

Court rules against California in public records dispute

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SAN FRANCISCO (AP) — The California Supreme Court says the state health department may only withhold the names of patients when it makes public the citations issued to hospitals and nursing homes serving mentally ill and developmentally disabled people.

The seven-member court ruled unanimously on Thursday that the California Department of Public Health improperly redacted other kinds of information from four years' worth of citations obtained by the Center for Investigative Reporting under the California Public Records Act.

State health officials had maintained a 1967 law required them to censor the documents to protect patient confidentiality. A mid-level appeals court had agreed in part, ruling that patients' names, diagnosis, medical history and the harm caused by the cited offense could all be withheld.

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But the Supreme Court says a later law makes clear that only patient names may be withheld.

<http://www.latimes.com/local/lanow/la-me-ln-ca-supreme-court-decision-20150219-story.html>

California high court sides with press in abuse cases at state-run homes



Goodwin Liu

Paul Sakuma / Associated Press

California Supreme Court Justice Goodwin Liu, seen here in 2012, wrote for the court on the decision regarding the disclosure of details involving abuses in government-run housing for the mentally ill and developmentally disabled.

By [Maura Dolan](#) [contact the reporter](#)

Press wins: California must disclose nature of abuse in government-run housing for mentally ill, disabled

The press won in a California Supreme Court lawsuit seeking the release of details in abuse cases at government-run facilities for the mentally ill and developmentally disabled.

The court voted unanimously that the records should be made public except for patients' names for privacy reasons.

The state's highest court said a law intended to protect patient privacy should not shield the state from revealing the circumstances behind citations issued against state-run, long-term care facilities.

The decision was a victory for California's Center for Investigative Reporting, which wanted copies of nearly five dozen reports on physical abuse, negligent medical care and other improprieties at state institutions for the developmentally disabled.

The state gave the center 169 pages of documents but redacted almost every word. The center was reporting on lapses in policing abuses at facilities in Los Angeles, Orange, Sonoma, Riverside and Tulare counties, where about 1,800 patients with such disabilities as severe autism and cerebral palsy reside.

Duffy Carolan, who represented the investigative reporting center, called the ruling "a complete victory under the Public Records Act."

"These are key documents that show what is transpiring at the facilities and now residents at the facilities and their families and the public are going to be able to hold the facilities and the Dept. of Public Health accountable," Carolan said.

She said a reporter had learned that 11 patients in a Sonoma County facility had been repeatedly shot with a taser gun. But the documents the state produced were so heavily redacted that "you couldn't even tell what had happened to those residents."

Thursday's ruling said a state law requiring disclosure of abuses took precedent over an earlier law that barred release of patient information.

The case required the court to reconcile a law protecting patient confidentiality with a more recent law that said citations against homes for the developmentally disabled must be made public.

Justice Goodwin Liu, writing for the court, said the more recent law "demonstrates that the Legislature thought carefully and specifically about the importance of publishing citations."

Liu said the Legislature "concluded that patients' and residents' confidentiality was adequately protected by redacting the names of the victims of a violation."

Supporting the investigative center in the case were the California Newspaper Publishers Assn., the Los Angeles Times, McClatchy Newspapers Inc., the First Amendment Coalition and California Broadcasters Assn.

Deputy Atty. Gen. Grant Lien, who represented the state Dept. of Public Health in the case, could not immediately be reached for comment.

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