ELECTRONICALLY FILED 1 ROB BONTA Attorney General of California BY SUPERIOR COURT OF CALIFORNIA, 2 DAVID JONES COUNTY OF KING'S COUNTY KARLI EISENBERG 06/18/2024 3 Supervising Deputy Attorneys General NOCONA SOBOLESKI, CLERK OF THE COURT HAYLEY PENAN KAYA GODINEZ, DEPUTY 4 Deputy Attorney General State Bar No. 313693 Kings Hoter 5 1300 I Street, Suite 125 P.O. Box 944255 6 Sacramento, CA 94244-2550 Telephone: (916) 210-7785 7 Fax: (916) 324-5567 **FEXEMPT FROM FILING FEES** E-mail: Hayley.Penan@doj.ca.gov **PURSUANT TO GOVERNMENT** 8 Attorneys for People of the State of California CODE SECTION 6103] 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF KINGS 10 11 12 13 THE PEOPLE OF THE STATE OF Case No. 24CL0659 14 CALIFORNIA, COMPLAINT FOR INJUNCTIVE 15 Plaintiff. RELIEF, CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF 16 v. (Cal. Const., art. I, § 1; Health & Saf. Code, §§ 1280.15, 1280.18; Civil Code, § 56 et seq.; 17 ADVENTIST HEALTH HANFORD; AND Bus. & Prof. Code, § 17200 et seq.) 18 DOES 1 THROUGH 25. VERIFIED ANSWER REQUIRED PURSUANT 19 Defendant. TO CODE OF CIVIL PROCEDURE § 446 20 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA ("Plaintiff" or "the People"), 21 by and through Rob Bonta, Attorney General of the State of California, brings this action against 22 Defendant Adventist Health Hanford ("Adventist" or "Defendant") for violations of the Unfair 23 Competition Law, Business and Professions Code section 17200 et seq. ("UCL"); the 24 Confidentiality of Medical Information Act, Civil Code section 56.10 et seq. ("CMIA"); Sections 25 1280.15 and 1280.18 of the Health and Safety Code; the Health Insurance Portability and 26 Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended by the Health 27 Information Technology for the Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 28

226 ("HIPAA"); and Article I, Section 1 of the California Constitution. Plaintiff alleges the following on information and belief.

PARTIES

- 1. Plaintiff is the People of the State of California. The People bring this action by and through Rob Bonta, Attorney General.
- 2. Defendant Hanford Community Hospital dba Adventist Health Hanford is a California nonprofit corporation and hospital located in Hanford, California.
- 3. In this Complaint, when reference is made to any act or omission of "Defendant," such allegations shall include the acts and omissions of owners, officers, directors, agents, employees, contractors, vendors, affiliates, and/or representatives of Defendant while acting within the course and scope of their employment or agency on behalf of the above referenced entity.

JURISDICTION AND VENUE

- 4. This Court has jurisdiction over Defendant, as it is a California nonprofit corporation that transacts business in Kings County and throughout the State of California and did so at all times relevant to this action.
- 5. Venue is proper, as the violations of law alleged in this Complaint occurred in Kings County.

BACKGROUND

- 6. The California Constitution guarantees the right of every person to "pursu[e] and obtain[] safety, happiness, and privacy." (Cal. Const., art. I, § 1.) The California Supreme Court has held that the right to privacy includes the right to reproductive privacy and autonomy (*Am. Acad. of Pediatrics v. Lungren* (1997) 16 Cal.4th 307, 313) and that "fundamental to our privacy is the ability to control circulation of personal information." (*White v. Davis* (1975) 13 Cal.3d 757, 773-74.)
- 7. The medical and personal identifying information of healthcare patients (protected health information ("PHI")) are protected by various state and federal statutes and the regulations promulgated thereunder. These include:

- the Confidentiality of Medical Information Act, codified at Civil Code section 56 et seq., a comprehensive statutory framework that governs the management of medical information;
- Health and Safety Code sections 1280.15 and 1280.18, which require healthcare facilities to safeguard and prevent the unauthorized access of patient medical information;
- the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended by the Health Information Technology for the Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226; and
- the Unfair Competition Law, set forth in Business and Professions Code section
 17200 et seq.
- 8. Defendant is, and at all times relevant to the claims in this Complaint was, legally responsible for compliance with these laws.

DEFENDANT'S BUSINESS PRACTICES

- 9. At all times relevant hereto and continuing from and after the date of filing of this Complaint, Defendant owned and/or operated, and continues to own and/or operate, Hanford Community Hospital dba Adventist Health Hanford.
- 10. Defendant provides a variety of healthcare services, including, but not limited to, emergency care, maternity care, and reproductive health services.
- 11. In providing these services, Defendant; by and through the physicians, nurses, medical assistant, technicians, and administrative staff who work at Adventist; manages a large volume of PHI, including, but not limited to, patient charts with active and past medical history, diagnoses and prognoses, discharge and admittance paperwork, medical procedure schedules, lab results, and financial and healthcare insurance documents.
- 12. Defendant failed to prevent unauthorized or unlawful access to, and use or disclosure of, patient1's medical information, as required by Health and Safety Code section 1280.15, and failed to reasonably safeguard confidential medical information from any unauthorized or

21. Defendant also negligently disclosed medical information in violation of Civil Code section 56.36, subdivision (c), paragraph (1). Each disclosure of medical records without proper precautions subjects Defendant to a separate and additional civil penalty under Civil Code section 56.36, subdivision (c).

SECOND CAUSE OF ACTION

(Violations of Health Insurance Portability & Accountability Act's Privacy Rule) (45 C.F.R. §§ 160, 164.)

- 22. The People reallege and incorporate by reference each of the paragraphs above as though fully set forth herein.
- 23. The Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended by the Health Information Technology for the Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, prohibits the use or disclosure of protected health information ("PHI") except when doing so is permitted by the Privacy Rule or the individual who is the subject of the information authorizes the disclosure in writing. (45 C.F.R. §§ 160.103, 164.502(a).)
- 24. As a "covered entity" (45 C.F.R. § 160.103), Defendant may not use or disclose PHI without written authorization by the patient unless a specific exception applies. (45 C.F.R. § 164.512.)
- 25. Defendant disclosed the protected health information of patient1 without written authorization and without justification pursuant to one of HIPAA's enumerated exceptions, in violation of 45 C.F.R. § 160.512.
- 26. Defendant disclosed the protected health information of patient2 without written authorization and without justification pursuant to one of HIPAA's enumerated exceptions, in violation of 45 C.F.R. § 160.512.
- 27. Each disclosure of PHI without written authorization or justification pursuant to one of the enumerated exceptions subjects Defendant to a separate and additional civil penalty under HIPAA. (42 U.S.C. § 1320d-5(d)(2)(A).)

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- 33. Defendant disclosed the protected health information of patient1 without written authorization and without Constitutional, statutory, or regulatory justification, in violation of the California Constitutional right to privacy.
- 34. Defendant disclosed the protected health information of patient2 without written authorization and without Constitutional, statutory, or regulatory justification, in violation of the California Constitutional right to privacy.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- 1. That Defendant, its successors, agents, representatives, employees, assigns, and all persons who act in concert with them be permanently enjoined from engaging in unfair competition as defined in Business and Professions Code section 17200, including, but not limited to, the acts and practices alleged in this Complaint, under the authority of Business and Professions Code section 17203;
- 2. That Defendant, its successors, agents, representatives, employees, assigns, and all persons who act in concert with them be permanently enjoined from violating the sections of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended by the Health Information Technology for the Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, which Defendant is alleged to have violated as set forth in this Complaint, under the authority of 42 U.S.C. § 1320d-5(d)(1)(A);
- 3. That Defendant, its successors, agents, representatives, employees, assigns, and all persons who act in concert with them be permanently enjoined from violating the right to privacy protected by Article I, Section 1 of the California Constitution.
- 4. That the Court assess a civil penalty of \$2,500 against Defendant for each violation of Civil Code section 56.10, in an amount according to proof, under the authority of Civil Code section 56.36, subdivision (c), paragraph (1);
- 5. That the Court assess a civil penalty of \$100 against Defendant for each violation of 45 C.F.R. § 160.512, in an amount according to proof, under the authority of 42 U.S.C. § 1320d-5(d)(2)(A);