



Community Health Network v. McKenzie (Ind. S. Ct.)

Topics Covered: Abusive Litigation Against Physicians

Issue

The issue in this case is whether Community Health Network (CHN) can be held liable because of its employee's unauthorized accessing of medical records.

AMA Interest

The AMA supports efforts to curb lawsuit abuse against physicians.

Case Summary

Katrina Gray was a "medical records coordinator" at a CHN subsidiary. Her duties included the accessing of patient medical records, but only for business purposes. As a condition of her employment, Katrina attended orientation and e-training on patient confidentiality and on HIPAA.

Notwithstanding her employer's rules and the HIPAA restrictions, Katrina accessed the medical chart of another employee, Heather McKenzie, for non-business reasons. McKenzie sued CHN, asserting that CHN should be liable for the breach of privacy.

CHN moved for summary judgment, asserting that Katrina's access of McKenzie's medical records was outside the scope of her employment. The trial court denied the motion but certified the issue as an important, unresolved question, deserving of interlocutory review by the Indiana Court of Appeals.

The Court of Appeals found that Katrina had accessed the health records through employer-conferred authority, and it affirmed the denial of summary judgment. CHN is now appealing to the Indiana Supreme Court.

Litigation Center Involvement

The Litigation Center joined with the Indiana State Medical Association in an *amicus* brief to support CHN.

Indiana Supreme Court Brief