

# NEWS

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## Layna Cook Discusses Recent HIPAA Ruling in ABA Litigation News

Even though the Health Insurance Portability and Accountability Act of 1996 (HIPAA) does not itself provide a private right of action, HIPAA may provide the standard of care in a negligence action against a health-care provider for privacy violations, according to the Connecticut Supreme Court in *Byrne v. Avery Center for Obstetrics & Gynecology, P.C.* Layna Cook talks with ABA Litigation News about the potential impact of this decision.

"While this decision has caused significant concern among HIPAA practitioners, it is important to note that the plaintiff specifically instructed the healthcare provider not to give her records to this individual," said Ms. Cook. "Businesses need to be as diligent as ever, but I do not think the decision imposes any new obligation on them—just a new area of liability, perhaps."