

SUPREME COURT OF DELAWARE

Lawson v. Meconi

897 A.2d 740 (Del. 2006) · No. No. 252, 2005 · Decided April 6, 2006

SUMMARY

The Supreme Court of Delaware reviewed an interlocutory appeal concerning whether government officials could publicly disclose information from an autopsy, toxicology report, death certificate, and related examination records. The court held that Delaware's Medical Examiners Statute and Health Record Privacy Statute prohibited public disclosure of the autopsy information under the circumstances, reversed the Court of Chancery, and remanded for entry of a permanent injunction. The court did not decide the asserted common-law privacy claim.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Holland, Justice; Steele, Chief Justice; Berger, Justice; Jacobs, Justice; Ridgely, Justice
JURISDICTION	Delaware
DECIDED	April 6, 2006
DOCKET	No. 252, 2005
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from the Court of Chancery's denial of a preliminary injunction seeking to prevent public disclosure of autopsy and related death-investigation information.
STANDARD OF REVIEW	Although denial of a preliminary injunction is generally reviewed for abuse of discretion, the Court of Chancery's legal conclusions are reviewed de novo. Because the appeal concerned statutory interpretation and the scope of a common-law privacy right, the applicable standard was de novo review.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Delaware, decided en banc.
PARTIES	Lisa A. Lawson v. Vincent Meconi, Richard T. Callery, M.D., Judith G. Tobin, M.D., Keith Banks, Kenneth H. McMahon, Willard F. Preston, III

TOPICS

medical records privacy

health law

statutory interpretation

equitable relief

interlocutory appeal

PRACTICE AREAS

health law

administrative law

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Delaware's Medical Examiners Statute prohibited public disclosure of autopsy information that a medical examiner shared confidentially with a police department during a death investigation.
2. Whether Delaware's Health Record Privacy Statute prohibited public disclosure of protected health information contained in an autopsy report, death certificate, toxicology report, or related examination record.
3. Whether the Court needed to decide whether Delaware recognized a common-law privacy right for a decedent or the decedent's family.

HOLDINGS

1. Autopsy information gathered and disclosed by a medical examiner to a police department on a confidential basis during an investigation into the medical cause of death remains confidential and may not be disclosed to the public.
2. Under the circumstances of Duane Lawson's death, Delaware's Health Record Privacy Statute prohibited the defendants from publicly disclosing any protected health information contained in the autopsy information.
3. Because the Delaware statutes provided the requested privacy protection, the court did not need to decide the claim for injunctive relief based on a common-law right of privacy.

KEY QUOTATIONS

"We hold, therefore, that when the Police Department received the autopsy report from Dr. Tobin on a confidential basis to explain the results of her investigation, it was not public information and it may not be disclosed in whole or in part." (745)

"Accordingly, we hold that under the circumstances of Mr. Lawson's death, section 1232(g) prohibits the public disclosure of any Autopsy Information by a "person to whom [that] protected health care information has been disclosed."" (747)

"The judgment of the Court of Chancery is reversed. This matter is remanded for the entry of a permanent injunction in accordance with this opinion." (748)

FACTUAL BACKGROUND

Duane Lawson died in a car fire in Rehoboth Beach, Delaware. The State Medical Examiner's Office performed an autopsy and toxicology testing, prepared related reports and a death certificate, and sent the examination record and autopsy report to the police department marked "Confidential Information." After concluding that the

death was accidental and that no further investigation was warranted, the police chief sought to issue a press release containing autopsy information, and the Fire Marshal intended to share its report with insurers. Lisa Lawson sought to prevent public disclosure.

PROCEDURAL HISTORY

Lisa Lawson sought preliminary and permanent injunctive relief in the Court of Chancery to prevent government officials from publicly disseminating information concerning her husband's death. The Court of Chancery denied a preliminary injunction, concluding that the cited statutes did not prohibit public release of the autopsy report and that Delaware recognized no common-law privacy right for a deceased person or the decedent's family. The Supreme Court of Delaware accepted the interlocutory appeal, reversed, and remanded for entry of a permanent injunction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for entry of a permanent injunction in accordance with the opinion prohibiting public disclosure of the autopsy information.

CASES CITED

- SI Mgmt. L.P. v. Wininger, 707 A.2d 37, 40 (Del. 1998)
- Kaiser Aluminum Corp. v. Matheson, 681 A.2d 392, 394 (Del. 1996)
- Unitrin, Inc. v. American Gen. Corp., 651 A.2d 1361, 1385 (Del. 1995)
- Merrill v. Crothall-American, Inc., 606 A.2d 96, 99 (Del. 1992)
- Nat'l Archives & Records Admin. v. Favish, 541 U.S. 157, 168-69, 124 S. Ct. 1570, 158 L. Ed. 2d 319 (2004)
- Schuyler v. Curtis, 147 N.Y. 434, 42 N.E. 22, 25 (1895)