



Institute for Better Health Care Communication

- [News](#)
- [Health Breaches](#)
- [Learn More](#)
- [Contact](#)



[Home](#) » [Health Breaches](#) » Phoenix Cardiac Surgery to Pay \$100,000 HIPAA Fine, Sets Precedent to Small Practices About Text-Messaging.

Posted on May 3, 2012

On April 17th 2012, Phoenix Cardiac Surgery, a practice with five physicians with offices in Phoenix and Prescott, AZ reached a settlement agreement as they became the first small practice to be charged with violating the Health Insurance Portability and Accountability Privacy Act (HIPAA) and security rules. Phoenix Cardiac Surgery has agreed to take corrective actions and pay a hefty \$100,000 fine.

The corrective action plan issued by HHS explicitly identified text-messaging as a security measure that needs to be addressed:

“Covered Entity must submit evidence to satisfy this obligation that includes text messaging of ePHI.”

“Covered Entity’s risk management plan must implement security measures sufficient to reduce risks and vulnerabilities to ePHI to a reasonable and appropriate level for ePHI in text messages that are transmitted to or from or stored on a portable device.”

“Covered Entity must provide documentation that it has completed a Privacy and Security Rule training since 2009 that includes additional training addressing its revised policies and procedures on the use and transmission of ePHI by text

messaging”

The HHS makes it clear that security text-messaging of PHI is an important security issue that will not be taken lightly and they will be cracking down on large medical networks and small practices a like.

“This case is significant because it highlights a multiyear, continuing failure on the part of this provider to comply with the requirements of the Privacy and Security Rules,” said Leon Rodriguez, director of the HHS Office of Civil Rights. “We hope that health care providers pay careful attention to this resolution agreement and understand that the HIPAA Privacy and Security Rules have been in place for many years, and OCR expects full compliance no matter the size of a covered entity.”

A recent study by Manhattan Research finds that 80% of physicians now use smartphones at work. As smartphones become an integral part of healthcare practice and communication the necessity for secure text-messaging is crucial. With text-message fines reaching \$50,000 per violation, how can practices afford not make text-message security a priority?

- [Return Patients Vex Hospitals](#)
- [Comparison of HIPAA Compliant Secure Messaging Applications](#)
- [Stolen health information affects 4,000 University of Michigan Health System patients](#)
- [Healthcare data breaches on the rise, with potential \\$7B price tag](#)
- [Doctor 2.0: How Technology Will Transform Medicine In 2013](#)

- [Feature](#)
- [Health Breaches](#)
- [News](#)
- [Uncategorized](#)

© 2012 | Institute for Better Healthcare Communication | [Sitemap](#) | [Terms](#)