

## Part B Insider (Multispecialty) Coding Alert

### PHYSICIAN NOTES: Doctor May Have Violated Killer's Confidentiality

#### 1 in 5 doctors now has access to full-fledged information technology

North Dakota physician **Jan Marie Flattum-Riemers** may have violated **Jerric Ballensky's** confidentiality when she told state troopers he had marijuana in his system.

Flattum-Riemers examined Ballensky after an accident in which he swerved suddenly into oncoming traffic and collided with another vehicle, killing the passenger in Ballensky's car. Flattum-Riemers decided to perform a drug test on Ballensky, and it came up positive for cannabis. She took it upon herself to tell the police about this test result.

This information was used against Ballensky in his criminal prosecution for negligent homicide, to which he pled guilty. He sued the police and Flattum-Riemers for violating his confidentiality. The North Dakota Supreme Court reversed a lower court ruling that the statute of limitations had passed, and ordered a hearing in the case.

#### In other news:

- The **North Carolina Medical Board** erred in suspending **Gary Lustgarten's** medical license in the state after he testified as an expert witness against two other neurosurgeons, **Victor Keranen** and **Bruce Jauffman**, in a wrongful death lawsuit. Lustgarten had testified that Keranen and Jauffman failed to follow standards of care in treating a hydrocephalic patient, and that the patient must have had elevated pressure in the brain after a failed shunt procedure, despite Jauffman's notation to the contrary. Lustgarten didn't actually call Jauffman a liar when he said it was "difficult for me to believe" that the patient didn't have elevated intracranial pressure, the **North Carolina Court of Appeals** ruled.
- Nearly 21 percent of doctors interviewed in 2004-2005 said they had access to information technology (IT) that allowed them to perform at least four out of five important clinical tasks, according to the **Center for Studying Health System Change**. That's up from just 11 percent in 2000-2001, the Houston Chronicle reports. But nearly 17 percent of doctors couldn't use IT for any of the five tasks, and 20 percent could only perform one out of five tasks using IT.
- **United Regional Health Care System** didn't display any malice when it refused to reinstate the privileges of Ob-Gyn physician **Paul Kinnard**, who retired in 2000 and then decided to reapply for privileges two years later, the **78th District Court** of Wichita, KS ruled. Kinnard failed to demonstrate that he had the current clinical competence to practice at United, the court found.
- Massachusetts Drug sales reps would have to be licensed, if the state House agrees with an amendment passed by the state Senate, the Boston Globe reported.