

Report on Patient Privacy Volume 21, Number 8. August 12, 2021 Still Missing a New Leader, Former OCR Directors, Experts Offer Advice, Task List

By Theresa Defino

Issue a final rule revising the privacy regulation and write guidance on the information blocking rule. Formalize the fledgling audit program required by Congress more than 10 years ago. Engage with providers and other HIPAA-regulated entities. And by all means, get cracking.

In a series of interviews with *RPP*, two former Office for Civil Rights directors and a handful of other HIPAA experts weighed in on the tasks that will be facing the new leader of OCR—that is, once HHS or the administration names him or her. Eight months into its term, the Biden administration had not appointed an OCR director, and it's unclear when that will change.

With the pandemic resurging, ransomware attacks escalating and misinformation about “HIPAA” and vaccines entering everyday conversations, the government's most powerful agency tasked with enforcing medical privacy and security is being led by Acting Director Robinsue Frohboese. While garnering praise for her skills and competence, Frohboese cannot fulfill all the roles of a permanent director, such as launching policy initiatives.

Among those most critical of the lingering vacancy is Roger Severino, OCR director under President Trump who resigned in mid-January, a week before President Biden took office. “There's no person publicly advocating for HIPAA at the political level, and if you don't have that voice, then you don't have the full weight of the administration's authority behind any initiatives,” he told *RPP*. “And it's crucially important to fly the flag and explain that [HIPAA] is a priority for the administration.”

Asked by *RPP* to address these criticisms and identify when a director might be named, an HHS spokesperson responded: “We have an acting OCR director, and OCR's strong commitment to its mission continues forward.”

While the circumstances wrought by the pandemic are unprecedented, it is not so for OCR to lack a new director this far into an administration. Severino was appointed in March 2017, a move that was quicker than under past administrations. For example, Kathleen Sebelius, HHS secretary under President Obama, named Georgina Verdugo OCR director nine months after he took office.

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