

Health Information Compliance Alert

Privacy Litigation **JURY BLEEDS HOSPITAL FOR PRIVACY LEAKS**

A guy walks into a bar and discloses medical information ... No, it's not the beginning of a joke, and it certainly didn't elicit any giggles from a West Virginia hospital whose employee's careless actions cost the organization millions.

A Feb. 5 verdict by a Morgantown, West Virginia jury awarded a total of \$2.3 million in damages to three women who claimed a hospital records clerk shared their confidential mental health information with unauthorized individuals.

In *C.L.A. v. West Virginia University Medical Corp.*, three women [] identified only by their initials [] alleged that University Health Associates clerk Timothy Poniewasz took their mental health records to his home and to local bars, where he proceeded to disclose the information to others.

The Morgantown jury declared UHA negligent and ordered the hospital to shell out roughly \$750,000 in compensatory damages to each plaintiff.

Poniewasz was fired in July 1999, after one of the women learned of the privacy violations and complained to the hospital.

While Dr. John E. Prescott, the president of UHA, acknowledged the harm caused the clerk's actions, he also decried the jury's award as a "huge and disproportionate verdict" against his organization.

Prescott said that UHA would consider whether or not to appeal the decision.