

AMA: Case before Supreme Court threatens patient privacy

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(HealthDay)—A case before the Supreme Court is potentially threatening patient confidentiality, according to the American Medical Association (AMA).

In this case, the Medical Board obtained three years of prescribing history of a single physician's [patients](#) and in doing so circumvented patients' right of privacy; data were obtained through the California Department of Justice database. The court of appeals concluded that [patient privacy](#) was not violated and that no further restrictions should be imposed for data mining prescription records.

An amicus brief has been filed by the Litigation Center of the AMA and State Medical Societies in the interest of ensuring that prescription drug monitoring databases are governed by strong confidentiality safeguards.

No acceptable justification for ignoring the governing laws has been provided by the Department of Justice, according to the brief. The prescribing records were obtained for one physician because of a single complaint; although the investigation had nothing to do with prescribing practices, all prescribing records were obtained. Medical records should be protected as they may reveal sensitive information about patients and due to the consideration that patients may not share information if they fear the information is not confidential.

In relation to the impact of the decision on the physician-patient relationship, the amicus brief states: "While patient privacy will suffer, the ability of [health care providers](#) to provide effective and safe care also will be hampered due to serious damage to the relationship between providers and their patients."

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