

## Health Information Compliance Alert

### Enforcement News: MD May See Fines and Jail Time for HIPAA Violation

Most HIPAA breaches concern the accidental release of patients' health records. In fact, the impermissible disclosure of protected health information (PHI) is uncommon - as are the violations that arise from the action. Unfortunately, one Massachusetts gynecologist learned the hard way that there will be consequences for this type of unlawful data sharing.

Physician, **Rita Luthra, MD**, who practices in Springfield, Massachusetts, was convicted of violating HIPAA by allowing a Warner Chilcott sales representative to illegally access her patients' information, noted a Department of Justice (DOJ) release. The clinician, also, lied to the feds when interviewed about her ties to the pharmaceutical giant. The crimes occurred over a 10-month period between January 2011 and November 2011, the release suggested.

**Remember:** "The charge of violation of the Health Information Portability and Accountability Act [HIPAA] provides for a sentence of no greater than one year in prison and/or a fine of \$50,000 and one year of supervised release," reminded the DOJ report. "The charge of obstructing a criminal health care investigation provides for a sentence of no greater than five years in prison, three years of supervised release and a fine of \$250,000."

The case will be prosecuted by the HHS Office of Inspector General with sentencing to follow.

Access the DOJ release at

[www.justice.gov/usao-ma/pr/springfield-doctor-convicted-jury-illegally-sharing-patient-medical-files](http://www.justice.gov/usao-ma/pr/springfield-doctor-convicted-jury-illegally-sharing-patient-medical-files).