



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR CIVIL RIGHTS (OCR)

HEALTH INFORMATION PRIVACY COMPLAINT

Form Approved: OMB No. 0990-0269.  
See OMB Statement on Reverse.



YOUR FIRST NAME (b)(6);(b)(7)(C)		YOUR LAST NAME (b)(6);(b)(7)(C)	
HOME / CELL PHONE (Please include area code) (b)(6);(b)(7)(C)		WORK PHONE (Please include area code)	
STREET ADDRESS (b)(6);(b)(7)(C)		CITY (b)(6);(b)(7)(C)	
STATE (b)(6);(b)(7)(C)	ZIP (b)(6);(b)(7)(C)	E-MAIL ADDRESS (If available)	

Are you filing this complaint for someone else? ☐ Yes ☒ No  
If Yes, whose health information privacy rights do you believe were violated?  
FIRST NAME LAST NAME

Who (or what agency or organization, e.g., provider, health plan) do you believe violated your (or someone else's) health information privacy rights or committed another violation of the Privacy Rule?

PERSON/AGENCY/ORGANIZATION

Planned Parenthood			
STREET ADDRESS 1231 Menomonie Street		CITY Eau Claire	
STATE Wisconsin	ZIP 54703	PHONE (Please include area code) (715) 833-2279	

When do you believe that the violation of health information privacy rights occurred?

LIST DATE(S)

09/12/2014

Describe briefly what happened. How and why do you believe your (or someone else's) health information privacy rights were violated, or the privacy rule otherwise was violated? Please be as specific as possible. (Attach additional pages as needed)

I went to PP for the first time on 9/12/2014, there were 3 people in the waiting room at the time. I approached the desk and quietly told (b)(6);(b)(7)(C) that I was there in need of the emergency contraceptive pill. During my visit I was called up to the front desk at least 5 times to fill out various paperwork and 3 out of the 5 times (b)(6);(b)(7)(C) in a normal voice tone asked if I had every used emergency contraceptive before and then went on to tell me during another trip to the desk that a staff member from the back would be calling me to a room to go over and supply me with the pills. During this time there were up to 5 people in the waiting room. I did not feel that the reason I was at PP needed to be discussed at the desk nor at a volume that other patients and their family members could hear.

Please sign and date this complaint. You do not need to sign if submitting this form by email because submission by email represents your signature.

SIGNATURE

DATE (mm/dd/yyyy)

(b)(6);(b)(7)(C)

09/13/2014

Filing a complaint with OCR is voluntary. However, without the information requested above, OCR may be unable to proceed with your complaint. We collect this information under authority of the Privacy Rule issued pursuant to the Health Insurance Portability and Accountability Act of 1996. We will use the information you provide to determine if we have jurisdiction and, if so, how we will process your complaint. Information submitted on this form is treated confidentially and is protected under the provisions of the Privacy Act of 1974. Names or other identifying information about individuals are disclosed when it is necessary for investigation of possible health information privacy violations, for internal systems operations, or for routine uses, which include disclosure of information outside the Department for purposes associated with health information privacy compliance and as permitted by law. It is illegal for a covered entity to intimidate, threaten, coerce, discriminate or retaliate against you for filing this complaint or for taking any other action to enforce your rights under the Privacy Rule. You are not required to use this form. You also may write a letter or submit a complaint electronically with the same information. To submit an electronic complaint, go to OCR's Web site at: [www.hhs.gov/ocr/privacy/hipaa/complaints/index.html](http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html). To mail a complaint see reverse page for OCR Regional addresses.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Voice - (800) 368-1019  
TDD - (202) 619-3257  
Fax - (202) 619-3818  
<http://www.hhs.gov/ocr>

Office for Civil Rights  
200 Independence Avenue, S.W.,  
Room 509F  
Washington, DC 20201

October 10, 2014

(b)(6);(b)(7)(C)

RE: OCR Transaction Number: 14-194078

Dear (b)(6);(b)(7)(C):

On September 13, 2014 the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), received your complaint alleging that Planned Parenthood of the Mid-Hudson Valley, Inc. 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, you allege that on September 12, 2014, front staff at the Planned Parenthood located at 1231 Menomonie Street, Eau Claire, WI 54703, held several conversations with you in a normal speaking tone regarding a sensitive matter to yourself (emergency contraception). As a result, you alleges that patients in the waiting room could overhear the reason for your visit to this facility. This allegation could reflect a violation of 45 C.F.R. §§ 164.502(a) and 164.530(c).

Thank you for bringing this matter to OCR's attention. Your complaint plays an integral part in OCR's enforcement efforts.

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.

We have carefully reviewed your complaint against Planned Parenthood of the Mid-Hudson Valley, Inc. and have determined to resolve this matter through the provision of technical assistance to Planned Parenthood of the Mid-Hudson Valley, Inc. Should OCR receive a

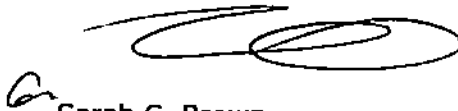
similar allegation of noncompliance against Planned Parenthood of the Mid-Hudson Valley, Inc. in the future, OCR may initiate an investigation of that matter.

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.

If you have any questions regarding this matter, please contact Jennifer Marshall, Investigator, at 202-619-0658 (Voice) or (202) 619-3257 (TDD).

Sincerely,

A handwritten signature in black ink, appearing to be "Sarah C. Brown", written over a horizontal line.

Sarah C. Brown  
Interim Director  
Centralized Case Management Operations



## DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Voice - (800) 368-1019  
TDD - (202) 619-3257  
Fax - (202) 619-3818  
<http://www.hhs.gov/ocr>

Office for Civil Rights  
200 Independence Avenue, S.W.,  
Room 509F  
Washington, DC 20201

October 10, 2014

Planned Parenthood of the Mid-Hudson Valley, Inc.  
Attn: Privacy Officer  
178 Church Street  
Poughkeepsie, NY 12601

RE: OCR Transaction Number: 14-194078

Dear Privacy Officer:

On September 13, 2014, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), received a complaint alleging that Planned Parenthood of the Mid-Hudson Valley, Inc., 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 (b)(6);(b)(7)(C) alleges that on September 12, 2014, front staff at the Planned Parenthood located at 1231 Menomonie Street, Eau Claire, WI 54703, held several conversations with (b)(6);(b)(7)(C) in a normal speaking tone regarding a sensitive matter to Complainant (emergency contraception). As a result, complainant alleges that patients in the waiting room could overhear the reason for her visit to this facility. 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 the 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 through the provision of technical assistance to

Planned Parenthood of the Mid-Hudson Valley, Inc. 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 the Mid-Hudson Valley, Inc. in the future, OCR may initiate an 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.

If you have any questions regarding this matter, please contact Jennifer Marshall, Investigator, at 202-619-0658 (Voice) or (202) 619-3257 (TDD).

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah C. Brown', with a stylized flourish at the end.

Sarah C. Brown  
Interim Director  
Centralized Case Management Operations

Enclosure: Incidental Disclosures