

COA Opinion: HIPAA does not preempt Michigan's more stringent law which prohibits the disclosure of non-party patient information in judicial proceedings

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In *Isidore Steiner, DPM, PC v Bonanni*, the Court of Appeals affirmed the trial court's denial of plaintiff's motion to compel discovery. The Court held that under MCL 600.2157, plaintiff was not entitled to the requested nonparty patient information and that the Health Insurance Portability and Accountability Act (HIPAA) did not preempt Michigan law on this issue.

Plaintiff previously employed defendant. Defendant's employment contract prohibited defendant from soliciting or servicing any patients of the corporation after he left the practice. Defendant left the practice in 2007. Plaintiff sued defendant and sought disclosure of defendant's patient list. The trial court determined that the patient information was not discoverable. Plaintiff appealed, arguing that under the HIPAA the information was discoverable and that HIPAA preempts Michigan law regarding the physician-patient privilege. The Court of Appeal rejected plaintiff's argument, noting that HIPAA explicitly states that it does not preempt more stringent state laws. The Court determined that MCL 600.2157 is more stringent than HIPAA. HIPAA allows for the disclosure of patient information in judicial proceedings whereas MCL 600.2157 contains no such exception.