

MG&C NEWS

Summer 2003

McAngus Goudelock & Courie Attorneys at Law

We're On The Move

With great excitement, we announce the relocation of our Columbia office. As of June 23, our Columbia office will be located at 700 Gervais St. in the heart of the Congaree Vista. The Vista is a part of Columbia's historic riverfront district, and it is home to many of Columbia's best shops, restaurants, and museums. Our new office overlooks the Carolina Center arena and the new Convention Center. We remain convenient to downtown, the State and Federal Courthouses, the Workers' Compensation Commission, and the State Capitol.

Our phone, fax, and post office box numbers will remain the same. We invite you to stop by and visit us at our new location.



New HIPAA Privacy Rules

Congress enacted the Health Insurance Portability and Accountability Act (HIPAA) in 1996. HIPAA required the Secretary of Health and Human Services to issue privacy regulations governing individually identifiable health information if Congress did not enact privacy legislation within three years of the passage of HIPAA. Because Congress did not enact privacy legislation, the Department of Health and Human Services (HHS) developed the Privacy Rule originally published in 2000. HHS modified the Rule and published it in final form in 2002, and it became effective April 14, 2003.

Under HIPAA, a covered entity may not use or disclose protected health information, except as permitted or required by the Privacy Rule. 45 C.F.R. § 164.502(a). A covered entity is only required to disclose protected health information in two situations: (1) to an individual when requested under, and required by § 164.524 or § 164.528 and (2) when required by the Secretary to investigate or determine the covered entity's compliance with this subpart. Id. § 164.502(a)(2)(i-ii).

A covered entity is permitted, but not required, to disclose protected health information in the course of a judicial or administrative proceeding in response to an order of a court or administrative tribunal, provided the covered entity discloses only the protected health information expressly authorized by such order. Id. § 164.512(e)(1)(i). A covered entity is also permitted to disclose protected health information in response to a subpoena,

discovery request, or other lawful process that is not accompanied by a court order if the covered entity receives satisfactory assurance from the party seeking the information that reasonable efforts have been made by such party to ensure the individual who is the subject of the protected health information has been given notice of the request or the covered entity receives satisfactory assurance from the party seeking the information that reasonable efforts have been made by such party to secure a qualified protective order. Id. § 164.512(e)(1)(ii)(A-B).

A covered entity is also permitted, but not required, to disclose protected health information as authorized by and to the extent necessary to comply with laws relating to workers' compensation or similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault. Id. § 164.512(l).

Supreme Court Upholds Exclusivity of Scheduled Member Statute

The South Carolina Supreme Court unanimously upheld the forty-year old *Singleton v. Young Lumber Co.* in rejecting the argument that a claimant may obtain total disability benefits simply by proving that a scheduled injury caused sufficient loss of earning capacity. The Court noted the evidence may have shown the claimant was unable to continue to work due to the scheduled injury, but it was unwilling to correct any inequities the Legislature refused to change. For more information, see the SC Update inside.



Remember Darla Mae? See back cover for details.