



# Roe v. Planned Parenthood of Southwest Ohio Region, 912 N.E.2d 61 (Ohio 2009)

## 878 N.E.2d 1061 (Ohio App. 2007)

Topics Covered: Abortion Notification, Patient Privacy

### **Outcome: Very Favorable**

#### **Issue**

The issue in this case is whether a teenage girl and her parents could obtain production of redacted non-party medical records in a suit claiming an improper abortion.

#### **AMA Interest**

The AMA believes that communications between physician and patients should be confidential.

#### **Case Summary**

A 14-year old girl who became pregnant by her 21-year old soccer coach obtained an abortion by deceiving Planned Parenthood into a belief that the girl's father consented to the abortion. The soccer coach eventually was convicted of sexual battery and sentenced to prison.

The girl, through her parents, sued Planned Parenthood and the obstetrician-gynecologist (Ob-Gyn) who had performed the abortion. The plaintiffs alleged violations of various Ohio statutes requiring parental notice and consent. They asserted that the defendants regularly violated these statutory requirements, and they requested discovery from Planned Parenthood and the Ob-Gyn of medical records of all minors who had sought abortions and on whom abortions had been performed during the previous ten years. Over the defendants' objections, the trial court ordered production of the documents with specific patient-identifying information removed.

On an interlocutory appeal, the Ohio Court of Appeals reversed the trial court, holding that a private plaintiff's interest in attempting to bolster a speculative punitive damages award alone does not outweigh the patient's interest in maintaining confidentiality. The plaintiffs then appealed to the Ohio Supreme Court. By a split decision, The Ohio Supreme Court affirmed the Court of Appeals and upheld the privileged character of the medical records.

#### **Litigation Center Involvement**

The Litigation Center, along with the Ohio State Medical Association and the American College of Obstetricians & Gynecologists, filed two amicus curiae briefs in the Ohio Supreme Court supporting Planned Parenthood and the Ob-Gyn.

Ohio Supreme Court brief

Ohio Supreme Court supplemental brief