

Health Information Compliance Alert

Privacy Litigation HOSPITAL IN TROUBLE AFTER PHI BUNGLE

Loose lips sink ships, and a receptionist's exuberant gossiping torpedoed the D.C. hospital for which she worked.

An HIV-positive man has been awarded \$250,000 after a hospital's receptionist gossiped to his coworkers about his medical condition.

In *Doe v. Medlantic Health Care Group, Inc.*, the D.C. Court of Appeals Jan. 16 reinstated a trial court decision finding Washington Hospital Center receptionist Tijuana Goldring guilty of divulging protected health information to the plaintiff's coworkers in 1996.

The plaintiff, identified as John Doe, alleged he was teased mercilessly at work when others learned he had HIV, calling the days following the breach of confidentiality a "living hell."

Doe worked evenings as a janitor; he sought treatment April 13, 1996 in WHC's emergency room because he was suffering from severe headaches, nausea and high fever. After he was discharged from the hospital, he returned April 23 for a follow-up visit, after which he dropped by to visit Goldring, who worked days at the hospital as a receptionist, and nights for the same janitorial company as Doe.

At that time, Doe claims Goldring asked him for the spelling of his last name because, Doe alleged in the court opinion, "she wanted to send him a get well card."

Doe never received a get-well card from Goldring. Later, Goldring told another coworker at the State Department, Donnell Fuell, that Doe had HIV and that she known of his illness because she had seen his file at the hospital. Not many days later, Doe said he discovered that some of his coworkers were aware of his condition.

Doe claimed that Medlantic, WHC's owner, was in breach of confidential relationship and violated his right to privacy. While the trial court ruled there was no legitimate invasion of privacy claim, since Goldring's disclosure didn't fall within the scope of her employment., the jury nonetheless found Medlantic liable for the breach of confidentiality claim and awarded Doe \$250,000 in damages.

Medlantic argued on appeal before the D.C. Superior Court that Doe's claim was filed outside the one-year statute of limitations. The Superior Court agreed that Doe's claim should be timebarred, but the Court of Appeals decision overturns the Superior Court ruling and reinstates the trial jury's award.

To read the court opinion, go to [http://www.dcbbar.org/dcca/pdf/00CV247 .pdf](http://www.dcbbar.org/dcca/pdf/00CV247.pdf).