

Health Information Compliance Alert

HEALTH INFORMATION NEWS

OHIO REPORTERS TAKE HIPAA TO COURT

Health departments and other public health agencies take notice: An Ohio Supreme Court decision could determine whether state open records laws trump HIPAA.

The Cincinnati Enquirer wants a record of the homes where lead paint has harmed children; the Cincinnati Health Department worries that releasing that information could violate their patients' privacy, the Associated Press reports.

Jack Greiner, attorney for the Enquirer, claims that the state's open records law wins out--especially considering the records lists only addresses, not patients' names or medical histories.

However, "parents whose children had mandatory lead testing believing that the results would be confidential might be approached by the Enquirer for stories or be faced with the publication of their names in the Enquirer," argues **Terrance Nestor**, attorney for the health department.

The newspaper claims the information is essential for the public to be aware of health hazards--and whether the health department is acting on those hazards.

The health department already released a list of apartment complexes and other non-family dwellings where lead paint was discovered.

The Bottom Line: The Ohio Supreme Court's ruling could establish a precedent that other states will follow when state and federal laws bump heads.