

STATE OF INDIANA ) IN THE MARION CIRCUIT/SUPERIOR COURT  
 ) SS:  
COUNTY OF MARION ) CAUSE NO. \_\_\_\_\_

STATE OF INDIANA, )  
 )  
Plaintiff, )  
v. )  
 )  
JOSEPH BECK, )  
individually and doing business as )  
BECK FAMILY DENTISTRY, )  
 )  
Defendant. )

49D10 14 12 PL 0 4 1 6 1 3

**FILED**

30 JAN 05 2015

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

**CONSENT JUDGMENT**

The Plaintiff, the State of Indiana, by Attorney General Gregory F. Zoeller and Deputy Attorneys General Ernâni Magalhães and Lyman Taylor, having filed its Complaint for Injunction, Civil Penalties, and Costs, and the Defendant, Joseph Beck, individually and doing business as Beck Family Dentistry, hereby enter into this Consent Judgment without trial and adjudication of any issue of fact or law.

The parties believe it is in their best interests to resolve the issues presented by the Plaintiff and avoid further litigation with regard to the issues addressed in this Consent Judgment. The Consent Judgment does not constitute an admission by the Defendant of any violation of Indiana's Disclosure of Security Breach Act, Indiana Code § 24-5-0.5-1 *et seq.* or the Health Insurance and Portability and Accountability Act of 1996 ("HIPAA"), nor shall it be construed as an abandonment by the Attorney General of his position that the Defendant has violated the above referenced statutes. The parties consent to entry of a final judgment in this proceeding by the Court and accept this Consent Judgment as final on the issues resolved herein.

## JURISDICTION AND SCOPE OF JUDGMENT

1. This Court has jurisdiction and venue over the subject matter of this action and the parties hereto.

2. Jurisdiction is retained by this Court for the purpose of enabling the State of Indiana to apply to this Court for such further orders and directions as may be necessary or appropriate for the construction, modification, or execution of this Judgment, including the enforcement of compliance therewith and penalties for violation thereof.

3. The Plaintiff's Complaint for Injunction, Costs, and Civil Penalties, states a cause of action pursuant to the Indiana Disclosure of Security Breach Act and HIPAA.

Now, therefore, by consent and agreement of the parties, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

4. This Consent Judgment is binding upon the Defendant, his agents, and sub-contractors and adherence to the terms of this Consent Judgment shall become a condition of employment with the Defendant.

### RELIEF ORDERED

5. Pursuant to Ind. Code § 24-4.9-3-3.5, the Defendant, his agents, representatives, successors, and assigns shall:

- a. Not dispose of records or documents containing unencrypted and unredacted personal information of Indiana residents without shredding, incinerating, mutilating, erasing, or otherwise rendering the personal information illegible or unusable;
- b. Implement and maintain reasonable procedures, including taking any appropriate corrective action, to protect and safeguard from unlawful use

or disclosure any personal information of Indiana residents collected or maintained;

- c. Ensure the confidentiality and integrity of electronic individually identifiable health information created, received, maintained, or transmitted;
- d. Protect against reasonably anticipated threats or hazards to the security or integrity of individually identifiable health information created, received, maintained, or transmitted; and
- e. Have in place appropriate administrative, technical, and physical safeguards to protect the privacy of individually identifiable health information when transferred to an external contractor.

6. Pursuant to 42 U.S.C. 1320d-5(d)(1)(A), the Defendant, as well as his agents, representatives, successors, and assigns are permanently enjoined from disclosing individually identifiable health information, including protected health information, in violation of 45 C.F.R. Parts 160 and 164.

7. The Defendant agrees to pay twelve thousand dollars (\$12,000) at the execution of this judgment.

8. These funds shall be paid to the Office of the Indiana Attorney General.

9. Said payment may be used for attorney's fees and other costs of investigation and litigation, or may be placed in, or applied to, the consumer protection enforcement fund, including future consumer protection or privacy enforcement, consumer education, litigation or local consumer aid fund or revolving fund; used for any purpose permitted by State law, at the sole discretion of the Attorney General.

10. The judgment shall bear an interest rate of 8% per annum from the date of entry of this judgment by the court.

**CONTINUING JURISDICTION**

11. The Court shall retain jurisdiction for the purpose of issuing such orders as may be necessary to interpret or enforce the provisions herein.

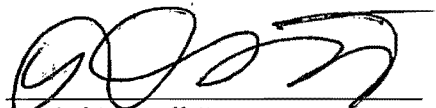
IN WITNESS WHEREOF, the parties have executed this Consent Judgment this 18<sup>th</sup> day of December, 2014.

PLAINTIFF STATE OF INDIANA

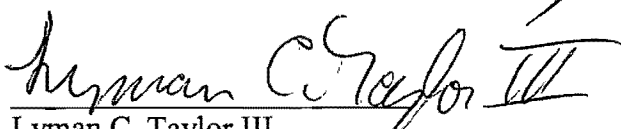
DEFENDANT JOSEPH BECK

GREGORY F. ZOELLER  
Indiana Attorney General  
Attorney Number 1958-98

By:

  
Ernâni Magalhães  
Deputy Attorney General  
Atty. No. 31407-49

  
Joseph Beck

  
Lyman C. Taylor III  
Deputy Attorney General  
Attorney No. 25128-55

**JUDGMENT**

Judgment in favor of the Plaintiff, State of Indiana, for injunctive relief, penalties and costs for a total monetary Judgment of twelve thousand dollars (\$12,000) is ORDERED, ADJUDGED, and DECREED this 5 day of Jan, 2014.



Judge, Marion County Superior/Circuit Court

Distribution:

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