

SUPREME COURT OF PENNSYLVANIA

Landay v. Rite Aid of Pennsylvania, Inc.

629 Pa. 287 (Pa. 2014) (Pa. 2014) · No. 20 WAP 2013 · Decided November 24, 2014

SUMMARY

The Supreme Court of Pennsylvania considered whether the Medical Records Act applies to pharmacies and whether a pharmacy may charge a flat fee for reproducing pharmacy records. The court held that the Act does not apply to pharmacies and therefore did not reach the flat-fee issue. It reversed the Superior Court's decision and reinstated the dismissal of the action against Rite Aid.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Madame Justice Todd; Chief Justice Castille; Justice Saylor; Justice Eakin; Justice Baer; Justice Todd; Justice Stevens
JURISDICTION	Pennsylvania
DECIDED	November 24, 2014
DOCKET	20 WAP 2013
DISPOSITION	reversed
PROCEDURAL POSTURE	Discretionary appeal from the Superior Court's reversal of an order sustaining Rite Aid's preliminary objections in the nature of a demurrer and dismissing the plaintiffs' class-action complaint.
STANDARD OF REVIEW	Questions of law are reviewed de novo, and the scope of review is plenary.
PRECEDENTIAL VALUE	Published majority opinion of the Supreme Court of Pennsylvania; precedential.
PARTIES	Rite Aid of Pennsylvania, Inc. v. David M. Landay, Patberg Carmody & Ging

TOPICS

[health law](#)[medical records privacy](#)[statutory interpretation](#)[in pari materia](#)[appellate procedure](#)

PRACTICE AREAS

[health law](#)[medical records privacy](#)[statutory interpretation](#)[appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the Pennsylvania Medical Records Act applies to a pharmacy's provision of copies of pharmacy records.
2. Whether, under the Medical Records Act, a pharmacy may charge a flat fee for reproducing pharmacy records when the customer receives an invoice and pays it without objection before receiving the records.

HOLDINGS

1. The Medical Records Act does not apply to pharmacies because pharmacies are not health care providers or health care facilities within the meaning of the Act.
2. Because the MRA does not apply to pharmacies, the court did not decide whether or under what circumstances a pharmacy could charge a flat fee for reproducing records under the MRA.

KEY QUOTATIONS

“For the reasons that follow, we hold that the Act does not apply to pharmacies, and, as a result, we need not address the flat fee issue.” ([J-21-2014] at 1)

“As a result, we interpret the term “health care provider,” as contained in the MRA, according the definition of “health care provider” set forth in the HCFA.” ([J-21-2014] at 18)

“We recognize, as Appellees argue, that many statutes that concern the release of medical information now specifically include pharmacies within the definition of “health care provider.”” ([J-21-2014] at 20)

FACTUAL BACKGROUND

Rite Aid operates pharmacies in Pennsylvania. In 2008, David Landay and Patberg Carmody & Ging requested copies of individuals' pharmacy records, received \$50 invoices for research, preparation, clerical expenses, copying, postage, and handling, paid the invoices, and received the records. They later filed a class action alleging that Rite Aid's flat fees violated the MRA's limits on charges for reproducing medical records.

PROCEDURAL HISTORY

Landay and Patberg Carmody & Ging requested copies of pharmacy records from Rite Aid and paid \$50 invoices. They then filed a class action alleging that Rite Aid's flat fees violated the Pennsylvania Medical Records Act (MRA). The Court of Common Pleas sustained Rite Aid's preliminary objections and dismissed the complaint; the Superior Court reversed and remanded. The Supreme Court of Pennsylvania granted allowance of appeal on whether the MRA applies to pharmacies and whether pharmacies may charge a flat fee under the Act.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand instructions; the Superior Court's decision was reversed and jurisdiction was relinquished.

CASES CITED

- Chiurazzi Law Inc. v. MRO Corp., 97 A.3d 275, 276 (Pa. 2014)
- Landay v. Rite Aid, 40 A.3d 1280 (Pa. Super. 2012)
- Landay v. Rite Aid, 73 A.3d 577 (Pa. 2013) (order)
- Dechert LLP v. Commonwealth, 998 A.2d 575, 579 (Pa. 2010)
- Delaware Cty. v. First Union Corp., 992 A.2d 112, 118 (Pa. 2010)
- Martin v. Commonwealth, Department of Transportation, Bureau of Driver Licensing, 905 A.2d 438, 443 (Pa. 2006)
- Mishoe v. Erie Insurance Co., 824 A.2d 1153, 1155 (Pa. 2003)
- HSP Gaming, L.P. v. City of Philadelphia, 954 A.2d 1156, 1182 (Pa. 2008)
- Rehab Hospital Services Corp. v. Health Systems Agency of Southwestern Pennsylvania, 475 A.2d 883, 887 (Pa. Cmwlth. 1984)
- Tooley v. AK Steel Corp., 81 A.3d 851, 857 (Pa. 2013)