

RG Case Summary for Physicians

Court finds physician did not violate doctor-patient privilege in *Grimminger v. Maitra*

James D. Grimminger was referred to Shuba Maitra, M.D. by the Veteran's Administration on February 5, 1997 after complaining about pain and numbness in his left arm. He had a second visit in July, which prompted Dr. Maitra to write a letter, addressed To Whom It May Concern, that recommended Grimminger refrain from any strenuous activity with his left arm and stated, If you require additional information in regards to this patient, please do not hesitate to contact this office. Grimminger's employer, the U.S. Postal Service, requested a completed work restriction form, which Dr. Maitra completed and reviewed with Grimminger on October 4, 2000.

In February 2002, the postal inspectors met with Dr. Maitra to question him about Grimminger's work restrictions and Dr. Maitra agreed to view a surveillance tape to determine if Grimminger was working outside of those restrictions. Dr. Maitra said he agreed to give his opinion without Grimminger's authorization because he had previously been asked to provide information to the post office. The postal inspector issued a report on Grimminger and on March 7, 2002, Grimminger was fired.

On May 14, 2003, Grimminger filed a complaint, alleging breach of a confidential relationship, breach of contract, and slander against Dr. Maitra. Ultimately, the trial court granted Dr. Maitra's Motion for Summary Judgment and denied Grimminger's Motion for Partial Summary Judgment. In this case, Grimminger appealed the trial court order granting summary judgment in favor of Dr. Maitra, claiming that Dr. Maitra had violated the physician-patient privilege by offering opinions and information to Grimminger's employer, the U.S. Postal Service. This raises the question:

Did Dr. Maitra breach the patient's confidentiality by offering information to his employer without his authorization, causing him to be fired?

The Superior Court of Pennsylvania upheld the trial court's order, concluding that Dr. Maitra had not violated the physician-patient relationship. Grimminger did not demonstrate that Dr. Maitra's statements disclosed confidential information which blackened his character nor did he establish that Dr. Maitra exposed confidential communications to the postal inspectors.