

## Size Doesn't Matter for OCR Enforcement Actions

Article By:

Linn F. Freedman

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Small health care organizations may think they are under the radar of the Office for Civil Rights (OCR), but a settlement the OCR agreed to last week should disabuse small health care providers of that notion.

On July 23, 2020, the OCR issued a press release outlining the terms of its settlement with Metropolitan Community Health Services (Metro), doing business as Agape Health Services. Metro agreed to pay \$25,000 to the OCR and to adopt a corrective action plan, including two years of monitoring, to settle an enforcement action OCR initiated against Metro.

The controversy began when Metro self-reported a data breach on June 9, 2011 pursuant to the HIPAA breach notification regulations after it discovered an “impermissible disclosure of protected health information to an unknown email account” that affected 1,263 patients.

OCR commenced an investigation and found “longstanding, systematic noncompliance with the HIPAA Security Rule. Specifically, Metro failed to conduct any risk analyses, failed to implement any HIPAA Security rule policies and procedures, and neglected to provide workforce members with security awareness training until 2016.”

As with all settlements that the OCR enters into with regulated entities, lessons can be learned from this one, including consideration of reviewing the last time a security risk assessment was performed, review of a business’ HIPAA compliance program, including policies and procedures that comply with the Security Rule, and security awareness training for its workforce.

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National Law Review, Volume X, Number 212

Source URL: <https://natlawreview.com/article/size-doesn-t-matter-ocr-enforcement-actions>