



FELDMAN & FELDMAN ^{PC}

CRISTEN D. FELDMAN ‡ °
Cris.Feldman@feldman.law

GEORGE W. VIE III †
George.Vie@feldman.law
Board Certified, Civil Appellate Law
Texas Board of Legal Specialization

‡ Licensed in New York
† Licensed in Hawaii
◊ Licensed in California
° Licensed in Washington DC

3355 WEST ALABAMA ST., SUITE 1220
HOUSTON, TEXAS 77098
TELEPHONE: 713-986-9471
FACSIMILE: 713-986-9472
WWW.FELDMAN.LAW

DAVID M. FELDMAN
David.Feldman@feldman.law
Board Certified
Labor & Employment Law
Texas Board of Legal Specialization

SHANNON R. ALMES ◊
Shannon.Almes@feldman.law

DEREK D. BAUMAN
Derek.Bauman@feldman.law
Board Certified, Civil Appellate Law
Texas Board of Legal Specialization

November 19, 2020

Re: Request for Insurance Claims Information

Regina D. Adams
Radcliffe Bobbitt Adams Polley PLLC
America Tower, 2929 Allen Parkway, Suite 3450
Houston, Texas 77019-7120
radams@rbaplaw.com

Dear Ms. Adams:

As District counsel for Emergency Service District #11, you have requested CCEMS report nine categories of health insurance claim information monthly at the District meetings. We have determined this information cannot be provided to you consistent with our obligations under federal law.

Although you suggest certain information could be redacted under HIPAA, we have concluded redaction would not cure the legal defects that preclude giving the District the information requested about outstanding health insurance claims:

First, the Plan, as a covered entity, cannot provide this information to CCEMS, as Plan Sponsor, for the purpose of sharing it with a third party. The HIPAA regulations do not authorize the disclosure of protected health information to the Plan Sponsor for the purposes you have identified.

Second, the Plan's business associates cannot provide this information to CCEMS, as Plan Sponsor, for any purpose that is not permitted by HIPAA. CCEMS, as Plan Sponsor, would be in breach of its business associate agreements if it were to use or disclose this information for any purpose that is not permitted by HIPAA.

Third, all of the information demanded by the District is protected health information. All information relating to claims, including the date of service and the reasons for approving or denying the claim, is health information relating to an individual's health care.

Fourth, the Plan cannot redact or de-identify the information in a manner that would ensure that the information could not be re-identified. Given that the number of participants in the Plan is modest and that most participants live or work in the same geographic area, the Plan concludes the information could be used alone or in combination to identify the individuals who are the subject of a claim.

For these reasons, and the applicable federal law in general, we must decline your request to report this information today and at subsequent meetings.

Yours very truly,

/s/ George W. Vie III

cc:

Wren Nealy Jr.
Chief Executive Office
Cypress Creek Emergency Medical Services

Board of Directors, Cypress Creek Emergency Medical Services Association
c/o Glen Henning, President
7111 Five Forks
Spring, Texas 77379