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## INSURANCE LAW BULLETIN

### Re: Court Rejects Private Right Of Action Under HIPAA

The United States District Court for the District of Columbia recently held no private right of action exists for an alleged violation of the Health Insurance Portability and Accountability Act (“HIPAA”), 42 U.S.C. §§ 1320d to 1320d-8.

Plaintiff sued a claims administrator of a self-funded health plan alleging an unauthorized disclosure of protected health information resulting in the termination of plaintiff’s employment. The claims administrator moved to dismiss the complaint arguing no private right of action exists under HIPAA.

Dismissing the complaint, the court recognized HIPAA authorizes the Secretary of Health and Human Services to impose civil and criminal penalties for violations of HIPAA, and this delegation of enforcement authority to the Secretary establishes Congressional intent to preclude private enforcement. The court further recognized its decision was consistent with prior federal court decisions holding no private right of action exists under HIPAA.

For further information or a copy of the opinion, please contact **Michael P. Cunningham**, who represented the claims administrator, at 410.659.4979 or [mcunningham@fblaw.com](mailto:mcunningham@fblaw.com). To learn more about our firm, or review past law bulletins, please visit [www.fblaw.com](http://www.fblaw.com).

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