

EMPLOYEE PRIVACY AND RECORD KEEPING CASES

D. Wesley Newhouse
Newhouse, Prophater & Letcher, LLC
3040 Riverside Drive, Suite 103
Columbus, OH 43221
Tel: (614) 255-5441
Fax: (614) 255-5446
wnewhouse@npllawyers.com

Biddle v. Warren Gen. Hospital (1999), 86 Ohio St. 3d 395. Patient's common law right of privacy in medical records.

Levias v. United Air Lines (1985), 27 Ohio App. 3d 222. Employee's right of privacy in medical records.

In re General Motors, 3 F.3d 980 (6th Cir. 1993). ERISA preempts state law claim for invasion of privacy for the release of medical records.

Darcangelo v. Verizon, 292 F. 3d 181 (4th Cir. 2002), ERISA does not preempt state law claim for invasion of privacy arising from employer's improper disclosure and use of PHI during a disability discrimination lawsuit.

Rice v. Wal-Mart, 2003 U.S. Dist. LEXIS 17288 (D.N.H. September 30, 2003), employees stated causes of action for invasion of privacy and other state law claims arising from employer's unauthorized use of medical information to obtain life insurance policies.