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Eileen DeCesare, RN
President / CEO Emeritus

Success!

At Professional Healthcare Resources, we always look at every situation we encounter as a chance to create successful, beneficial results for our patients and our colleagues. Whether it is a patient with multiple disciplinary treatments, or an urgent and immediate issue that calls for our staff members to get creative in resolving it, we are committed to providing quality solutions 100% of the time. With our coming expansion into the Baltimore, Maryland area, and the infusion of new skills and talents into our dedicated and hard-working team, I know that Professional Healthcare is well on its way to even greater success as we look forward to 2008. Abraham Lincoln once said, "Your own resolution to succeed is more important than any one thing," and, at Professional Healthcare, I see every day each individual's resolution to succeed at providing quality home care that our patients can count on. I am thankful for the high commitment that I see in everyone at Professional Healthcare, and you, our referral sources, reflect and demonstrate that resolution to patients every day, reassuring them that their success in achieving a better quality of life is our success. David McCullough said that "real success is finding your lifework in the work that you love," and I couldn't agree with him more. I am proud to see Professional Healthcare truly being a place where talented, dedicated people who love their work can succeed at caring for others. Thank you, and go forth into your success!

Eileen DeCesare, RN, MS, CNA, LNC
President / CEO Emeritus

The Role of Case Manager in Home Care

Professional Healthcare Resources uses a Case Management approach in caring for clients in their homes.

The role of the Case Manager can be likened to that of the conductor in an orchestra. In the Case Managers situation the Case Managers goal is to ensure the smooth coordination of the home health care team in the delivery of care in a seamless, cohesive manner, resulting in greater client/customer satisfaction and improved outcomes.

The most effective case managers have excellent communication, organizational and assessment skills.

The role encompasses many skills and roles. Firstly the initial assessment where the needs of the client are identified and a plan of care is developed. It is at this that time the Case Manager defines the home care diagnosis, how it will be managed, taking into account, the educational needs/deficits of the client/caregiver, what barriers if any, there are to achieving successful outcomes, and what other disciplines, services, supplies or equipment will be needed during the episode of care and beyond. This then leads to the communication and coordination of all those in the community team involved in caring for the client—the family, the physician, and if indicated, other disciplines in the community health team and health care suppliers.

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Once the care is initiated the role of the Case Manager moves towards monitoring, overseeing and evaluating all aspects of client care as it relates to the Plan of Care, ensuring service delivery and client well being throughout the episode of care. The Case Manager should always advocate in the best interest of the client.

The role also involves being supportive to the caregiver who may be feeling overwhelmed and lost in the new role of caring for a loved one.

At Professional Healthcare Resources the Case Managers are supported and guided when necessary by a Clinical Manager, thus ensuring that high standards of care are delivered to our clients. Continuous education and support is also available to our Case Managers in this highly demanding role.

Helen Rothery, RN
Director of Patient Services
Annandale Branch

Update on Litigation Under the HIPAA Privacy Rule

A federal appellate court in *Acara v. Banks*, No. 06-30356 (5th Cir. Nov. 13, 2006) recently concluded that the HIPAA Privacy Rule does not include what the courts call “a private right of action.” In other words, individuals involved in violations of the HIPAA Privacy Rule cannot sue providers themselves. Only the U.S. Department of Health and Human Services may bring legal action to enforce the HIPAA Privacy Rule.

In this case, Ms. Margaret Acara filed suit against Dr. Bradley Banks. Ms. Acara claimed that Dr. Banks disclosed medical information about her during a deposition without her consent. The sole basis for her claim was the HIPAA Privacy Rule.

In considering her lawsuit, the Court first stated that whether or not HIPAA allows individuals to sue providers themselves is a question of interpretation of HIPAA that generally provides for confidentiality of medical records. The Court went on to say that private rights of action to enforce federal law must be created by Congress. The Court also noted that the HIPAA Privacy Rule does not include any express provisions that create a right for individuals themselves. The Court considered whether the HIPAA Privacy Rule implies any right for individuals to sue for themselves.

The Court decided that HIPAA does not contain any express language conferring rights upon individuals. Instead, HIPAA focuses on persons who have access to protected health information and who conduct certain electronic health care transactions.

Because HIPAA specifically delegates enforcement to the U.S. Department of Health and Human Services, said the Court, there is a strong indication that Congress intended to preclude private enforcement.

The Court then acknowledged that no other federal appellate court has specifically addressed this issue. Every federal district or lower court that has considered the same question, however, has concluded that the statute does not allow individuals to sue under it. The Court noted that Acara provided no authority to support her assertion that a private right of action exists under HIPAA. The Court thought Acara’s policy arguments were unpersuasive. Consequently, the Court concluded that:

“We hold there is no private right of action under HIPAA. . . .”

This appellate court decision is important for providers because it supports the decisions of several lower courts that reached the same conclusion. Although the U.S. Supreme Court has not ruled on this issue, it appears unlikely that it will do so in view of the agreement among lower courts that individuals cannot sue under the HIPAA Privacy Rule.

The practical result is that providers need not worry about lawsuits from patients related to violations of the HIPAA Privacy Rule. At this point, the only action that courts will allow is enforcement action by the Office of Civil Rights of the U.S. Department of Health and Human Services. This result is certainly a welcome relief to providers who will not have to expend precious time, money and resources to defend against multiple lawsuits from patients. Although providers are “off the hook” to patients, compliance is essential to satisfy legal and ethical obligations and to avoid enforcement action.

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