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Georgia Supreme Court Opinion Adopts Position Advocated in AGG Amicus Brief

The case, *WellStar Health System, Inc. v. Jordan*, involved the continued evolution of the interplay between the HIPAA privacy rules for patient health information and the rights of healthcare providers to defend themselves in litigation, including interviewing providers who treated a suing patient. The trial court overseeing the discovery phase of the case allowed WellStar's defense counsel to interview a physician in private, but required that the interview be transcribed. After the interview, at the request of the patient's attorney, the trial court ordered that the transcript of the interview be provided to the patient's counsel. WellStar appealed. In reversing the trial court, the Georgia Supreme Court explained HIPAA does not mandate disclosure of protected health information that is protected by the attorney-client privilege or that is work product. The Georgia Supreme Court concluded that the trial court's decision had to be vacated because the transcripts were work product, and the trial court did not inquire about the content of the transcripts and made no findings or conclusions about the patient's need for them. To access a copy of the opinion, please click [here](#).

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