

SUPREME COURT OF MISSOURI

State ex rel. William A. Stinson v. The Honorable Ted House

316 S.W.3d 915 (Mo. banc 2010) · No. SC 90364 · Decided July 16, 2010

SUMMARY

The Supreme Court of Missouri made permanent a preliminary writ of prohibition preventing a trial court from compelling William Stinson to execute an authorization for disclosure of his medical and psychological records. The court held that the records were protected by the physician-patient privilege, had not been waived, and remained undiscoverable even though they were relevant to a negligent-entrustment claim against Stinson's parents. Disclosure of privileged records would have caused irreparable injury not repairable on appeal.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Patricia Breckenridge
JURISDICTION	Missouri
DECIDED	July 16, 2010
DOCKET	SC 90364
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding in prohibition challenging a trial court discovery order compelling Stinson to execute an authorization for disclosure of medical and psychological records.
STANDARD OF REVIEW	A writ of prohibition is appropriate when a party is ordered to produce material protected from discovery by privilege; the trial court's discovery ruling was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Missouri, decided en banc.
PARTIES	William A. Stinson, Relator v. The Honorable Ted House, Respondent

TOPICS

- discovery dispute
- privilege
- medical records privacy
- appellate procedure
- wrongful death

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the requested medical and psychological records were protected by Missouri's physician-patient privilege.
2. Whether Stinson waived the physician-patient privilege by denying liability and defending the wrongful death action.
3. Whether the relevance of the records to the negligent-entrustment claim or their intended use against Stinson's parents removed the records from the privilege.
4. Whether prohibition was an appropriate remedy to prevent enforcement of the trial court's order compelling execution of the medical-records authorization.

HOLDINGS

1. Medical records containing information acquired from Stinson by physicians or psychologists to evaluate, diagnose, and treat alcohol, drug, or substance-abuse conditions were protected by Missouri's physician-patient privilege and were not discoverable.
2. Stinson did not waive the physician-patient privilege merely by denying liability and defending against the wrongful death action.
3. The relevance of privileged medical records to a negligent-entrustment claim does not make them discoverable.
4. The physician-patient privilege applies even when the confidential medical information is intended to be used against someone other than the patient.
5. Prohibition was appropriate because compelling production of privileged materials would cause irreparable injury that could not be repaired on appeal.

KEY QUOTATIONS

“The very nature of an evidentiary privilege is that it removes evidence that is otherwise relevant and discoverable from the scope of discovery.” (at 919)

“The public policy of encouraging candid communication between patient and physician would be undermined if patients feared that their physicians or psychologists could disclose their confidential communications in any lawsuit, regardless of whether the information would be used against the patient or a third party.” (at 920)

FACTUAL BACKGROUND

William A. Stinson was involved in a high-speed automobile collision that killed Ricky J. Young. Young's daughter sued Stinson for negligent operation and sued Stinson's parents and their automobile dealership for negligent entrustment, alleging that they knew or should have known of Stinson's alcohol and drug-related incompetence. During discovery, the plaintiff sought an authorization for all medical, psychiatric, and psychological records relating to Stinson's alcohol, drug, or substance-abuse treatment from 1990 forward.

PROCEDURAL HISTORY

In a wrongful death action, the trial court overruled Stinson's physician-patient privilege objection and ordered him to execute an authorization for medical records concerning alcohol, drug, or substance-abuse treatment. The court of appeals initially issued a preliminary writ of prohibition but later quashed its order and denied relief. The Supreme Court of Missouri issued its own preliminary writ and made it permanent.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The preliminary writ of prohibition was made permanent, preventing enforcement of the trial court's order compelling Stinson to execute the medical-records authorization.

CASES CITED

- State ex rel. Rogers v. Cohen, 262 S.W.3d 648, 650 (Mo. banc 2008)
- State ex rel. Boone Ret. Ctr., Inc. v. Hamilton, 946 S.W.2d 740, 741 (Mo. banc 1997)
- State ex rel. Dean v. Cunningham, 182 S.W.3d 561, 567 (Mo. banc 2006)
- Rodriguez v. Suzuki Motor Corp., 996 S.W.2d 47, 62-63 (Mo. banc 1999)
- State ex rel. Benoit v. Randall, 431 S.W.2d 107, 109 (Mo. banc 1968)
- Spradlin v. City of Fulton, 982 S.W.2d 255, 261 (Mo. banc 1998)
- State ex rel. Woytus v. Ryan, 776 S.W.2d 389, 392 (Mo. banc 1989)
- McHaffie By and Through McHaffie v. Bunch, 891 S.W.2d 822, 825 (Mo. banc 1995)