

Navigating DOJ HIPAA Enforcement: From Regulatory Breach to Criminal Defense

HIPAA violations often begin as regulatory inquiries but can escalate into **high-stakes government investigations** if evidence suggests false statements or willful misconduct. This transforms a compliance matter into a **federal criminal defense** crisis.

WHEN TO TAKE ACTION

Contact a **criminal defense attorney** immediately if:

- **The DOJ issues a Target Letter or Grand Jury Subpoena:** These are clear signals of an active **criminal investigation**.
- **A breach involves intentional disclosure:** Matters involving “profit-motivated” offenses are primary targets for **criminal prosecution**.
- **Federal agents arrive for an interview:** Immediate legal intervention is required to manage communications and protect your rights.

HOW TO TAKE ACTION

- **Document and Verify Compliance:** Maintain contemporaneous records of active safeguards and risk assessments to demonstrate a lack of “willful neglect”.
- **Operate Mature Detection Processes:** Timely, transparent reporting and remediation reduce the likelihood of a referral to the DOJ.
- **Consult Former Prosecutors:** At Dykema, our **white collar criminal defense** team includes former high-level prosecutors who have handled HIPAA enforcement from the “inside”.
- **Preserve and Cooperate Strategically:** Implement legal holds immediately and involve counsel before making decisions that cannot be unmade.

Contact Dykema’s White Collar Defense and Government Investigations practice today for a confidential consultation.



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