

In The News

Betsy Hodge Discusses FTC Enforcement on Health Data Privacy with *HealthcareInfoSecurity*

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Akerman Healthcare Practice Group Partner Betsy Hodge spoke with *HealthcareInfoSecurity* for “FTC Sues Telehealth Firm Hims & Hers Over Data Sharing,” an article examining the Federal Trade Commission’s lawsuit against the telehealth company over its use of online tracking technology.

The lawsuit, brought by the FTC alongside Utah and California, centers on claims that Hims & Hers passed sensitive patient information to advertising platforms while assuring consumers their data would remain private.

Betsy, who counsels healthcare organizations on regulatory compliance and data privacy, said the case highlights the ongoing scrutiny facing companies that handle sensitive consumer health data. “This latest FTC action signals that protecting the privacy of consumers’ health and other sensitive information is a bipartisan issue, though there may be differences of opinion about how to enforce companies’ obligations to be truthful about how they safeguard and/or use that information,” she told *HealthcareInfoSecurity*.

The legal theory behind these cases rests on a straightforward premise, Betsy explained: companies should not publicly promise data privacy while sharing health information with advertisers.

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That approach, she said, “has now been pursued across two administrations with different FTC leadership.”

Betsy advised companies to take a proactive approach to compliance. “Companies should audit what their pixels actually capture and share, confirm that practice matches their public promises,” she said. “For companies handling sensitive health data, that means the relevant question isn’t just, ‘Are we subject to HIPAA?’ But, ‘Did we make privacy promises we aren’t keeping?’ — which doesn’t depend on HIPAA status at all.”

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