

Whistleblowers And Privacy Rights: How To Manage The Overlap

News

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Kevin Troutman, a partner in the Houston office and chair of the firm's Healthcare Practice Group, was quoted in the article "Whistleblowers And Privacy Rights: How To Manage The Overlap" in the January issue of *Healthcare Risk Management*. The article noted that whistleblowers in healthcare might reveal confidential patient data when reporting fraud or other wrongdoing. Kevin said whistleblowers in healthcare are protected by multiple laws, more than employees in most industries. Healthcare providers must take into account the many protections when considering how they will respond to whistleblowers, particularly the whistleblower exceptions for the Health Insurance Portability and Accountability Act (HIPAA). He said: "I've found that this really surprises managers sometimes. They are shocked that they can't discipline an employee for violating confidentiality or revealing patient information. Sometimes you can inadvertently set up a whistleblower claim if you take action without really analyzing the circumstances and the protections that might apply."

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