

Medical Privacy Stories

Individuals Exposed

- ◆ Following the rape accusations against basketball player Kobe Bryant, the alleged victim's medical records were subpoenaed by Bryant's defense lawyers from a Colorado hospital. After a hospital employee released the records to a judge, attorneys for the hospital have asked that judge to throw out the subpoenas and destroy the records already received by him, citing state and federal medical privacy laws. Attorneys for the victim are also attempting to prevent Bryant's defense team from gaining access to her medical records from two other hospitals. However, a number of news stories have published sensitive medical information that reporters allege came from hospital employees. (M. Miller, "Issues of Privacy in Bryant Case," Los Angeles Times, September 8, 2003)
- ◆ Terri Seargent, a North Carolina resident, was fired from her job after being diagnosed with a genetic disorder that required expensive treatment. Three weeks before being fired, Terri was given a positive review and a raise. As such, she suspected that her employer, who is self-insured, found out about her condition, and fired her to avoid the projected expenses. (R. Weiss, "Ignorance Undercuts Gene Tests' Potential," *The Washington Post*, December 2, 2000, p. A1)
- ◆ The medical records of an Illinois woman were posted on the Internet without her knowledge or consent after she was treated at St. Elizabeth's Medical Center following complications from an abortion performed at the Hope Clinic for Women. The woman has sued the hospital, alleging that St. Elizabeth's released her medical records without her authorization to anti-abortion activists, who then posted the records online along with a photograph they had taken of her being transferred from the clinic to the hospital. The woman is also suing the anti-abortion activists for invading her privacy. (T. Hillig and J. Mannies, "Woman Sues Over Posting of Abortion Details," *St. Louis Post-Dispatch*, July 3, 2001, p. A1)
- ◆ The medical records of a Maryland school board member were sent to school officials as part of a campaign criticizing his performance. The records revealed that the member had been treated for depression. (C. Samuels, "Allen Makes Diagnosis of Depression Public; Medical Records Mailed Anonymously," *The Washington Post*, August 26, 2000, p. V1)
- ◆ After suffering a work-related injury to her wrist, Roni Breite authorized her insurance company to release information pertaining to her wrist ailment to her employer. The file that the company released contained her *entire* medical history, including records on recent fertility treatment and pregnancy loss. (E. McCarthy, "Patients Voice Growing Concerns about Privacy," *Sacramento Business Journal*, April 5, 1999)
- ◆ A patient at Brigham and Women's Hospital in Boston learned that employees had accessed her medical record more than 200 times. (R. Mishra, "Confidential Medical Records Are Not Always Private," *The Boston Globe*, August 1, 2000, p. D1)
- ◆ An Atlanta truck driver lost his job in early 1998 after his employer learned from his insurance company that he had sought treatment for a drinking problem. (J. Appleby, "File safe? Health Records May Not Be Confidential," *USA Today*, March 23, 2000, p. A1)
- ◆ Joan Kelly was automatically enrolled in a "depression program" by her employer, Motorola, after her prescription drug management company reported that she was taking anti-depressants.

(R. O'Harrow, "Plans' Access to Pharmacy Data Raises Privacy Issue," *The Washington Post*, September 27, 1998, p. A1)

- ◆ A South Carolina resident was suspended from work for refusing to release her medical records to her employer. (S. Crowley, "Invading Your Medical Privacy," *AARP Bulletin*, March 2000)
- ◆ New York Congresswoman Nydia Velasquez's confidential medical records – including details of a bout with depression and a suicide attempt – were faxed from a New York hospital to a local newspaper and television station on the eve of her 1992 primary. After overcoming the fallout from this disclosure and winning the election, Rep. Velasquez testified eloquently about her experiences before the Senate Judiciary Committee as it was considering a health privacy proposal. (A. Rubin, "Records No Longer for Doctors' Eye Only," *Los Angeles Times*, September 1, 1998, p. A1)
- ◆ Country singer Tammy Wynette's medical records were sold to the National Enquirer and Star tabloids by a hospital employee for \$2,610. William Cox retrieved medical information about Wynette from the hospital's databases and faxed it to the tabloids without her consent. Last year, Cox pleaded guilty to one count of wire fraud and was sentenced to six months in prison. ("Selling Singer's Files Gets Man Six Months," *Houston Chronicle*, December 2, 2000, p. A2)
- ◆ The late tennis star Arthur Ashe's positive HIV status was disclosed by a health care worker and published by a newspaper without his permission.

Unauthorized Access

- ◆ A hospital clerk at Jackson Memorial Hospital in Miami, Florida stole the social security numbers of sixteen patients named Theresa when they registered at the hospital. The hospital clerk then provided the social security numbers and medical record information to a friend, also named Theresa, who opened up over 200 bank and credit card accounts and buy six new cars. (D.

Sherman, "Stealing From The Sick," NBC6.net, May 21, 2002)

- ◆ A temporary employee of the Dana-Farber Cancer Institute stole patients' personal information. The employee allegedly used one patient's name and data to obtain \$2,500 in long distance and other phone service. (J. Ellement, "Dana-Farber Says Patient Data Stolen," *The Boston Globe*, August 8, 2000, p. A1)
- ◆ The 13-year-old daughter of a hospital employee took a list of patients' names and phone numbers from the hospital when visiting her mother at work. As a joke, she contacted patients and told them that they had been diagnosed with HIV. ("Hospital Clerk's Child Allegedly Told Patients That They Had AIDS," *The Washington Post*, March 1, 1995, p. A17)
- ◆ The Harvard Community Health Plan, a Boston-based HMO, admitted to maintaining detailed notes of psychotherapy sessions in computer records that were available to all clinical employees. Following a series of press reports describing the system, the HMO revamped its computer security practices. (A. Bass, "HMO Puts Confidential Records On-Line; Critics Say Computer File-Keeping Breaches Privacy of Mental Health Patients," *The Boston Globe*, March 7, 1995, p. 1)
- ◆ In Tampa, a public health worker walked away with a computer disk containing the names of 4,000 people who tested positive for HIV. The disks were sent to two newspapers. (J. Bacon, "AIDS Confidentiality," *USA Today*, October 10, 1996, p. A1)
- ◆ A banker who also served on his county's health board cross-referenced customer accounts with patient information. He then called due the mortgages of anyone suffering from cancer. (M. Lavelle, "Health Plan Debate Turning to Privacy: Some Call For Safeguards on Medical Disclosure. Is a Federal Law Necessary?" *The National Law Journal*, May 30, 1994, p. A1)

Poor Security

- ◆ Medical records from the University of California – San Francisco Medical Center that had been sent to Pakistan for transcription were nearly made public when a Pakistani transcriber threatened to post them on the Internet. Lubna Baloch, the transcriber, was hired by a Texan subcontractor, Tom Spires of Tutranscribe. Spires was himself a subcontractor for Sonya Newburn, of Florida, who subcontracted work from Transcription Stat, a California company that handled a portion of UCSF's transcription work. Claiming that Spires had not paid her correctly, Baloch sent an email to UCSF containing patient medical files and a threat to post them if she was not compensated. Although Baloch ultimately agreed not to post the records, UCSF could not confirm that she had destroyed them. The American Association for Medical Transcription, an industry group, estimates that about 10 percent of U.S. medical transcription is done abroad, where U.S. privacy laws are virtually unenforceable (D. Lazurus, "A Tough Lesson on Medical Privacy: Pakistani Transcriber Threatens UCSF over Back Pay," *San Francisco Chronicle*, October 22, 2003, p. A1).
- ◆ A hacker found a webpage used by the Drexel University College of Medicine in Pennsylvania that linked to a database of 5,500 records of neurosurgical patients. The records included patient addresses, telephone numbers, and detailed information about diseases and treatments. After finding the database through the search engine Google, the hacker was able to access the information by typing in identical usernames and passwords. Drexel University shut down its database upon learning of the vulnerability and a university spokeswoman stated that officials had been unaware that the database was available online, as it was not a sanctioned university site. (C. Null, "Google: Net Hacker Tool du Jour," *Wired News*, March 4, 2003)
- ◆ A Kentucky state computer that was put up for sale for \$25 contained files naming thousands of people with AIDS and other sexually transmitted diseases. The state auditor's office purchased the computer and, upon taking it back to the office for testing, discovered the confidential information. The auditor's office issued an alert that all surplus computers must be wiped clean with special software. (C. Wolfe, "Discarded Computer had Confidential Medical Information," *Associated Press*, February 6, 2003)
- ◆ Thieves broke into TriWest Healthcare Alliance in Phoenix, Arizona and stole computers that contained medical and social security records of over 500,000 retired and current military personnel. TriWest is a contractor that stores information for the Department of Defense. The FBI and other law enforcement agencies are investigating the security breach, and TriWest has offered a reward of \$100,000 for information leading to an arrest. It is unknown if any of the personal information obtained in the theft has been misused. (A. Clymer, "Threats and Responses: Privacy," *The New York Times*, January 11, 2003)
- ◆ About 400 pages of detailed psychological records concerning visits and diagnoses of at least 62 children and teenagers were accidentally posted on the University of Montana Web site for eight days. The information included names, dates of birth and, in some cases, home addresses and schools attended, along with psychological test results. (C. Piller, "Web Mishap: Kids' Psychological Files Posted," *Los Angeles Times*, November 7, 2001, p. A1)
- ◆ Police in Wilson, Pennsylvania are investigating why medical records from Easton Hospital, including lab reports, drug reports, and doctors' examinations notes, were found on the streets of Allentown, PA. All of the records included patient names and many included addresses and phone numbers. A hospital official stated that an internal investigation had revealed a suspect. The results of this investigation are being made available to the police in Wilson, PA. (D. Nerl and A. Wlazelek, "Patients' Privacy Breached," *The Morning Call*, August 8, 2002)
- ◆ Eli Lilly and Co. inadvertently revealed over 600 patient e-mail addresses when it sent a message to every individual registered to receive

reminders about taking Prozac. In the past, the e-mail messages were addressed to individuals. The message announcing the end of the reminder service, however, was addressed to all of the participants. (R. O'Harrow, "Prozac Maker Reveals Patient E-Mail Addresses," *The Washington Post*, July 4, 2001, p. E1) The FTC filed a complaint against Eli Lilly alleging that the unauthorized disclosure of personal information by the company was an "unfair or deceptive" act or practice in violation of Section 5(a) of the Federal Trade Commission Act. In January 2002, Eli Lilly settled the FTC charges against the company. It agreed to increase existing security and to create an internal program to prevent future privacy violations. No fine was involved in the settlement because the incident was unintentional. ("Lilly Privacy Violation Charges Are Settled," *The New York Times*, January 19, 2002, p. C3)

- ◆ A hacker downloaded medical records, health information, and social security numbers of more than 5,000 patients at the University of Washington Medical Center. The hacker claimed to be motivated by a desire to expose the vulnerability of electronic medical records. (R. O'Harrow, "Hacker Accesses Patients Records," *The Washington Post*, December 9, 2000, p. E1)
- ◆ Several thousand patient records at the University of Michigan Medical Center were left inadvertently on public Internet sites for two months. A student searching for information about a doctor discovered the problem when he came across a link to files containing private patient records with numbers, job status, treatment for medical conditions, and other data. ("Black Eye at the Medical Center," *The Washington Post*, February 22, 1999, p. F5)
- ◆ The medical records of about 20 patients of Providence Alaska Medical Center were accidentally posted on a Web site. (P. Porco, "Patients' Privacy Breached; Alaskans' Medical Records Put on Net," *Anchorage Daily News*, June 4, 2000)
- ◆ GlobalHealthtrax, which sells health products online, inadvertently revealed the names, home phone numbers, and bank account and credit

card information of thousands of customers on their Web site. (B. Sullivan, "Bank Information Exposed Online," MSNBC, January 19, 2000. Accessed at www.zdnet.com on January 19, 2000)

- ◆ Kaiser Permanente mistakenly sent responses to member e-mails to the wrong recipients. The e-mails, some of which contained sensitive patient information, affected 858 members who use their online services. (B. Brubaker, "Sensitive Kaiser Emails Go Astray," *The Washington Post*, August 10, 2000, p. E1)
- ◆ SelectQuote Insurance Services exposed many customers' personal health information on their Web site. Information submitted by users to receive a life insurance quote was not "cleared" and thus remained on the site where it could be viewed by subsequent users. (M. Bruner, "Insurance Site Exposes Personal Data," MSNBC, March 22, 2000)
- ◆ A doctor's laptop was stolen at a medical conference. The computer contained the names and medical histories of his patients in North Carolina. (A. Santana, "Thieves Take More than Laptops," *The Washington Post*, November 5, 2000, p. A1)
- ◆ Due to a software flaw, thousands of consumers who requested pamphlets and brochures about drug and alcohol addiction had their names, addresses, telephone numbers and e-mail addresses exposed on Health.org, a government health information Web site. (B. Sullivan, "Health Site Exposed Customer Info," MSNBC, May 25, 2001)

Poor Disposal

- ◆ Confidential Medicaid records were disclosed during the sale of surplus equipment by the Arkansas Department of Human Services twice in six months. In October 2001, the state stopped the sale of the department's surplus computer drives when it discovered that Medical records that should have been erased were found on the computers. In April 2002, a man who bought a

file cabinet from the department found the files of Medicaid clients in one of the cabinet's drawers. The files include Social Security numbers and birth dates. ("DHS Surplus Sales Again Reveal Confidential Information," *Associated Press*, April 3, 2002)

- ◆ Documents referring to over 125 psychiatric patients of Rapid City Regional Hospital were found in a convenience store trashcan by an editor of the Milwaukee *Journal Sentinel*. A University of South Dakota fourth year medical student had taken the papers outside of the hospital and dumped them in the trash. The documents included lists of patients in the psychiatric unit and their diagnoses, along with the student's handwritten notes about some of the patients. The University's faculty committee will be recommending discipline for the student. (C. Brokaw, "S. Dakota Investigates Psych Records," *Associated Press*, December 30, 2001)
- ◆ Thousands of medical records fell out of a vehicle and were blown throughout Mesa, Arizona. The records were being transported to be destroyed. ("Medical Records Fall Out of Vehicle, Blown Through Street," *Associated Press*, May 26, 2000)
- ◆ Two health care organizations in Washington State were found discarding medical reports in unlocked dumpsters. Among the information found by reporters were patient names, addresses, social security numbers, and detailed descriptions of sensitive medical procedures. (S. Salyer, "Patients' Records Found in Unsecured Dumpsters," *The Daily Herald*, June 18, 2000)
- ◆ Aetna health insurance claim forms blew out of a truck on the way to a recycling center and scattered on I-84 in East Hartford during the evening rush hour. Aetna, the nation's largest health insurer, quickly dispatched employees – some of them on the way home from work – to scoop up forms containing names and personal health information. The papers should have been shredded under company policy. ("Careless Disposal of Records Imperils Privacy," *The Hartford Courant*, May 14, 1999)

- ◆ Intermountain Healthcare, a Utah-based health plan, recently took steps to recover misplaced patient medical files. IHC said that its Salt Lake Clinic had donated a file cabinet to Deseret Industries and did not know that some records and laboratory reports had accidentally slipped behind the drawers. (J. Constanzo, "IHC Sues over Misplaced Records," *The Deseret News*, December 2, 1998)
- ◆ Hundreds of patient records were found in the parking lot outside Scripps Clinic in California. Information included diagnosis, credit card information and test results. The records appeared to be from multiple health care sites. ("Patient Privacy Dumped in Trash," *San Diego Union-Tribune*, May 18, 1998)

Medical Information Used for Marketing

- ◆ On July 9, 2003, the Florida Attorney General issued investigative subpoenas to Eli Lilly & Co., Walgreen Co. and a number of health care providers to determine whether state laws were violated when Prozac tablets were mailed unsolicited to Florida residents. Individuals received an envelope from Walgreens with a letter encouraging them to switch to Prozac Weekly along with a free one-month trial of the drug. The Attorney General's office is concerned not only with the unsolicited delivery of a prescription drug but also with the possibility that privacy rights were violated by the misuse of medical information to target likely candidates for a particular drug. A woman who received the unsolicited Prozac also filed an invasion of privacy lawsuit against Eli Lilly, Walgreens, and her doctor for sending her a drug that she did not request. ("Fla. AG Issues Subpoenas Over Prozac," *Associated Press*, July 10, 2002; B. Japsen, "Florida Prozac Case Raises Issues of Privacy, Health," *Chicago Tribune*, July 11, 2002)
- ◆ The Florida Attorney General's office investigated the marketing practices of Eckerd Drug Company to determine whether or not the company is violating customers' privacy. When customers of Eckerd Drug had picked up their prescriptions, Eckerd's had them sign a form not only

acknowledging receipt of a prescription but also authorizing the store to release their prescription information to Eckerd Co. for future marketing purposes. The form apparently did not adequately inform customers that they were authorizing the commercial use of their medical information. According to the Attorney General's investigation, no customer or store employee interviewed was aware of the fact that the customer had actually signed an authorization for marketing purposes. In a settlement with the attorney general, Eckerd agreed to change its policies to better protect patient privacy, including restriction of direct marketing of prescription drugs to customers who have given written consent to use their medical information for such purposes. The company also agreed to fund a \$1 million ethics chair at the Florida A & M School of Pharmacy. (M. Albright, "More Eckerd Questions," *St. Petersburg Times*, March 5, 2002, p. 1E; J. Dorschner, "Eckerd Endows FAMU Ethics Chair," *The Miami Herald*, July 11, 2002)

- ◆ Medical Marketing Service advertises a database available to pharmaceutical marketers that includes the names of 4.3 million people with allergies; 923,000 with bladder control problems; and 380,000 who suffer from clinical depression. (See www.mmslists.com)
- ◆ The chain drug stores CVS and Giant Food admitted to making patient prescription records available for use by a direct mail and pharmaceutical company. Their stated intent was to track customers who do not refill prescriptions and send letters encouraging them to refill and consider alternative treatments. However, in response to the outrage and worry expressed by their customers, both companies advised their plans to abandon their marketing and direct mail campaigns. (R. O'Harrow, "Prescription Fear, Privacy Sales," *The Washington Post*, February 15, 1998, p. A1)
- ◆ RxAmerica, a Utah-based pharmaceutical benefits manager, used patient data to solicit business for its owner, American Drug Stores. Patients were asked to switch drug stores and start filling their prescriptions at Sav-on, a chain owned by American Drug Stores. (S. Gallagher,

"In the Public Eye," *Kiplingers*, February 2000, p. 78)

- ◆ An Orlando woman had her doctor perform some routine tests and received a letter weeks later from a drug company touting a treatment for her high cholesterol. ("Many Can Hear What You Tell Your Doctors: Records of Patients Are Not Kept Private," *Orlando Sentinel*, November 1997, p. A1)

Government Use of Records

- ◆ In New York City, the Guiliani administration planned to use Medicaid billing records to force individuals into drug and alcohol treatment. The same department maintains both the Medicaid and welfare lists. Participating in substance abuse treatment would have been a requirement for maintaining benefits. The plan was abandoned after significant media coverage. ("Misuse of Drug Treatment Records," *The New York Times*, September 28, 1999, p. A24)
- ◆ An anti-fraud program came under fire when the California Department of Human Services was accused of providing the Immigration and Naturalization Services with information about immigrants' lawful use of Medi-Cal services. (*California HealthLine*, August 8, 1998)

Researchers

- ◆ University of Minnesota researchers violated the confidentiality of organ donors when it mailed a survey to 1,200 transplant recipients participating in a long-term research study and mistakenly revealed the names of those who had donated their kidney to the recipients. Although many recipients already knew the identity of their organ donors, more than 400 learned the name of their donor for the first time. A software upgrade was cited as the reason for the breach, apparently because it altered a feature that was supposed to suppress the donors' names. This is the second time within three months that computer problems at the University have led to the violation of patient confidentiality. In November 2001, a

psychologist mistakenly posted the mental health records of 20 children on a public Web site. That breach is still being investigated. (J. Marcotty, "Names of Donors Are Accidentally Included in Letter to Kidney Patients," *Minneapolis Star Tribune*, January 15, 2002, p. 1A)

- ◆ The federal Office for Protection from Research Risks suspended more than 1,000 studies at Virginia Commonwealth University, in part for violating privacy by failing to gain the consent of research subjects and failing to adequately safeguard data. (J. Matthews, "Father's Complaints Shut Down Research," *The Washington Post*, January 12, 2000, p. B7)
- ◆ Boston University created a private company, Framingham Genomic Medicine, to sell the data collected for more than 50 years as part of the "Framingham Heart Study." Anonymous data collected on more than 12,000 people – including medical records and genetic samples – would be sold to researchers. The company was criticized for commercializing what began as an altruistic act on the part of a community. (G. Kolata, "Boston U. Found Company To Sift Leading Heart Data," *The New York Times*, June 17, 2000, p. A10). The company has since been disbanded, but Boston University is appealing the decision to shut down Framingham Genomic. (R. Rosenberg, "Questions Still Linger on Heart Study Access," *The Boston Globe*, February 21, 2001, p. D4)
- ◆ Robin Kaigh of New Jersey reported that her father, a physician, agreed to allow slides of his cancer cells to be used in research. He was promised anonymity, but his name was entered into a computer associated with the slides, and colleagues quickly began calling to offer condolences. (M. Serafini, "Medical Privacy in the Information Age," *National Journal*, April 18, 1998)

Law Enforcement

- ◆ A "Persons at Risk" program in New Jersey allows the Burlington Sheriff's Department to maintain a list of residents with severe mental

health problems. The list is intended to be used to help identify and locate people who may be lost or disoriented, but advocates are worried that the information could fall into "the wrong hands" or be used against people. ("New Jersey: Advocates Angry Over 'Persons-at-Risk' List," *American HealthLine*, May 30, 2000)

- ◆ Ben Walker, an employee of the FBI for 30 years, was forced into early retirement after his employer learned that he sought mental health treatment. When Walker's therapist was under investigation for fraud, the FBI obtained Walker's prescription records. The FBI then targeted Walker as an unfit employee and stripped him of many of his duties, even though he was later found fit for employment. (A. Rubin, "Records No Longer for Doctor's Eyes Only," *Los Angeles Times*, September 1, 1998, p. A1)
- ◆ Police in Fairfax, Virginia, seized records from a local drug treatment clinic when a car was stolen nearby. The police argued that the records were necessary to identify potential culprits, but returned the records after legal complaints were filed. (B. Masters, "Fairfax Police Concede Seizure Was Wrong," *The Washington Post*, September 1, 1998, p. D1)
- ◆ Two hundred and seventy-four patients were listed by name in a legal brief submitted by the U.S. attorney for Kansas in a fraud investigation. The patients' names and associated medical procedures and billing records were made public, even though they were not involved in any criminal activity. (J. Duncan Moore, Jr., "Confidentiality Casualty: Patient Billing Printouts Released in Kansas Fraud Case," *Modern Healthcare*, September 14, 1998, p.3)

Lawsuits

- ◆ Renee McIntosh is suing a San Francisco law firm that represents her employer, Safeway. McIntosh claims that the firm shared information – including a psychiatric evaluation – about her workers' compensation claim with one of her coworkers. (K. Flaherty, "Litigation Privilege vs.

Privacy Is Issue in Suit," *American Lawyer Media*, April 9, 1999, p. 2)

- ◆ In *Doe v. Septa*, Rite-Aid drug store in Pennsylvania provided to the state's transportation authority (SEPTA) information about the prescription drugs being taken by SEPTA's employees. In disclosing to SEPTA authorities that one of its employees was receiving AZT, Rite-Aid in effect disclosed the employee's HIV status. Prior to the disclosure, Doe's employers had assured him that although they were self-insured, no information regarding his prescription drugs or HIV status would be disclosed outside of the Medical Department. The court found no privacy violation stemming from this disclosure since Doe could not prove actual damages, and the employer was deemed to have legitimate interest in knowing the details of how its employees used the health plan. (*Doe v. SEPTA*, WL 76, 2891. (3d Cir. 1995))
- ◆ A Washington, D.C. jury ordered a local hospital to pay \$25,000 for failing to keep a patient's medical records confidential. Coworkers learned of the victim's HIV status after an employee at the Washington Hospital Center revealed information from his medical record. (P. Slevin, "Man Wins Suit Over Disclosure of HIV Status," *The Washington Post*, December 30, 1999, p. B4)
- ◆ In a case pending in Georgia, a nurse claims that her immediate supervisor accessed her medical records without permission. The supervisor, Dr. Thomas Boyer of the Emory School of Medicine, accessed her electronic medical records by posing as her treating physician. He claims that he did so out of concern that she had contracted an illness on the job. (B. Schmitt, "Suit Alleges University Tapped into Nurse's Medical Records," *Fulton County Daily Report*, October 26, 1999)
- ◆ In 1998, Longs Drugs in California settled a lawsuit filed by an HIV positive man. After a pharmacist inappropriately disclosed the man's condition to his ex-wife, the woman was able to use that information in a custody dispute. However, rather than pursue the suit against the pharmacy, the man chose to settle in order to avoid a court trial that could result in news coverage – and further disclosure – of his illness. ("Longs Drugs Settles HIV Suit," *San Diego Union-Tribune*, September 10, 1998, p. A3)
- ◆ A man with AIDS won an out-of-court settlement with a Michigan pharmacy in 1998 after a pharmacy clerk told Stanley Grzadzinski's children that he had AIDS. ("Settlement in Privacy Suit Against Drug Store; Children Allegedly Learned of Dad's AIDS from Son of a Pharmacy Clerk," *Chicago Tribune*, January 9, 1998, p. 10)
- ◆ A Minnesota man filed a lawsuit against Northwestern Mutual Life Insurance Co. for allegedly signing his name on an authorization form to release his mental health records without his knowledge. (J. Gaw, "Insurance Firm Sued Over Mental Health Records," *Star Tribune*, August 7, 1997, p. D3)
- ◆ As part of a workers' compensation claims case, a California man authorized that his medical records be released. His HIV status was revealed in the process, even though it was not relevant to the case. Despite the existence of a strong HIV confidentiality law in California, the court ruled that there was no obligation to exclude the information. ("CA App. Ct. Says Plaintiff's Signed Release Bars HIV Privacy Suit," *AIDS Litigation Reporter*, February 22, 2000)
- ◆ After separating from her husband, Annette Wise instructed her local pharmacy, Thrifty Payless in California, not to disclose any of her prescription information to her husband. The day after she made the request, however, her husband asked for, and received, a copy of all of her prescription records from the pharmacy. He claimed that he needed them for tax purposes. Mr. Wise subsequently disclosed the information to family, friends, the Department of Motor Vehicles, and others, alleging that she was a drug addict and a danger to their children. (*Annette Wise v. Thrifty Payless*, 2000 Cal. App. LEXIS 765)
- ◆ A psychiatrist from New Hampshire was fined \$1,000 for repeatedly looking at the medical records of an acquaintance without permission. Because there was no state law making it a

crime to breach the confidentiality of medical records, the case was brought under a law against misusing a computer. ("Psychiatrist Convicted of Snooping in Records," *The Associated Press State & Local Wire*, May 5, 1999)

- ◆ On February 15, 2001, Massachusetts' highest court upheld the state's HIV privacy law, ruling that a man whose blood was splattered on law enforcement officials during an arrest is protected from having to reveal his HIV status. (K. Burge, "Suspect's HIV Test Privacy Upheld," *The Boston Globe*, February 16, 2001, p. B3)
- ◆ Captain Edward Deveau, the acting police chief of Watertown, Massachusetts, is being sued for violating Lieutenant James Conley's privacy by altering a medical release to gain access to Conley's medical information. Conley had given the police department permission to obtain his medical information from a specific doctor, but the release was altered to allow the department to obtain Conley's medical history from two other doctors. The Watertown Police Department claims that it had the right to the information because the department paid for the health services Conley received for an injury sustained while on duty. (L. Kocian, "Acting Chief Sued Over Release," *The Boston Globe*, January 18, 2001, *Globe West*, p. 1)
- ◆ In *Ferguson v. City of Charleston*, the Supreme Court found that a state hospital's drug testing policy constituted an unreasonable search under the Fourth Amendment. In an effort to deter the use of cocaine by pregnant women, the Medical University of South Carolina (MUSC) had cooperated with law enforcement officials to develop a program for identifying and testing pregnant patients suspected of drug use. MUSC used the threat of arrest and prosecution to coerce patients into substance abuse treatment. Positive drug tests were shared with police, and law enforcement officials had access to the medical files of patients who tested positive. Ten obstetrical patients who were arrested after testing positive for cocaine filed a suit challenging the constitutionality of the MUSC policy. (2001 U.S. LEXIS 2460)
- ◆ A man diagnosed with AIDS had his prescriptions filled by Trio Drugs, a local pharmacy, to avoid storage of his medical information in a chain store database that could be accessed by health plans. Trio Drugs closed and sold its records to CVS Corp. The man sued, claiming that his privacy was violated when his records were sold without his consent. CVS and Trio Drugs filed a motion to dismiss the case. A New York Supreme Court judge allowed the lawsuit to go forward and stated in his opinion, "Because pharmacists have a certain amount of discretion, and an obligation to collect otherwise confidential medical information, the court must find that customers can reasonably expect that the information will remain confidential." (T. Albert, "Records Privacy Extended to Pharmacies," *American Medical News*, April 2, 2001)
- ◆ In 2001, a former patient of Johns Hopkins Hospital sued the hospital for \$12 million, alleging that the hospital had released his medical records in April 1997 to Dorinda Mae Hughes, his former friend and business partner. Hughes gave information about the patient's former drug abuse problems to his friends, family, business associates, and clients. The court ruled that the hospital did not knowingly give information about the patient's psychiatric troubles to a disgruntled former friend. The patient filed an appeal on December 27, 2001. (S. Graham, "'John Doe' To Appeal Hopkins Privacy Case," *Baltimore Business Journal*, January 14, 2002)
- ◆ A jury in Waukesha, Wisconsin found that an emergency medical technician (EMT) invaded the privacy of an overdose patient when she told the patient's co-worker about the overdose. The co-worker then told nurses at West Allis Memorial Hospital, where both she and the patient were nurses. The EMT claimed that she called the patient's co-workers out of concern for the patient. The jury, however, found that regardless of her intentions, the EMT had no right to disclose confidential and sensitive medical information, and directed the EMT and her employer to pay \$3,000 for the invasion of privacy. (L. Sink, "Jurors Decide Patient Privacy Was Invaded," *Milwaukee Journal Sentinel*, May 9, 2002)

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