

SUPREME COURT OF OHIO

Menorah Park Center for Senior Living v. Rolston

2020 Ohio 6658 (Ohio 2020) (Ohio 2020) · No. 2019-0939 · Decided December 15, 2020

SUMMARY

The Supreme Court of Ohio held that HIPAA does not preempt an Ohio common-law claim for unauthorized disclosure of confidential medical information. The court recognized an exception to liability when a medical provider reasonably limits the disclosure to the minimum information necessary to file a successful action for unpaid medical bills. The court reversed the Eighth District Court of Appeals and remanded the cause to the trial court.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Kennedy, J.; O'Connor, C.J.; French, J.; Fischer, J.; Donnelly, J.; Stewart, J.; DeWine, J.
JURISDICTION	Ohio
DECIDED	December 15, 2020
DOCKET	2019-0939
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Menorah Park appealed the Eighth District Court of Appeals' reversal of the Shaker Heights Municipal Court's dismissal under Civ.R. 12(B)(6) of Rolston's counterclaim for breach of confidence based on the disclosure of medical information in a debt-collection complaint.
STANDARD OF REVIEW	De novo review applies to an order granting a Civ.R. 12(B)(6) motion to dismiss; factual allegations in the complaint are accepted as true, and dismissal is proper only when it appears beyond doubt that the plaintiff can prove no set of facts entitling relief.
PRECEDENTIAL VALUE	Published opinion; binding Supreme Court of Ohio precedent.
PARTIES	Menorah Park Center for Senior Living v. Irene Rolston

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QUESTIONS PRESENTED

1. Whether HIPAA and the HIPAA Privacy Rule preempt Ohio's common-law claim under Biddle for unauthorized disclosure of nonpublic medical information.
2. Whether HIPAA's minimum-necessary standard may inform the scope of Ohio's Biddle tort without creating a private cause of action under HIPAA.
3. Whether a medical provider has a qualified privilege under Biddle to disclose a limited amount of patient information in a court filing seeking payment of unpaid medical bills.
4. Whether Menorah Park's attached billing statements disclosed only the minimum amount of medical information necessary to state a claim for payment.

HOLDINGS

1. HIPAA and the HIPAA Privacy Rule do not preempt Ohio's common-law cause of action for the unauthorized, unprivileged disclosure of nonpublic medical information recognized in Biddle.
2. A medical provider has a qualified privilege under Biddle to disclose patient information for the purpose of obtaining payment for medical services when the provider reasonably limits the disclosure to the minimum amount necessary to state a successful claim for unpaid charges.
3. Menorah Park's disclosure fell within the Biddle exception because the attached bills disclosed only the provider's and patient's names and addresses, service dates, billing or procedure codes, general categories of services, and amounts charged, paid, and due.
4. Biddle remains good law and need not be overruled or modified.

KEY QUOTATIONS

“We hold that HIPAA does not preclude a claim under our decision in Biddle when the limited disclosure of medical information was part of a court filing for the purpose of obtaining a past-due payment on an account for medical services.” (¶ 1)

“Accordingly, we hold that doctors and hospitals have a qualified privilege to disclose patient information for the purpose of receiving payment for medical services.” (¶ 35)

“We hold that a claim under our decision in Biddle is not preempted by HIPAA and its subsequent privacy rule.” (¶ 45)

FACTUAL BACKGROUND

Menorah Park sued Rolston for \$463.53 in unpaid charges for therapy services provided while Rolston was receiving rehabilitation at Menorah Park. The complaint attached two billing statements identifying the parties, service dates, procedure codes, general descriptions of the services, and amounts charged, paid, and due. The

statements did not disclose Rolston's diagnosis, prognosis, detailed medical records, treatment notes, body part, or medical condition.

PROCEDURAL HISTORY

Menorah Park filed a small-claims action in the Shaker Heights Municipal Court seeking \$463.53 for unpaid therapy services and attached billing statements. Rolston transferred the case to the regular docket and filed an answer and class-action counterclaim alleging breach of physician-patient confidentiality. The municipal court dismissed the counterclaim under Civ.R. 12(B)(6), but the Eighth District reversed. The Supreme Court of Ohio reversed the appellate judgment and remanded to the municipal court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Shaker Heights Municipal Court for further proceedings consistent with the opinion.

CASES CITED

- Biddle v. Warren Gen. Hosp., 86 Ohio St.3d 395, 715 N.E.2d 518 (1999)
- Roe v. Planned Parenthood Southwest Ohio Region, 122 Ohio St.3d 399, 2009-Ohio-2973, 912 N.E.2d 61
- English v. Gen. Elec. Co., 496 U.S. 72, 78-79, 110 S.Ct. 2270 (1990)
- Grove v. Northeast Ohio Nephrology Assoc., Inc., 164 Ohio App.3d 829, 2005-Ohio-6914, 844 N.E.2d 400 (9th Dist.)
- Boddie v. Van Steyn, 2014-Ohio-1069
- Hill v. Smoot, 308 F. Supp. 3d 14, 23 (D.D.C. 2018)
- Acara v. Banks, 470 F.3d 569, 571 (5th Cir. 2006)
- Sheldon v. Kettering Health Network, 2015-Ohio-3268, 40 N.E.3d 661 (2d Dist.)
- R.K. v. St. Mary's Med. Ctr., Inc., 229 W. Va. 712, 735 S.E.2d 715 (2012)
- Yath v. Fairview Clinics, N.P., 767 N.W.2d 34, 49 (Minn. Ct. App. 2009)
- Byrne v. Avery Ctr. for Obstetrics & Gynecology, P.C., 314 Conn. 433, 459, 102 A.3d 32 (2014)
- Arthur v. Parenteau, 102 Ohio App.3d 302, 304-305, 657 N.E.2d 284 (3d Dist. 1995)
- Brown v. Columbus Stamping & Mfg. Co., 9 Ohio App.2d 123, 126, 223 N.E.2d 373 (10th Dist. 1967)
- Hageman v. Southwest Gen. Health Ctr., 119 Ohio St.3d 185, 2008-Ohio-3343, 893 N.E.2d 153
- Arbino v. Johnson & Johnson, 116 Ohio St.3d 468, 2007-Ohio-6948, 880 N.E.2d 420
- Westfield Ins. Co. v. Galatis, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256
- Lunsford v. Sterilite of Ohio, L.L.C., 2020-Ohio-4193
- Mitchell v. Lawson Milk Co., 40 Ohio St.3d 190, 192, 532 N.E.2d 753 (1988)
- O'Brien v. Univ. Community Tenants Union, Inc., 42 Ohio St.2d 242, 327 N.E.2d 753 (1975)

