

Report on Patient Privacy Volume 23, Number 3. March 09, 2023 OCR Closes Civil Rights, Religious Divisions; 'Data,' 'Cyber Security' Added to Privacy

By Theresa Defino

In a change the agency said aligns with the Department of Education, HHS has dissolved the Civil Rights Division in its Office for Civil Rights (OCR). HHS also closed the division created by the Trump administration on “religious freedom” and made other changes, including the creation of a stand-alone enforcement division, as outlined in broad detail in a recent *Federal Register* notice.^[1]

OCR Director Melanie Fontes Rainer said in a related announcement the changes move OCR “into the future” and assist with an escalating caseload.^[2] OCR recently issued an annual report to Congress regarding its enforcement activities and repeatedly made the case that it is underfunded.^[3]

“OCR’s caseload has multiplied in recent years, increasing to over 51,000 complaints in 2022—an increase of 69 percent between 2017 and 2022—with 27 percent alleged violations of civil rights, 7 percent alleged violations of conscience/religious freedom, and 66 percent alleged violations of health information privacy and security laws,” Fontes Rainer added.

The Enforcement Division will handle all civil rights, conscience protection and HIPAA complaints.

HHS under Trump created the Conscience and Religious Freedom Division in January 2018, saying at the time that the division would “restore federal enforcement of our nation’s laws that protect the fundamental and unalienable rights of conscience and religious freedom.”^[4]

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