



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

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**OFFICE OF THE SECRETARY**

Office for Civil Rights, Region II  
Jacob Javits Federal Building  
26 Federal Plaza, Suite 3312  
New York, NY 10278

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

JUL 08 2013

Our Reference number: 13-157876

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

On March 25, 2013, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) received your complaint alleging that CVS Pharmacy located on 200 West End Avenue of New York, New York (the covered entity) is in 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 the covered entity delivered your husband's medication to your residence without a privacy bag; thus, disclosing your husband protected health information (PHI) to unauthorized individuals.

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.

Please be advised that the Privacy Rule requires covered entities to have in place appropriate administrative, technical, and physical safeguards to protect the privacy of individuals' protected health information (PHI) and limit access to PHI to those in the workforce that need access based on their roles in the covered entity.

After review of your correspondence and conversation with you on June 17, 2013, OCR spoke with the covered entity's representative on July 8, 2013 and provided technical assistance regarding safeguarding PHI. OCR advised the covered entity of its responsibility under the Security and Privacy Rules regarding safeguarding patient information. The covered entity assured OCR that it has safeguards in place and informed OCR that the covered entity retrained the staff member who delivered the medication without a privacy bag on its safeguards policy. Additionally, under the covered entity's obligations under the Breach Notification Rule, it conducted a risk assessment and accounted the disclosures in its records. Based upon this response, we have determined that no further OCR action is warranted, and therefore, we are

closing this matter. This determination 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 Jenny Im, Investigator, at 212-264-4997. Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda C. Colón', with a long horizontal stroke extending to the right.

Linda C. Colón  
Regional Manager  
Office for Civil Rights