

Confidentiality: Gossip Leads To Lawsuit For Invasion Of Privacy.

A hospital phlebotomist attended a required in-service program to acquaint her with the medical-confidentiality requirements of the US Health Insurance Portability and Accountability Act of 1996 (HIPPA) and hospital policy.

In the course of her job she got a fax order for blood work which mentioned that the patient had just become pregnant.

Off duty at a local tavern the phlebotomist happened to mention to the patient's twin sister that the patient was pregnant.

When the patient herself found out, she sued the hospital and the phlebotomist for violation of the HIPPA and common-law invasion of privacy.

An employer is not liable in a civil lawsuit for an employee's conduct if the conduct falls outside the course and scope of the employee's duties for the employer.

SUPREME COURT OF ILLINOIS
January 19, 2007

The Supreme Court of Illinois ruled that the phlebotomist alone was liable to the patient for common-law invasion of privacy. Her conduct had nothing to do with carrying out her duties as a hospital employee.

In this case the court said the hospital fulfilled its legal responsibilities by requiring her to attend an in-service to educate employees about the requirements of HIPPA and other legal aspects of patient confidentiality. She admitted, based on what she was taught, that what she did was wrong. **Bagent v. Blessing Care Corp.**, ___ N.E. 2d ___, 2007 WL 121319 (Ill., January 19, 2007).