

# REDACTING MEDICAL RECORDS DEFENSE COUNTERPOINT



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## FULL MEDICAL DISCOVERY

- Medical Records – past & present
  - Alleged injuries
  - Pre-existing conditions
  - Chronic health issues
- EMS
- Medical Bills – EOBs, subpoena directly to health care provider – amount of write offs/adjustments, letters of protection



# EXPECT RESISTANCE

- Refusal to sign authorization
- Extremely limited authorization
- Produces redacted medical records
- Motions to Quash



# STRATEGIES FOR OVERCOMING RESISTANCE

## Understand what you are up against

- **Texas Rule 509: Physician-Patient Privilege**
  - Not absolute
  - 509(e)(4) limits scope of privilege
    - excluded is communication or record relevant to issue of physical, mental or emotional condition of patient in proceeding in which party relies upon conditions as part of party's claim or defense & communication or record is relevant to that condition



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## Title search: Redacting Medical Records Defense Counterpoint

Also available as part of the eCourse

[2018 The Car Crash eConference](#)

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"The Ethics of Redacting Medical Records from Plaintiff's and Defendant's Perspective"