

LK Alert

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LITTMAN KROOKS
LLP

Nursing Home Issues

EFFECT OF HIPAA ON POSTING OF SURVEY RESULTS BY NURSING HOMES

Pursuant to Sections 1819(g)(5) and 1919(c)(8) of the Social Security Act ("SSA"), the results of the most recent nursing home survey must be made available to the public. This requirement is unaffected by the Health Insurance Portability and Accountability Act ("HIPAA"), which provides at 45 CFR 164.512(a) that protected health information may be used and disclosed without the authorization of the subject of that information to the extent that a law mandates such use or disclosure.

In sum, since the SSA mandates the posting of the most recent nursing home survey results, such disclosure is **not** precluded by HIPAA.

Distribution of this LK Alert

Littman Krooks LLP encourages you to share this LK Alert with anyone interested in the issues discussed herein.

Speakers

If you are interested in having an attorney from Littman Krooks LLP speak at your facility, please contact Nicole Garcia at (212) 490-2020 or (914) 684-2100.

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Littman Krooks LLP

655 Third Avenue Phone: 212-490-2020
New York, New York 10017 Fax: 212-490-2990

81 Main Street Phone: 914-684-2100
White Plains, New York 10601 Fax: 914-684-9865

www.elderlawnewyork.com