



Alley v. United States Department of HHS, 590 F.3d 1195 (11th Cir. 2009)

Topics Covered: Freedom of Information Act

Outcome: Very Favorable

Issue

The issue in this case was whether the Freedom of Information Act ("FOIA") authorized the federal government to release information that could be used to calculate the amounts received by specific physicians under the Medicare program.

AMA Interest

The AMA seeks to protect physicians' privacy interests.

Case Summary

Jennifer Alley and her closely held company, Real Time Medical Data, LLC, submitted a series of FOIA requests to the Centers for Medicare and Medicaid Services ("CMS"), requesting disclosure of records for Medicare claims from the United States Department of Health and Human Services ("HHS"). The requests sought physician identifying information linked to payments for Medicare services. HHS opposed the FOIA request, contending that production of the requested documents would infringe physicians' privacy rights. It also asserted that the document production would violate an injunction that had been entered in a similar lawsuit against the United States Department of Health, Education and Welfare, the predecessor to HHS, and in favor of the Florida Medical Association and a class of physicians. *Florida Medical Association v. HEW*, 479 F.Supp. 1291 (M.D. Fla. 1979).

The plaintiffs sued HHS, seeking an order to compel production. When it learned of the lawsuit, the AMA intervened as an additional defendant. The district court overruled the objections of HHS and the AMA, and it ordered HHS to produce the requested documents. HHS and the AMA appealed.

The United States Court of Appeals for the Eleventh Circuit vacated the order of the district court, holding that the 1979 Florida injunction prohibited HHS from producing the requested documents. It remanded the case for a further determination of whether the injunction excused HHS from producing any documents or whether it only excused HHS from producing documents pertaining to AMA members or to physicians licensed in Florida.

On remand, the trial court entered summary judgment in favor of HHS and against the plaintiffs.

AMA Involvement

The AMA intervened at the district court level and then, along with HHS, successfully prosecuted the appeal.