



Director
Office for Civil Rights
Washington, D.C. 20201

October 15, 2019

**Via Certified Mail, U.S. Postal Service,
Return Receipt Requested,
and Electronic Mail**

Judy Ringholz, RN, JD, CHC
VP & Chief Compliance Officer
Office of Compliance and Ethics
Jackson Health System
Jackson Medical Towers
1500 NW 12th Avenue
1st Floor, Suite 102
Miami, FL 33136
Email: judy.ringholz@jhs-miami.org

Re: Jackson Health System
OCR Transaction Numbers: 13-165455, 15-217816, & 16-231802

NOTICE OF FINAL DETERMINATION

Dear Ms. Ringholz:

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 **\$2,154,000.00** against Jackson Health System (hereafter referred to as "JHS") is final. This letter also contains instructions for JHS to make payment of the CMP amount.

**I. JHS is Waiving the Right to Request a Hearing Before an ALJ and
Petition for Judicial Review.**

By OCR's letter dated July 22, 2019, (Notice of Proposed Determination, which is attached hereto), JHS was notified of the proposed CMP of **\$2,154,000.00** and the findings of fact forming the basis for the CMP. The Notice of Proposed Determination notified JHS of its right to request a hearing on the proposed CMP and gave instructions for JHS to request a hearing within 90 days. The Notice of Proposed Determination stated that JHS' failure to request a hearing within that time period permitted the imposition of the proposed CMP without *the right*

to a hearing under 45 C.F.R. § 160.504 or the right of appeal under 45 C.F.R. § 160.548. JHS received the Notice of Proposed Determination on July 22, 2019.

By your letter dated September 26, 2019, I understand JHS is ready to pay the CMP of **\$2,154,000.00** and is waiving its right to a hearing pursuant to 45 C.F.R. § 160.420(b), and is not contesting the findings in the Notice of Proposed Determination. Further, I understand JHS is waiving its right to petition for judicial review before any U.S. Court of Appeals challenging the imposition of the CMP pursuant to 45 C.F.R. § 160.548(k) and 42 U.S.C. § 1320a-7a.

Accordingly, by operation of JHS' waiver of its procedural rights 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 JHS in the full amount of **\$2,154,000.00** as set forth in the Notice of Proposed Determination.

II. Instructions for Payment of the CMP Amount

The payment of the full and aggregate amount of **\$2,154,000.00** is due upon JHS' receipt of this Notice of Final Determination. Payment can be made by electronic funds transfer in accordance with the instructions on Exhibit 1 to this Notice.

III. Consequences of Nonpayment

In the event that payment is not received by certified check or wire funds transfer upon JHS' receipt of this Notice of Final Determination, the amount of the penalty may be deducted from any sum then or later owing by the United States or by a State agency, and a civil action may be brought in the United States District Court to recover the amount of the penalty.

IV. 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 Barbara Stampul, Acting Regional Manager, OCR, Southeast Region, at (404) 562-2799 or at barbara.stampul@hhs.gov.

Sincerely,



Roger Severino
Director, Office for Civil Rights

Enclosed:
Exhibit 1 – Payment Instructions
Attachment – Notice of Proposed Determination

cc:
Mr. Steve Phillips
HOOPER, LUNDY & BOOKMAN, P.C.
575 Market Street, Suite 2300
San Francisco, CA 94105
Via email: sPhillips@health-law.com