

Part B Insider (Multispecialty) Coding Alert

HIPAA: Lawsuit Aims to Slow HIPAA Juggernaut

Privacy advocates and other healthcare groups representing patients who charge that the Health Insurance Portability and Accountability Act unfairly provides greater access to patients' medical records took their concerns to court earlier this month.

Filed April 10 in district court for the U.S. District Court for Eastern Pennsylvania in Philadelphia, the lawsuit aims to block certain sections of the privacy rule, specifically the section that obviates the need for patient consent before medical information is shared with health plans, billing companies or their business associates.

The plaintiffs include Citizens for Health, the National Coalition of Mental Health Professionals and Consumers, the American Association for Health Freedom, and others. They say the rule grants access to patient files without consent for employers, law-enforcement officers and even bankers.

They say HHS violated the Administrative Procedure Act by failing to provide good cause for reversing its original interpretation of HIPAA that patient consent is essential for medical privacy and quality healthcare. They also argue that HHS exceeded its authority by issuing blanket "regulatory permission" to thousands of entities and business associates to use and disclose patient information without consent. And they say HHS went against Congress' intent.