Before the Covid-19 pandemic hit there was much less talk about HIPAA and I do not think I can remember receiving a single call related to an alleged HIPAA violation. Since the pandemic hit, I have watched a lot of people proudly and confidently assert that “their HIPAA rights have been violated.” Almost every single incident of “flagrant HIPAA violations” actually had nothing to do with HIPAA. Most of us saw plenty of videos of public meltdowns over masks with the unmasked individuals screaming about HIPAA violations, or twitter feuds where misinformation could not be checked or verified because of the threats of dreaded HIPAA violations and a wealth of nonsensical arguments on social media about policies that surely violated individual HIPAA rights. There were also problems beyond loud social media “researchers” to individuals who were convinced that their HIPAA rights were violated, despite attorneys verifying otherwise, because the parent’s group on Facebook told them their rights had been violated. This is obviously a problem. So, what is HIPAA and what does it do?

HIPAA stands for the Health Insurance Portability and Accountability Act of 1996. HIPAA is an intricate act subject to many regulations, rulings, and interpretations and it can be complex and cumbersome but in general it governs a few broad categories. This article is just a very broad general overview of HIPAA and does not delve into the wealth of standards and requirements pursuant to HIPAA.

The most common standards pursuant to HIPAA are generally referred to as the Privacy Rules and the Security Rules. The Privacy Rules in a broad and general context set forth how an entity subject to HIPAA discloses and uses PHI. The Security Rules generally govern how electronic PHI must be secured. Privacy Rules and Security Rules overlap and act in concert with each other.

What entities are subject to HIPAA? In general, only Covered Entities are subject to HIPAA. While there are some exceptions, a Covered Entity is generally defined as: (i) health plans or more broadly put a health payer; (ii) health care clearinghouses; and (iii) health care providers. Is anyone else subject to HIPAA? Yes, Business Associates are also subject to HIPAA. A Business Associate is generally an entity or person who is performing a function or assisting in performing a function or activity for the covered entity or on behalf of the covered entity. The most common work a Business Associate performs are billing, claims processing, utilization functions, data analysis, claims reviews and even billing support. If an entity is not defined as a covered entity and it is not performing services as a Business Associate, then HIPAA does not apply. If the information is not PHI, HIPAA does not apply. If the information is de-identified, HIPAA does not apply.

Continued on Page 9
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It was late in the evening. I was sitting at my desk with a pile of work. I remember my mind was racing trying to tackle a list of items that I needed to address. I was working on a few files that are in litigation posture, reviewing case law and contemplating the best way to present the case before the court. I looked at another pile and realized that there are multiple seminars and events that I am trying to coordinate and plan as President of the bar. A third pile was deadlines on legal matters that needed to be addressed. I looked at the time, realized that it was just after 10 pm. I then looked at a picture of my daughter, Norah, on my phone home screen. I had an epiphany. It was time to call it a night and refocus my attention, even for a short time on what matters more to me than anything else in the universe. I closed my laptop, took notes as to where I needed to continue forward and decided that I was going to take the next morning off from work.

I woke up the next morning, called daycare off for the day, packed Norah’s diaper bag, bathed her, dressed her, packed the daddy mobile with her stroller, turned off my work phone and took Norah on a daddy-daughter date. Our first stop was the mall. We walked around the mall that morning, while Norah and I went shopping for outfits and toys. We walked into stores designed for babies and took a trip to the food court. I could see the excitement in her eyes. It was our first daddy-daughter date and couldn’t have been prouder to be Norah’s father. At one point, Norah fell asleep in her stroller. I remember parking the stroller, sitting on a bench, and staring at Norah for a good 10 minutes while she was asleep. I tried to hold back public tears of joy. I could not help but to think, if I do not stop and contemplate how to strive to be an even better father, this fatherhood thing might pass me by. Being an older father and going through multiple losses makes me appreciate the gift of life. As taboo as some might think the topic may be, I do not shy away from the difficulties that my wife and I had to endure in order to have a baby. I count my blessings constantly.

The 5 hours that I spent with my 10-month-old daughter that morning was one of the best experiences of my life thus far. My point is this, if we do not stop and look around occasionally, life may pass us by. We should all think about taking time for ourselves, our family, and our loved ones. Furthermore, I genuinely believe that from a human aspect, everyone should be treated with respect and dignity. As a legal practitioner, I have occasionally seen colleagues treat one another in an undesirable way. We do not know what anyone is battling in their personal life. No matter what anyone may be dealing with, everyone should be treated the way they would want to be treated. The last thing we should be doing is adding on to the stresses of one another.

In sum, for what it’s worth, we should all self-reflect, take time off for ourselves, value what’s important to us, appreciate what we have and treat everyone the way we would want to be treated. Regardless of what is going on in our personal lives, let’s not lose a sense of civility. It’s a simple concept, but sometimes it’s the simple concepts that we unfortunately forget about.

With love, President Moe Ahmad
Once our courts open again, we hope that you will consider volunteering for one or more of the services listed below.

**Court Facilitator**
The Court Facilitator program is unique to the Third Municipal District. The NWSBA provides volunteers on Thursdays from 9:00 AM until 12:00 PM to assist the Domestic Relations judges. Dates are scheduled by the Association staff through use of a Sign Up Genius web site.

**Paternity Court Facilitator**
Paternity Court Facilitators volunteer on Thursdays from 9:00 AM – 12:00 PM to assist the Paternity Call. Dates are scheduled by the Association staff through use of a Sign Up Genius web site.

**Pro Bono Desk**
The Pro Bono Desk, located in Room 251 in the Rolling Meadows Courthouse, is a volunteer service provided by members of the Northwest Suburban Bar Association. It is a free service to members of our community.

Attorneys serving at the pro bono desk are available to answer legal questions members of the general public may have. While the attorneys serving at the pro bono desk will try to answer your questions to the best of their ability, understand the attorney(s) serving that day may not have expertise in the legal area for which you have a question. The attorney(s) serving the pro bono desk are there to provide legal advise, but are not there to represent the general public on a pro bono basis (free of charge) and therefore do not represent you in any way in the matter for which you may be seeking advice. However, since you are seeking legal advice, your communications with the attorney(s) are subject to attorney-client privilege. Those visiting the pro bono desk are limited to 5-15 minutes in length, depending on the number of others waiting.

Volunteers are needed at the Third District Courthouse every Friday from 1:00 PM – 3:00 PM. Volunteer dates are scheduled by the Association staff through use of a Sign Up Genius website.

**LINK TO SIGN UP GENIUS:**
A link to the volunteer sign up can be found on the Home Page of our website under the “Member Dashboard” tab. If you are a member and are not receiving volunteer emails from Sign Up Genius, please call the Association office at 847-621-2378.

Again, thank you for your service,
Pro Bono Committee
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Judges’ Night

Wednesday, May 11, 2022
5:00 PM - Cocktails & Hors D’oeuvres
6:00 PM - Dinner & Awards

Please join us as we honor:
Hon. Steven Wagner 2020 Public Service Award Recipient
Hon. Martin S. Agran 2021 Public Service Award Recipient
Hon. Samuel J. Betar III 2022 Public Service Award Recipient

2022 Recipient of the Hon. Timothy C. Evans Scholarship
and the
32 Recipients of the Hon. Timothy C. Evans Scholarship for Paralegal Study
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Judges are guests of the NWSBA

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**Newsbriefs**

**NORTHWEST SUBURBAN BAR ASSOCIATION**

**Professional Ethics in Film CLE**

Presented by

Dick Adler & Clifford Scott Rudnick

May 12, 2022
12:45 PM - 4:15 PM

**NWSBA Zoom**

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to Members in good standing

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Seminar will begin promptly at 1:00 PM and will include
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in by 12:45 PM.

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**Confirmation**

We will show *Confirmation* (HBO Movie, 2016). *Confirmation* is a political thriller, directed by Rick Famuyiwa and written by Susannah Grant. It is about Clarence Thomas' Supreme Court nomination hearings, and the controversy that unfolded when Anita Hill alleged she was sexually harassed by Thomas. It stars Kerry Washington as Hill and Wendell Pierce as Clarence Thomas, with Erika Christensen, Jennifer Hudson, Greg Kinnear, Jeffrey Wright, Bill Irwin, and Eric Stonestreet in supporting roles. The film aired on HBO on April 16, 2016. Anita Hill, a law professor at the University of Oklahoma, is contacted and questioned about Clarence Thomas. Hill, a former employee of Thomas, is prompted to speak about his workplace treatment. Anita Hill tells the Senate Judiciary Committee that, Clarence Thomas had spoken to her about pornographic movies and actors. The movie recreates the U.S. Senate Judiciary hearings on these matters.

**Program Format**

Participants will watch *Confirmation* and we will stop at each point the actors are faced with an ethical dilemma under the ABA Model Rules and the Illinois Attorney Rules of Professional Conduct. There will be an opportunity to discuss and analyze several issues raised by the presenters and the attendees, particularly related to treatment and solution. Time will be allotted to discuss some of the differences between real practice and the movie.

**Presented by:**

Cliff Scott-Rudnick, Attorney at Law, Chicago, IL. Cliff was an Assistant Professor, The John Marshall Law School, now UIC Chicago Law School, Chicago, IL (Retired).

J.D. IIT Chicago Kent College of Law, Chicago, IL (1978)

Richard Adler, Attorney at Law, J.D., University of Wisconsin & Film Expert

Participants will receive 3 MCLE Professional Credits: 1 hour in Professionalism, 1 hour in Ethics, & 1 hour in Diversity & Inclusion, pending approval from The MCLE Board of the Supreme Court of Illinois and The Illinois Supreme Court Commission on Professionalism and Civility.

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What is Zantac?
Zantac is a drug often used to treat or prevent heartburn and acid reflux. Stronger doses may be given as prescriptions to treat stomach ulcers and erosive esophagitis. It can be used for people of all ages. What Zantac does that is different is that it starts relieving the heartburn in 15-60 minutes after you take it and will continue to work for 12 hours. This differs from competitors as they tend to wear off quickly after taken. Zantac may seemed like a good choice, until it was determined it was causing consumers to get sick. Since then, Zantac has taken precautions and has removed one ingredient completely.

Why the Recall?
Back in 2019 an online pharmacy named Valisure discovered a shocking ingredient in ranitidine (also known as Zantac). The ingredient they found was N-nitrosodimethylamine (NDMA) which was found in dangerous amounts in Zantac medication. Small amounts of NDMA may be found in food and water and our bodies are able to break it down with no problem. In larger amounts of exposure it can be harmful. Specifically the amount of NDMA found in the Zantac was thousands of times more than the safe amount for human consumption. The reality is the only commercial benefit NDMA have is to trigger cancer growth in animal experimentation.

Eventually the product was recalled. Zantac still has a product called Zantac 360 (Famotidine), but it is said to not contain any NDMA and is safe for consumption. Levels of NDMA increase over time even at normal storage conditions and increases even more if stored at high temperatures. Also, the older the product was manufactured the greater level of NDMA. The recall came after numerous laboratory tests showing ample amounts of NDMA in Ranitidine (Zantac).

Potential harms caused?
There are many risks associated with the high amounts of NDMA. NDMA is for starters a “probable human carcinogen” as studies have shown its extreme carcinogenic effects in animals. Organs that can potentially be affected are the bladder, kidneys, liver, pancreas, lungs, and stomach. We are currently taking cases with the following types of cancer: Bladder, Liver, Stomach, Esophageal and Pancreatic cancers. Out of all the drugs the FDA has found to be contaminated with NDMA, Zantac has been the only one shown to have an increased level of NDMA over time. There is still research being done that may link Zantac to different types of cancers. What we do know is according to a study done by Memorial Sloan Kettering Cancer Center that there is an increased chance of developing certain cancers. Other cases have shown links to bladder cancer specifically and it is a guarantee that there is an increased chance in developing these cancers if the intake of the medication has a sufficient amount of NDMA. It is clear not everyone who takes Zantac will get cancer from it but it is a possibility that Zantac can cause cancer in some individuals. More and more research is being done to try to find the specific types of cancer linked to ingesting these NDMA’s.


Continued From Page 1

What are the Privacy and Security Rules that govern a Covered Entity? In general, a Covered Entity and in turn a Business Associate may only use or disclose PHI subject to the enumerated purposes set forth in the Privacy Rules. The most common ways in which PHI is permitted to be used under the Privacy Rules is to convey such PHI to the actual patient, as necessary for payment, treatment and other health care operations and as needed for limited purposes for research, public health or as otherwise necessary for operations of the health care entity. There are additional permitted uses under the Privacy Rules. The Security Rules set forth the standards necessary to protect and safeguard electronic PHI (ePHI). Generally speaking, the Security Rules require Covered Entities to use physical, technical and administrative protections to ensure that ePHI remains confidential, and secure, is maintained in a system that allows for the data’s continued integrity and availability, and has safeguards to protect against the unauthorized intrusion and impermissible disclosure of ePHI. In essence the Security Rules required Covered Entities and Business Associates to secure ePHI. The Security Rules favor overarching principals and standards and is less focused on individual security methods as those change so frequently as technology adapts and changes.

The above rules and requirements are in general the substance of HIPAA. HIPAA is the set of standards that certain regulated entities are required to follow when handling, using, and disclosing PHI. What does that mean for the average individual? Apart from a factual scenario where your health care provider or payer breaches these standards HIPAA does not govern the situation. Your employer’s vaccine mandate has no relation to HIPAA, a state’s masking requirements has nothing to do with HIPAA, a private business’s vaccine or masking requirement has nothing to do with HIPAA, state and federal vaccine mandates have nothing to do with HIPAA, communications over Facebook or twitter by two private individuals does not implicate HIPAA, and finally asking for proof of vaccinations does not violate HIPAA. Most importantly HIPAA does not contain a private cause of action even if there is a breach of any of the standards. Remedying a breach of HIPAA standards by a Covered Entity for data subject to HIPAA involves the use of state claims like breach of contract or negligence or possibly even state security or privacy statutes.

HIPAA was designed to act as a set of standards to regulate how certain entities interact with PHI, it was not designed to act as a sword for any alleged health related claim.

Submitted by: Scott Zambo
Newsbriefs Editor
March 7, 2022

Via Email Transmission: jbarth@nwsba.org

Ms. Julie Barth
Executive Director
Northwest Suburban Bar Association
115 S. Wilke Road, Suite 102
Arlington Heights, IL 60005

Re: NWSBA Nominating Committee

Dear Ms. Barth:

Please accept this correspondence as the formal recommendations of the Northwest Suburban Bar Association’s 2022 Nominating Committee. The recommendations are as follows:

Executive Committee:

Stephanie Garces 2nd Vice President
Nicholas Richardson Treasurer
Frank Serio Secretary

Board of Directors:

Robert Boszko Board of Governors
Christopher Nudo Board of Governors
Allen Gabe Board of Governors
Christine Svenson Board of Governors
Gregory Walker Partial Term for position vacated by Serio

The candidates are truly qualified for the positions for which they are being recommended, and we are confident that each of them ensures success for the NWSBA for years to come.

Very truly yours,

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The Letter of the Law. The Spirit of Service.
After a two-year hiatus due to the Covid-19 pandemic, Judge’s Night is back! Mark your calendars for May 11, 2022, to spend an evening of food and drink with Cook County’s judiciary. The event will begin at 5:00 p.m. and be held at Café LaCave in Rosemont. Sponsorship opportunities are yet available. Contact the Association today to RSVP for this great event or if interested in sponsoring.

The NWSBA Board of Governors has approved the NWSBA’s participation in the Chicago Bar Association Racial Justice Coalition. The NWSBA will join several other local bar associations in the Coalition, with the mission of promoting diversity within the legal profession.

Congratulations to Steven Wilensky as a new government/retired member of the NWSBA and to Jessica Land as a law student member of the NWSBA.
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*You must be a member of the NWSBA (Including Law Student/Student Status) in order to place an ad in the Employment Opportunities section. All ads are subject to approval by the Editor.
CALENDAR

MAY 11 - Judges’ Night

JUNE 23 - Installation Dinner

Please check the website calendar for a complete list of CLEs & Committee Meetings.