



Everything New Orleans

The Times-Picayune

Judge unseals files in suit against Tenet

LifeCare sought access to patients' records

Friday, August 18, 2006

By John Pope

Staff Writer

Acting on a motion by The Times-Picayune, a state judge Thursday unsealed the records in a suit by LifeCare Hospitals against Tenet Healthcare Corp. The unsealed records showed that the suit was filed to gain access to the medical records of LifeCare's patients who were on the seventh floor of Memorial Medical Center after Hurricane Katrina struck.

The two health care companies fought a secret court duel for seven weeks this winter and settled their dispute in March. The Times-Picayune and CNN went to court to unseal the records of the case two weeks ago, and Civil District Court Judge Rosemary Ledet agreed to do so Thursday after neither party objected. The original sealing order had been approved by Judge Herbert Cade, who was on duty when the case originated.

Tenet and LifeCare have been under increasing public scrutiny since last month, when a doctor and two nurses were accused of second-degree murder in the deaths of four patients in an area of the flooded hospital that LifeCare operated under a contract with Tenet.

In its suit, which it filed in January, LifeCare contended that it had been denied access to the records of patients who died on the seventh floor, as well as employees' property, which, according to the petition, had been left behind.

In its response a month later, Tenet denied the allegations.

By March, both sides had settled their differences, and they moved that the suit be dismissed. As part of the agreement to end the litigation, LifeCare was to get copies of its patients' medical records, but Tenet and LifeCare allowed for the possibility that Tenet might need such records, which would require reopening the suit. If a judge orders LifeCare to turn over the records, the company said it will do so.

In arguing that the files in the case be opened, Lori Mince, the attorney for the newspaper and CNN, said in a brief that sealing the case records violates the public's right of access to such information.

.....

John Pope can be reached at jpope@timespicayune.com or (504) 826- 3317.