

Module 2 Activity: State of Connecticut Case Study - Privacy Rule Violations

NOTE: the information in this handout comes directly from the Complaint; Paragraph 26 has been amended to include only the alleged privacy violations; the list of alleged security violations is presented in Module 3.

After considering the fact pattern and discussing the Privacy Rule violations as a class, here is what the State of Connecticut listed as Privacy Rule Violations.

V. FIRST CLAIM FOR RELIEF: VIOLATION OF THE HEALTH INSURANCE AND PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

24. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein and further alleges as follows.
25. Defendants each constitute a health plan and is thus a covered entity under HIPAA as defined by 45 CFR 160.103 and is thus subject to the security standards and privacy rules contained within the HIPAA 45 CFR 164 Subpart A, C, and D.
26. By its actions alleged herein, Defendant Health Net and its successors and affiliated entities, defendant Health Net of Connecticut Inc., defendant Oxford Health Plans LLC, and defendant UnitedHealth Group Inc. violated HIPAA by failing to comply with the standards, requirements, and implementation specifications as set forth in Part 160 and 164 of HIPAA including the following:
 - a. Defendants impermissibly and improperly used and disclosed protected health information that is and remains accessible to unauthorized persons in violation of 45 CFR 164.502 *et seq.*
 - b. Defendants failed to effectively train all members of its workforce (including independent contractors involved in the data breach) on the policies and procedures with respect to protected health information as necessary and appropriate for the members of its workforce to carry out their functions and to maintain security of protected health information in violation of 45 CFR 164.530(b) and 45 CFR 164.308(a)(5).
 - c. Defendants' policies and procedures establishing physical and administrative safeguards were not adequately designed to appropriately and reasonably safeguard protected health information in violation of 45 CFR 164.530(c).
 - d. Defendants did not maintain an effective and appropriate sanctions policy for members of its workforce (both employees and independent contractors) who failed to comply with the policies and procedures for the protection and safeguarding of protected health information in violation of 45 CFR 164.530(e).