

## Report on Patient Privacy Volume 22, Number 5. May 05, 2022 Patient Privacy Court Case: May 2022

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On April 13, 2022, the Indiana Supreme Court remanded a case against Community Health Network in favor of the hospital with respect to a family's claims that a medical records coordinator improperly accessed and disclosed information from patient medical records as part of "a long-running family feud."<sup>[1]</sup> The court determined that the alleged misconduct did not constitute malpractice and recognized a valid yet insufficient claim of public disclosure of private facts.

The employee was authorized to schedule appointments and release records only for patients of the hospital's orthopedic practice; however, the employee had access to the medical records of the larger hospital system. The employee accessed the medical records of 160 patients, including those of estranged family members, none of whom received services at the orthopedic practice, in violation of hospital policy. The employee's actions were reported in September 2013, and the hospital subsequently investigated the allegations and fired the employee. A few months later, the family sued and sought to hold the hospital vicariously liable for the employee's negligence and invasion of privacy and directly liable for negligent training, supervision and retention.

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