



Bonezzi Switzer Polito & Hupp Co. L.P.A. congratulates Brian F. Lange, Bret C. Perry and Jay C. Rice on obtaining a reversal of the lower appellate court's decision which had vacated the trial court's order dismissing claims asserted for wrongful disclosure of protected health information and class action. On December 15, 2020, the Ohio Supreme Court in Menorah Park Center for Senior Living v. Rolston, Slip Opinion No. 2020-Ohio-6658, held that an individual does not have a private cause of action for the disclosure of health information to a third party when a health care provider discloses the minimum patient information necessary to pursue the recovery of payment for services rendered in a subsequent court proceeding. The Court held that a health care provider may file a complaint in court to recover payment of services attaching medical bills which contain the provider's name and address, the patient's name and address, the dates on which services were provided, billing or procedure codes, a description of the general category of services provided, and the amounts charged for the services, paid, and due. However, the health care provider must make reasonable efforts to limit the information disclosed. Thus, the bills should not disclose the patient's diagnosis or prognosis, personal information aside from name and address, or detailed medical records including notes indicating the patient's response to treatment or the need for treatment. The Ohio Supreme Court vacated the appellate court's decision finding that the dismissal of the claims for wrongful disclosure of protected health information and class action was proper and that the Defendant complied with the minimum disclosure requirements.



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