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Seaton v. Mayberg

610 F.3d 530 (2010)

Country: United States
Region: Americas
Year: 2010
Court: 9th Circuit Court of Appeal
Health Topics: Health information, Mental health, Prisons
Human Rights: Right to due process/fair trial, Right to privacy

Facts

The Appellant, Seaton, an inmate, brought suit against the director of the California Department of Mental Health, the administrator of a state hospital, and two psychologists, alleging that they violated his constitutional right to privacy when they examined and communicated their opinions about his medical records to the district attorney's office in the period before his release.

The examination of Seaton's records was undertaken during an evaluation to determine whether to seek Seaton's civil commitment under California's Sexually Violent Predator Act (the Act). The Act provided for the civil commitment of persons whose mental disease predisposed them to sexually violent criminal behaviour and whose criminal history gave weight to that predictive judgment. In accordance with the Act's procedural requirements, two psychologists reviewed Seaton's medical records in the six months prior to his release and forwarded their evaluations, recommending his commitment, to the county district attorney who then filed a petition to commit Seaton.

The District Court dismissed the case for failure to state a claim. This appeal followed.

Decision and Reasoning

The court held that whatever constitutional right to privacy Seaton might have had in his prison treatment records while he was still serving his sentence, it could be "overridden for legitimate penological reasons." The court stated that prisoners did not have "a constitutionally protected expectation of privacy in prison treatment records when the State [had] a legitimate penological interest in access to them." The court explained that the State required "access to prisoner's medical records to protect prison staff and other prisoners from communicable disease and violence, and to manage rehabilitative efforts." It noted that "legitimate penological concerns" were too be understood broadly, and added that "a prison may owe a duty, possibly a constitutional duty, to other prisoners to isolate [an ill prisoner] or otherwise protect them from him."

The court held, however, that Seaton did not have a constitutional right to privacy in his prison treatment records during his statutory evaluation subsequent to what would otherwise have been his release date. The court held that the information in Seaton's medical records, used for the purposes of the statutory evaluation, fell outside of the ambit of any constitutional right to privacy. The court rendered this decision notwithstanding its declaration that "the penological objectives of managing his imprisonment for the safety of prison staff and other prisoners, and rehabilitating him during his imprisonment, [had] no application" to the period of his evaluation.

The court applied the test established in Tucson Women's Clinic v Eden, 379 F.3d 531 (2004) and drew distinction between particular privacy interests. The Tucson test balanced five factors to determine whether the governmental interest in obtaining information outweighed an individual's privacy interest. In applying the test, the court found that: (1) the "type of information requested" would not burden any right other than "the putative right to privacy of the information itself;" (2) the potential for harm from disclosure had not been pleaded or argued; (3) safeguards to prevent unauthorised disclosure had been taken as disclosure was limited to the parties and the court; (4) the "need for access" to the information was substantial in order to protect the public; and (5) there was an "express statutory mandate" to protect the public from persons whose mental illness caused them to be sexually violent predators.

The court also distinguished between the privacy interests of persons who visit a physician for "personal benefit" from those who visit a physician for "public benefit." It reasoned that, a person visiting "a physician in

order to obtain medical benefit to himself or his family [had] substantial privacy interests that may or may not be constitutionally protected"; however, a person "compelled to submit to medical examination for the benefit of the public" in order to determine whether he was likely to engage in sexually predatory behaviour as a result of mental disease did not. The court also noted that in this case there was an "express statutory mandate to protect the public from persons whose mental illness caus[ed] them to be sexually violent predators"

The court held that the sexually violent predator statutory evaluation fell within the "two long established exceptions to the confidentiality of medical communications." The court held that there were two exceptions to the confidentiality of medical communications. The first exception was "for public health and safety requirements" under which "physicians typically [were] required to disclose to the state, despite patient objections, various medical matters of public concern." The court noted that under this exception "even where a patient [sought] curative treatment and volunteer[ed] information to his own physician, the physician may be required to breach his patient's confidence." The court pointed out that the State evaluated and committed sexually violent predators like Seaton in order to protect others from them.

The second exception involved "communications made to a physician for a potential adversary's purpose and not for curative treatment." The court noted that, for example, information resulting from "examination of a plaintiff by a physician hired by the defendant in a personal injury case, [or] examination of an injured employee by a physician designated by the employer" may be disclosed over the objection of the patient being examined. The court held that "a person communicating with a psychiatrist or psychologist for sexually violent predator evaluation likewise [was] being examined by a potential adversary's doctor for the potential adversary's purpose."

Decision Excerpts

"[P]risoners do not have a constitutionally protected expectation of privacy in prison treatment records when the state has a legitimate penological interest in access to them. The penological interest in access to whatever medical information there is regarding Seaton is substantial. Prisons need access to prisoners' medical records to protect prison staff and other prisoners from communicable diseases and violence, and to manage rehabilitative efforts." 610 F.3d, pp. 534-35.

"If a prisoner has a contagious disease such as pinkeye or strep throat, or a mental disease that generates violent predatory behavior, the prison may owe a duty, possibly a constitutional duty, to other prisoners to isolate him or otherwise protect them from him." 610 F.3d, p. 535.

"Though Seaton is indeed a felon, not a person with full civil rights, his medical records were shared, not to manage his incarceration for his crimes, but to decide whether he should be civilly committed based on the predictive judgment that he is a sexually violent predator. For this period, the penological objectives of managing his imprisonment for the safety of prison staff and other prisoners, and rehabilitating him during his imprisonment, have no application. The question for this period is whether he has a constitutional right to privacy of his medical information obtained while he would not be confined were he not being evaluated." 610 F.3d, pp. 535-36.

"One who goes to a physician in order to obtain medical benefit to himself or his family has substantial privacy interests that may or may not be constitutionally protected. One who is compelled to submit to medical examination for the benefit of the public, to determine whether because of mental disease he is likely to engage in sexually predatory behavior, does not." 610 F.3d, p. 541.

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