



ROBINSON & COLE LLP

Health Law Pulse



### **The Health Law Pulse: A Value-Added Service**

The Health Law Group at Robinson & Cole recently added three lawyers to our practice and is experiencing rapid growth. Our newly expanded group is pleased to provide you with our first issue of the **Health Law Pulse**, an electronic newsletter reporting on recent court decisions, statutes, and other timely information relating to health care.

We hope you enjoy this newsletter. If you know of others who would appreciate receiving this online communication (or if you would like to discontinue receiving the Health Law Pulse), please use the subscribe/unsubscribe link in the right column. If you would like certain topics covered in future issues, [click here](#) to let us know. *We welcome your feedback.*

### **E-Commerce: Seeing Through the Lens of Regulation**

Over the course of the last several years, the Internet has profoundly impacted the world of business. Offering everything from automobiles and real estate, to wine, prescription drugs and contact lenses, the Internet provides a completely new way of conducting business. Internet sales of health care products and devices, however, can prove legally challenging as legitimate state interests in health and safety collide with the national interest in free trade among the states. On June 24, 2003, the Connecticut Board of Examiners for Opticians issued a Declaratory Ruling implicating the internet sale of contact lenses, balancing the health and safety interests of Connecticut residents with the national interest in competition and consumer safety. [Full Article](#)

### **OIG Opinion Raises A Red Flag for Hospital/Physician Owned ASCs**

Earlier this year, the Office of the Inspector General of the U.S. Department of Health and Human Services issued Advisory Opinion, No. 03-5 regarding an ambulatory surgery center jointly owned by a hospital investor and physician investors. This opinion reinforces the OIG's position that if an ASC of this type does not fit squarely within the parameters of the federal anti-kickback statute's safe harbor that regulates these centers, then the arrangement must demonstrate that no income from referrals to the ASC will flow to doctors who do not use the ASC. [Full Article](#)

### **The HIPAA Interim Enforcement Rule**

On April 17, 2003, the U.S. Department of Health and Human Services published the interim enforcement rule under the Health Insurance Portability and Accountability Act of 1996 (the Act). The Act and the corresponding regulations (together referred to as HIPAA) create standards designed to protect patients' rights to privacy of their health information. The interim rule establishes the procedures DHHS will use to impose civil money penalties on covered entities for HIPAA violations. This rule is the government's first step toward establishing permanent HIPAA enforcement policy. [Full Article](#)

### **HIPAA Frequently Asked Questions**

This is the first of an ongoing series of frequently asked questions related to a health care provider's compliance with HIPAA. [Full Article](#)

This is an archive of past issues. As a result, it may contain information that is not current.

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