



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

CAOC urges better security for personal medical data

CMIA provides incentive for hospitals and medical providers

SACRAMENTO (Jan. 29, 2013) – Consumer Attorneys of California President Brian Kabateck said outrage in the medical community about the amount of potential penalties for violations of California’s Confidentiality of Medical Information Act (CMIA) should be tempered by the underlying concern for the security of personal medical data.

“The underlying concern is the lack of safeguarding of personal and private medical records,” Kabateck said. “Doctors are walking out of hospitals carrying computers containing thousands of patient records, with no encryption. This is bad.”

Kabateck said the CMIA is intended to ensure hospitals and medical providers take proper care of electronic medical information. “It’s difficult to determine the amount of damage to a patient whose records are negligently released, but with the CMIA the legislature has set a minimum damage threshold of \$1,000 per individual. There’s no denying that when private and personal medical information is released, people suffer damages.”

Kabateck pointed out that last year CAOC worked with the medical information community on modifying the CMIA in cases where patient information is inadvertently transmitted between medical providers. Such a release is still negligent, but there remains a level of patient privacy when both providers are bound by medical privacy laws.

“The issue here is making sure providers take the utmost caution with patients’ highly personal and sensitive medical records in an era where it’s possible for massive amounts of that information to be shared through the theft of computers or the push of a button,” Kabateck said. “The CMIA plays an important role in motivating providers to protect their patients’ privacy.”

Consumer Attorneys of California is a professional organization of plaintiffs’ attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

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