



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office for Civil Rights

Office of the Secretary
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201
<http://www.hhs.gov/ocr>

December 13, 2024

VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED), and EMAIL

Alice Cuprill Comas
OHSU General Counsel
3181 SW Sam Jackson Park Road
Mail Code L585
Portland, OR 97239
Email: legal@ohsu.edu

Kuli Mavuwa, Chief Privacy and Security Officer
Oregon Health & Science University
3181 SW Sam Jackson Park Road
Portland, OR 97239
Email: **REDACTED**

Re: Oregon Health & Science University
OCR Transaction Number: 21-411469

NOTICE OF FINAL DETERMINATION

Dear Ms. Comas and Mr. Mavuwa:

Pursuant to the authority delegated by the Secretary of the United States Department of Health and Human Services (HHS) to the Director of the Office for Civil Rights (OCR), I am writing to inform you that the civil money penalty (CMP) of **\$200,000.00** against Oregon Health & Science University (OHSU) is final. This letter also contains instructions for OHSU to make payment of the CMP amount.

I. OHSU Failed to Request a Hearing Before an Administrative Law Judge and Petition for Judicial Review

By letter dated September 9, 2024, OCR issued OHSU a Notice of Proposed Determination (attached hereto), informing OHSU that OCR was proposing to impose a CMP in the amount of **\$200,000.00** based on the findings of the facts of noncompliance specified in the letter. The Notice of Proposed Determination stated that OHSU has a right to request a hearing on the proposed CMP within ninety (90) days of the date of receipt of the letter and provided

instructions on requesting a hearing with the Departmental Appeals Board. The Notice of Proposed Determination further advised that failure to request a hearing within this time period could result in the imposition of the proposed CMP without a hearing under 45 C.F.R. § 160.504 or the right of appeal under 45 C.F.R. § 160.548. OHSU received the Notice of Proposed Determination on September 9, 2024, via a duly registered process server, and on September 12, 2024, via USPS certified mail.

Accordingly, by operation of OHSU's failure to request a hearing within ninety (90) days of the date of receipt of the letter to challenge the CMP under 45 C.F.R. Part 160 Subparts D and E and 42 U.S.C. § 1320a-7a, the CMP referenced above is now final. Therefore, pursuant to the authority delegated by the Secretary of HHS to the Director of OCR, I am authorized to impose the CMP against OHSU in the full amount of **\$200,000.00**, as set forth in the Notice of Proposed Determination.

II. No Right of Appeal

OHSU has no right to appeal the imposition of the CMP under 45 C.F.R. § 160.548 since OHSU did not request a hearing within ninety (90) days of the date of receipt of the letter to challenge the CMP, it waives its right to appeal OCR's proposed determination and its right to request a hearing.

III. Instructions for Payment of the CMP Amount

Payment of the full and aggregate amount of **\$200,000.00** is due upon OHSU's receipt of this Notice of Final Determination. Payment can be made in accordance with the instructions enclosed with this Notice.

IV. Consequences of Nonpayment

In the event that payment is not received upon OHSU's receipt of this Notice of Final Determination, a civil action may be brought in the United States District Court to recover the amount of the penalty.

V. The Legal Basis for This Action

This action is being taken under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), § 262(a), Pub.L. 104-191, 110 Stat. 1936, as amended, codified at 42 U.S.C. § 1320d-5, and under the enforcement regulations at 45 C.F.R. Part 160, subpart D. The Secretary of HHS is authorized to impose CMPs (subject to the limitations at 42 U.S.C. § 1320d-5(b)) against any covered entity, as described at 42 U.S.C. § 1320d-1(a), that violates a provision of Part C (Administrative Simplification) of Title XI of the Social Security Act. *See* 42 U.S.C. § 1320d-5(a), as amended. This authority extends to violations of the regulations commonly known as the Privacy Rule promulgated at 45 C.F.R. Part 160 and subparts A and E of Part 164, pursuant to Section 264(c) of HIPAA. The Secretary has delegated enforcement responsibility for the Privacy Rule to the Director of OCR. *See* Office for Civil Rights;

Statement of Delegation of Authority, 65 Fed. Reg. 82381 (Dec. 28, 2000).

If you have any questions concerning this letter, please contact Emily Crabbe, OCR Senior Advisor, at (404) 562-7878.

Sincerely,

/s/

Melanie Fontes Rainer
Director
Office for Civil Rights
U.S. Department of Health and Human Services

Enclosed:
Payment Instructions
Notice of Proposed Determination (September 9, 2024)

CC:

Via Certified Mail, (Return Receipt Requested) & Via Email

Adam H. Greene, Esq.
Davis Wright Tremaine LLP
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1301 K St NW #500
Washington, DC 20005
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