



City and County of San Francisco
Edwin M. Lee, Mayor

San Francisco Department of Public Health Office of Compliance and Privacy Affairs

DPH Business Ethics and Best Practices January 25, 2016

Licensing Boards Levy Penalties to Staff for Unauthorized Disclosures of Protected Health Information



A California Professional Licensing Board assessed fines in the amount of \$2,500 against SFDPH for a recent breach.

For the first time, a staff member and an intern were **each** cited and fined \$500 for their role in this unauthorized disclosure of protected health information.



A medical resident published a Facebook posting that contained Protected Health Information. It was determined to be a breach of privacy. The physician's licensing board was notified. The medical resident may be required to disclose infractions on future job applications.

Did you know?

1. Pursuant to California Code of Regulations (CCR), Title 16, and California Business and Professional Code, **SFDPH is required to notify state licensing Boards (e.g., Medical Board of California, Board of Pharmacy, Board of Behavioral Sciences) of privacy breaches** in addition to entities such as the Office of Civil Rights and the California Department of Healthcare Services.
2. Licensing Boards may conduct their own investigations.
3. Licensing Boards have the authority under the CCR Business and Professional Code to issue citations and assess fine(s) to the program, the individual "in charge" of the licensed site, and the individual found to be responsible for the violation.
4. **Individuals are responsible for paying fine(s) personally assessed against them.**
5. Administrative citations and disciplinary actions, and any fines assessed become part of a licensee's record with their respective Boards. It is considered a public record.
6. A licensee may be required to disclose such infractions on future job applications (please check with your respective Boards).

Please hold your patient's health information as precious as you hold their health. It's important.

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Confidential Compliance and Privacy Hotline: 1-855-729-6040 toll-free

Calls may be made confidentially and anonymously – Always remember: SFDPH has a non-retaliation policy