

# Gerson Quoted On Likely Rise of Lawsuits Under FTC 'Red Flag' Rule

Home Health Line

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Stuart Gerson, a Member of the Firm in the Litigation and Health Care & Life Sciences Practices in the Washington, DC and New York offices, was quoted on the possibility of new lawsuits being brought against home health agencies under the Federal Trade Commission's new "red flag" rule.

The article, "Up To Speed on HIPAA? Now Comes 'Red Flag' Compliance Rules," reported that under the "red flag" rule, which takes effect May 1, home health agencies and other providers will be required to protect against identity abuses that the Health Insurance Portability and Accountability Act (HIPAA) privacy rules don't necessarily cover.

Gerson pointed out that the "red flag" rule opens the danger of a suit by a present or former employee or by the Justice Department, alleging that a home health agency's non-compliance led to a false certification that caused Medicare claims violations of the False Claims Act.

## People



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