Nelson Hardiman Secures Another Win in Medical Staff Peer Review Hearing

Sara Hersh and Miriam Mackin represented the Medical Staff of an academic medical center in a peer review hearing before a hearing panel and hearing officer. The subject physician directed his residents to access medical records of a patient the physician was not treating and subsequently brought to the Med Center an outside unauthorized physician to look at the records and render an opinion as to the cause of the patient's medical condition.

The Med Staff charged the physician with violating HIPAA, Med Center policies, and abusing his authority over residents for the purposes of gaining improper access to the patient's records for himself and enabling an outside physician to access medical records without the patient's consent or other proper purpose. The physician maintained he was authorized to engage in these activities in his role as a teaching professor and therefore had the authority to bring in an outside physician to "investigate" an event, as part of the physician's self-organized investigation team.

The panel unanimously found in favor of the Med Staff and against the physician on all charges.

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