

What Preemption? Connecticut State Court Gives Life to Negligence Claims Based on HIPAA Privacy Standard of Care

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Like many federal statutes, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) contains a provision governing how the statute is designed to interact with similar or otherwise related state laws. When this type of provision is used to override or supplant similar state laws, the provision is called “preemptive.” On November 11, 2014, the Connecticut Supreme Court held in *Byrne v. Avery Center For Obstetrics and Gynecology, P.C.* that state law negligence claims are not preempted by HIPAA even where the plaintiff relies on HIPAA to establish the applicable standard of care... [Continue Reading](#)