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Patient alleges Tufts breached privacy

Sues after medical history was faxed to job

July 15, 2011 | By Chelsea Conaboy, Globe Staff

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A patient has sued Tufts Medical Center and a primary care doctor there, alleging that documents including her medical history were sent to a fax machine at her workplace without her consent.

Kimberly White of Middleborough, 44, said in an interview that at least two co-workers read the records, causing her embarrassment. She filed a complaint in Plymouth County Superior Court alleging that her privacy rights were violated and seeking punitive damages. The hospital has denied wrongdoing.

While recovering from a hysterectomy in December, White asked Dr. Kimberly Schelling to fax a required form related to a disability claim to White's employer. Instead, according to the court filing, four pages of White's medical records were sent to a shared fax machine in the office.

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"I feel like I might have walked in [the office] naked," White said.

She did not want to share the details of her medical history, which are not included in her initial filing, but the court complaint called the information in the records "extremely embarrassing."

In an e-mailed statement, Tufts spokeswoman Julie Jette said the hospital takes patient privacy very seriously.

"In this matter, we complied with a patient's request to share information," she said. "We firmly believe we responded to the patient's request appropriately."

The hospital has not yet filed a response to the case. Schelling did not respond to a request for comment left with her office yesterday.

Hospitals are required to publicly report breaches of patient privacy that affect at least 500 people, and cases that are publicized often involve lost computers or components of computer systems that contain unencrypted information. For example, Massachusetts General Hospital in February settled a federal case for \$1 million after an employee left records for 192 infectious-disease patients on the T's Red Line.

White's allegations are distinct in that her information was not seen by strangers. Her personal records were delivered to people who know her, she said, adding that the incident has affected her daily life and her livelihood. White said it exacerbated other medical issues and stalled her career.

She has been out on disability for nearly all of the time since, she said.

"I can't go back there," she said. "I am so embarrassed... I couldn't live with knowing what these people knew about me."

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Amy Whitcomb Slemmer, executive director of the Boston-based consumer group Health Care For All, was not familiar with this case but said generally that breaches of patient privacy can be devastating.

“If you think about a patient who is in treatment for whatever illness, compounding the burden of care with worrying about their privacy protection, is something we want to avoid,” she said. “We don’t want to make their treatment and care more complicated.”

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