

The impact the act law constitutional administrative essay

Law



**ASSIGN
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Health LawNameCourseInstructorUniversity

Part 1

Question: Discuss the difference between public and private law?

Answer: Public law is the law governed by the state. Public law determines the relationship of an individual (company, organization, citizen etc) and the government. Public law has three sub divisions constitutional law (this division wrap up the different branches of government or state like executive, legislative and judiciary), administrative law (this sub division deals with the supremacy of administrative group like international trade, manufacturing, pollution etc) and criminal law (this division make sure that justice should prevail in the country through imposed penalties on individuals or companies for violating law). Private law deals with the relationship of state's individuals (citizens, groups etc). Private law excludes the government interventions in individual relationship. Private law is mainly concerned with rights and duties of state individuals. Private law also has some sub divisions law of contract, law of tort (this deal with and provides remedies for the unlawful activities of the state individual like hurting someone but it do cover the areas of contractual obligations), property law, law of succession (estate, claims of deceased persons, and testamentary laws) and family law (issues of families like domestic violence, child abuse, marriage divorce etc), labor law, commercial law, competition law etc. private law is also known as civil law. DifferencePublic law deals with the interactions of government with its state individuals (citizen, groups, company, organization etc) whereas Private law deals with the interactions

of state individual with themselves (not involving state). Public law has a wider scope (state related matters) whereas Private law has a narrower scope (individuals, groups, companies etc). Public law addresses and resolving the issues that affect the general public whereas Private law is focused to individuals. Example: in a road accident a person gets hurt by a drunk driver. This situation is covered by both laws. The penalty is given under criminal law and the damages are given under law of tort.

Question: Summarize the different sources of law:

Common Law

Statutory Law

Administrative Law

Answer: Common law also named as case law. These laws are developed by the court judges through their decisions. They differ from country to country and changes over time. Statutory laws are created by legislative branch. Its sources are federal (public laws, US Codes), state (annotated and Unannotated codes of Maryland, other state's codes), uniform codes and local. Administrative laws also named as regulatory laws. This law performs two function rulemaking and enforcement. Its sources include the President, administrative agencies like labor department, environment protection department etc. This law is proscribed by the secretaries (members of US cabinet).

Part 2

Question: What is the date of enactment of Privacy ACT?

Answer: Privacy Act: This Act was enacted on December 31, 1974. This Act is established to secure the privacy rights of residents of US in this high tech world.

Question: What led to the enactment of this ACT?

Answer: In the year 1974, US Congress was alarmed with curbing the illegal scrutiny and inquiry of individuals by federal agencies that had been open to the elements of government during the Watergate scandal. At that time US Congress was also disturbed with possible maltreatments existing by the state's growing use of computers to store up and recover personal data by way of a universal identifier. This universal identifier was maybe an individual's social security number." This was reason behind the enactment of Privacy Act 1974.

Question: What are criminal penalties, if any, for violation of this ACT?

Answer: If the employee or officer intentionally disclose the individual identifiable information and deliberately establish a record without informing the federal registrar of the system record then he/she would commit a criminal violation. If they are found guilty of criminal violations of Privacy Act then he/she will be fines up to \$5, 000

Question: Who is governed by this ACT?

Answer: The Privacy Act 1974 is applicable to the residents of US and to the alien residents also. Their information records are maintain and accessed when needed.

Question: What are some of the key provisions of this ACT?

Answer: The key provisions of this Act are: to curb the revelation of the information and records gathered and maintained by the respective agencies, to give individuals the right to have an access to the report developed on them, give them the right to ask for the correction of records saved by the agency, to create a code of 'fair information practices' which have need of agencies to act in accordance with statutory standard for compilation, upholding, and distribution of records."

Question: Discuss the impact the ACT has had on health care since it was implemented?

Answer: The U. S. Department of Health and Human Services (HHS) has tried to keep the privacy of medical records by endorsing a Privacy Rule under the Health Insurance Portability and Accountability Act (HIPAA) in April 2003. The structure were designed to safe guard patients' exclusive health information. According to US Health and Human Services Department (HHS), " These innovative principles grant patients with access to their health records and further manage over how their health information is used and reveal. The Act acknowledged the significance of an individual's honesty and individual's self-esteem. It provides legal protection to the people of USA. The information recorded is disclosed to limited entities like health insurers,

organizations who managed care etc. they make health plans and provide facilities accordingly.