

BIDDLE ET AL., APPELLEES AND CROSS-APPELLANTS, v. WARREN GENERAL  
HOSPITAL ET AL., APPELLANTS AND CROSS-APPELLEES.

[Cite as *Biddle v. Warren Gen. Hosp.* (1999), 86 Ohio St.3d 395.]

*Torts — Independent tort for the unauthorized, unprivileged disclosure of nonpublic medical information exists in Ohio — Disclosure of confidential medical information permitted, when — Proof required to establish liability for unauthorized, unprivileged disclosure of nonpublic medical information.*

1. In Ohio, an independent tort exists for the unauthorized, unprivileged disclosure to a third party of nonpublic medical information that a physician or hospital has learned within a physician-patient relationship.
2. In the absence of prior authorization, a physician or hospital is privileged to disclose otherwise confidential medical information in those special situations where disclosure is made in accordance with a statutory mandate or common-law duty, or where disclosure is necessary to protect or further a countervailing interest that outweighs the patient's interest in confidentiality.
3. A third party can be held liable for inducing the unauthorized, unprivileged disclosure of nonpublic medical information that a physician or hospital has learned within a physician-patient relationship. To establish liability the plaintiff must prove that (1) the defendant knew or reasonably should have known of the existence of the physician-patient relationship, (2) the defendant intended to induce the physician to disclose information about the patient or the defendant reasonably should have anticipated that his actions would induce the physician to disclose such information, and (3) the defendant did not reasonably believe that the physician could disclose that information to the defendant without violating the duty of confidentiality that the physician owed the patient.