

Identity Theft: Stolen Personal Information Must Have Been Taken From Office Medical Chart.

The Court of Appeals of Ohio ruled that a patient did have grounds to sue her obstetrician because personal information was apparently stolen from her office chart by another patient in the same office.

The patient learned that an imposter had used her name and employment information to open a residential service account with the phone company.

Upon further investigation, when the patient was able to identify the imposter, she believed she had seen her in her obstetrician's office.

It was possible, even plausible that the imposter could have been put in the same examination room after the patient while the patient's chart was still carelessly lying around for anyone entering the room to see.

The pivotal evidence in this case is that the imposter, also a patient in the physician's office, gave out the same work phone number incorrectly noted in the patient's chart while using the patient's stolen identity.

That could have happened only if the imposter actually looked in the patient's chart.

The physician was not able to prove that her office staff was not negligent.

COURT OF APPEALS OF OHIO
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The patient, however, had no solid evidence that proved when or how the imposter actually looked at her chart.

The obstetrician's lawyers pointed out that the patient never brought in an expert witness for her lawsuit to testify on professional standards for handling office charts in a busy outpatient practice to prevent identity theft by one patient from another.

The court was at a loss to render an opinion pointing to or setting professional standards in this area.

There was undeniable proof, nevertheless, that one piece of information that could only have come from the patient's office medical chart came into the possession of another patient. Hurchanik v. Swayze, 2007 WL 4099511 (Ohio App., November 19, 2007).