

HIPAA, defamation complaint filed against Gallup hospital

Written by By Beth Blakeman Associate Editor
Friday, 28 August 2020 05:45



Former Rehoboth McKinley Christian Health Care Services employee William Camarota says a leak of his COVID-19 test results has led him to sue his former employer.

A complaint was filed in the Eleventh Judicial District in McKinley County Aug. 10 alleging “breach of confidentiality, invasion of privacy, retaliatory discharge, and defamation” against RMCHCS, Inc., Felicia Adams and Dean Adams.

Camarota said while he was employed at RMCHCS he took a COVID-19 test and his test results became widely known, which he considers a breach of the Health Information Portability and Accountability Act of 1996.

His attorney David Jordan said his client’s status was of utmost importance to him.

“Confidentiality was important to my client for two reasons,” Jordan told the *Gallup Sun* Aug. 12. “He did not want his substance abuse clients to be afraid to counsel with him after his 14-day quarantine was over. He was also concerned that the community might think that the WellSpring Recovery Center [a part of RMCHCS], where he worked, was a COVID-19 hot zone,”

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Camarota had a sterling reputation as the 2019 winner of the “Housing for All” award for the New Mexico Coalition to End Homelessness and for the time that he was president of the Immediate Action Group. The former Director of Behavioral Special Projects at RMCHCS, now feels his standing has been damaged.

In the complaint it states, “Plaintiff was damages(sic) by Defendant’s breach of confidentiality/invasion of privacy, and he does hereby demand recovery of such damages, including emotional harm, loss of reputation, and general damages.”

The complaint is also asking for relief for his discharge from his position at the hospital.

Camarota said his discharge from his position at RMCHCS was partially-related to events that occurred after his test status was revealed.

RMCHCS Health Information Management Director Dr. Phyllis Miller, who performed an investigation of the claim, said she presented her HIPAA violation findings to the hospital board May 23.

Miller told the *Sun* Aug. 13, “When it came to Bill, he was not afforded the same rights as anyone else under the HIPAA privacy law. His health information should not have been shared with others and it was.”

Camarota said that in addition to his COVID-19 status there were other reasons for his dismissal from the hospital.

“I really do feel that my termination was a retaliation for supporting Dave Conejo,” he said.

No specified monetary damage award is listed in the complaint.

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Felicia Adams and RMCHCS were contacted about this story. There was no response by press time.

STAFF CHANGES CONTINUE AT RMCHCS

Meanwhile, personnel turnover continues at Rehoboth McKinley Christian Health Care Services.

RMCHCS now has two people working in the CEO capacity.

Mary Bevier, who moved into the position as interim CEO from her spot as Chief Financial Officer when David Conejo was fired June 11, is being joined by Steve McKernan.

McKernan's title is acting CEO.

McKernan was CFO at University of New Mexico Hospital for nearly eight years prior to serving as CEO for 21 years. He is now with MARKA Strategic Financial Services, where he has worked part-time since January 2018, according to his LinkedIn site.

While RMCHCS works out the issues that come with having both an interim CEO and an acting short-term CEO, it will also be losing its COO, Michael Nye.

Nye was named COO April 27. Lisa Lovato in the CEO's office said Nye's resignation is effective Aug. 31.

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Nye's replacement has not been announced.

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