

## Confidentiality: Other Patient's Records Held To Be Relevant.

The Superior Court of Massachusetts, Middlesex County, overruled a nursing home's objection to a court order that the nursing home provide copies to the attorney representing an assault victim of the medical records of another patient, the one who allegedly committed the assault.

The records were held to be relevant to the lawsuit because they would tend to reveal the extent to which the facility was or was not aware, prior to the date of the alleged assault, of the alleged perpetrator's propensity for violent acting-out.

The US Health Insurance Portability and Accountability Act and Federal regulations allow a medical facility to divulge confidential medical information when required to do so by a court order, subpoena, discovery request or other legal proceedings. **Mercier v. Courtyard Nursing Center, 2009 WL 1873746 (Mass. Super., June 11, 2009).**