



Health Care Related Litigation/HIPAA, Public Records, and Information Technology

Privacy, "public records," and information technology are becoming key battlegrounds in health care litigation. Health care providers often possess a mix of private and public information. Distinguishing between what is private information and must be protected, and public information which often must be disclosed, has become increasingly difficult – and is fraught with potential liability. Developments in information technology have only made this already difficult issue even more challenging for health care providers.

Our health care litigators are well versed in the evolving fields of health information, privacy, and information technology. Our lawyers routinely instruct and counsel health care providers on the requirements of state and federal privacy laws, including on the Privacy Rules of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). We also regularly advise clients on information systems privacy and the interplay between technology and corporate compliance.

Our firm is a recognized leader in the field of public records laws and the impact of those laws on health care providers and health care litigation. We successfully argued to the Supreme Court of Ohio to limit the costly application of all of Ohio's public records laws to non-profit behavioral health care providers. We also understand the value of the public records laws and how to use those laws to our clients' advantage when litigating against state or federal agencies.

We also have significant experience in addressing the role of information technology in litigation. Our firm has trained a core group of trial lawyers so that they can address the most complex electronic discovery issues and efficiently manage extensive electronic document productions. These capabilities are highly important in health care litigation, where regulators and courts are struggling with developing privacy laws and technology issues.

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ATTORNEYS

- G. Ross Bridgman
- Karen A. Cincione
- Paul J. Coval
- Andrea L. Ebreck
- Jolie N. Havens
- Peter A. Lusenhop
- Melissa J. Mitchell
- Anthony J. O'Malley
- Lisa Pierce Reisz
- Suzanne K. Richards

- Suzanne J. Scrutton

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