



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Voice (617) 565-1340, (800) 368-1019, TDD (617) 565- 1343, (800) 537-7697

FAX (617) 565-3809, <http://www.hhs.gov>

**OFFICE OF THE SECRETARY**

Office for Civil Rights, Region I  
JFK Federal Building, Room 1875  
Government Center  
Boston, MA 02203-0002

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

**OCT 14 2011**

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

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

Our Reference number: 11-127605

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

On May 25, 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, complainant, a physician, alleges that CVS Caremark impermissibly disclosed complainant's protected health information to employees of his practice when it faxed personal prescription refill notices to complainant's practice instead of to his prescribing doctor. 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 July 19, 2011, OCR notified CVS Caremark of the complaint.

CVS Caremark has provided us written assurance of the following: CVS was notified of the issue on May 17, 2011. Upon investigation, CVS verified that the patient's refill had been wrongly faxed to patient's business address. This occurred as a result of a data entry mistake whereby the patient's information was mistakenly entered as the prescribing physician for the prescription at issue. CVS has since corrected the record so that future correspondence will be properly directed. CVS has also apologized to complainant. The store in question's pharmacy staff has also been retrained on their responsibilities under the HIPAA Privacy Rule and CVS policies and procedures for entering and verifying prescription information. OCR has also reviewed CVS' policies and procedures related to safeguarding patient protected health

information as well as prescription entry procedures. These policies and procedures 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,

A handwritten signature in black ink, appearing to read "Peter K. Chan". The signature is fluid and cursive, with a large initial "P" and a long horizontal stroke at the end.

Peter K. Chan  
Regional Manager