sex and religion.

The Privacy Rule permits certain incidental uses and disclosures of protected health information (PHI) that occur as a by-product of another permissible or required use or disclosure of PHI, as long as the covered entity has applied reasonable safeguards and implemented the minimum necessary standard, where applicable, with respect to the primary use or disclosure. See 45 C.F.R. § 164.502(a)(1)(iii). For example, the Privacy Rule permits covered health care providers to share PHI for treatment purposes without patient authorization as long as they use reasonable safeguards when doing so. These safeguards may vary depending on the mode of communication used. For example, when discussing patient health information orally with another provider in proximity of others, a doctor may be able to reasonably safeguard the information by lowering his/her voice.

In this matter, the complainant alleges the incidental use or disclosure of PHI was not permissible, either because reasonable safeguards were not in place to prevent the use or disclosure and/or because the minimum necessary standard was not implemented when it should have been. Pursuant to its authority under 45 C.F.R. §§ 160.304(a) and (b), OCR has determined to resolve this matter informally through the provision of technical assistance to Planned Parenthood of Delaware. To that end, OCR has enclosed material explaining the Privacy Rule

provisions related to Incidental Uses and Disclosures, Reasonable Safeguards, and the Minimum Necessary requirement.

You are encouraged to review these materials closely and to share them with your staff as part of the Health Insurance Portability and Accountability Act (HIPAA) training you provide to your workforce. You are also encouraged to assess and determine whether there may have been an incident of noncompliance as alleged by the complainant in this matter, and, if so, to take the steps necessary to ensure such noncompliance does not occur in the future. Please contact OCR if you need further information regarding the allegations in this matter. Should OCR receive a similar allegation of noncompliance against Planned Parenthood of Delaware in the future, OCR may initiate a formal investigation of that matter.

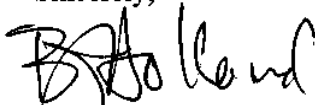
Based on the foregoing, OCR is closing this case without further action, effective the date of this letter. OCR's determination as stated in this letter applies only to the allegations in this complaint that were reviewed by OCR.

Under the Freedom of Information Act, we may be required to release this letter and other information about this case upon request by the public. In the event OCR receives such a request, we will make every effort, as permitted by law, to protect information that identifies individuals or that, if released, could constitute a clearly unwarranted invasion of personal privacy.

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If you have any questions regarding this matter, please contact Alisha Welch, Investigator, at (215) 816-4439 (Voice) or (215) 816-4440 (TDD).

Sincerely,



Barbara J. Holland
Regional Manager

Enclosures: Incidental Disclosures
Reasonable Safeguards