Nelson Hardiman Secures Another Win in Medical Staff Peer Review Hearing

Nelson Hardiman LLP is proud to announce that, after two years of peer review, including a judicial review panel, an internal appeal, and a writ of mandamus in the Superior Court, the firm's client – a world renowned academic medical center's medical staff – prevailed.

Nelson Hardiman represented the medical staff in a peer review action taken against a seasoned physician based upon his violations of patient privacy, HIPAA, CMIA and Medical Center policy. The physician exerted his authority over trainees to obtain medical record numbers in order to review a patient case of interest. He did so without authorization or consent. He discussed the case with an outside physician (who was not a medical staff member) and even brought that physician to the patient floor and directed the trainees to open the electronic medical record (EMR) for review by the outside physician.

The subject physician argued that the HIPAA healthcare operations exemption applied, and that his actions were designed to improve patient care and safety. He lost at the JRC level, the internal appeal level, and petitioned the court. The court disagreed and denied the physician's writ petition.

For questions regarding medical staff representation and peer review matters, please contact Sara Hersh and Miriam Mackin.

About Nelson Hardiman

Nelson Hardiman LLP is the premier healthcare and life sciences firm in Los Angeles, serving healthcare providers, investors, and organizations that need a hard-to-find level of quality advice on the most sensitive industry issues. The firm's litigation practice specializes in defending fraud and abuse and whistleblower actions, government investigations, reimbursement disputes, and other complex business disputes. Nelson Hardiman regularly serves as outside counsel for healthcare system clients and medical staff representation. Nelson Hardiman's transactional group handles healthcare organization acquisitions, sales, investment, and financings, and Nelson Hardiman's regulatory team advises on compliance with licensing, operational, and reimbursement issues across the full continuum of healthcare industry sectors, with expertise on Medicare and Medicaid requirements, privacy and data security, FDA, and many more matters. The firm has earned a singular position reputation nationally for its leadership in addressing issues in behavioral health. More information about the firm is available at **www.nelsonhardiman.com** or at 310.203.2800.