



DEPARTMENT OF HEALTH & HUMAN SERVICES

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OFFICE OF THE SECRETARY

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JFK Federal Building, Room 1875
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DEC 27 2011

(b)(6),(b)(7)(C)

Coordinator – Privacy Investigations
CVS Caremark
One CVS Drive
Woonsocket, RI 02895

(b)(6),(b)(7)(C)

Our Reference number: 11-123376

Dear (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

On February 8, 2011, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) received a complaint alleging a violation of the Federal Standards for Privacy of Individually Identifiable Health Information and/or the Security Standards for the Protection of Electronic Protected Health Information (45 C.F.R. Parts 160 and 164, Subparts A, C, and E, the Privacy and Security Rules). Specifically, the complaint alleges that a pharmacy employee announced prescription information with other customers present. This allegation could reflect a violation of 45 C.F.R. §164.502(a) and §164.530(c).

OCR enforces the Privacy and Security 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.

On October 3, 2011, OCR notified CVS Caremark of the complaint.

CVS Caremark provided us with written assurance of the following: CVS received a complaint from complainant on behalf of his daughter on February 7, 2011. While CVS was unable to verify that prescription information had been impermissibly disclosed by an employee speaking loudly, CVS did retrain the pharmacy staff on appropriate oral communications in the pharmacy area. CVS also provided us with its policies for safeguarding of oral communication and uses and disclosures of protected health information. These policies appear to comply with the Privacy Rule.

All matters raised by this complaint at the time it was filed have now been resolved through the voluntary compliance actions of CVS Caremark. Therefore, OCR is closing this case.

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, please contact Phil Lewis, Investigator, at (617) 565-1355 (Voice), (617) 565-1343 (TDD).

Sincerely,

Peter K. Chan
Regional Manager