**Title:** *In re Mallard,* Bankr. LEXIS 974 (Bankr. E.D. Ky. 2014).

**Location:** .pdf

**Issue Area:** Confidentiality and Disclosure

**Document Type:** Court and Agency Decisions and Orders (case law)

**Summary:**

Mallard brought seven causes of action related to his bankruptcy case, the last of which claimed a violation of Ky. Rev. Stat. § 214.181 after his HIV status was disclosed in the filling of unredacted billing records in that bankruptcy case. The records were restricted the following day by the court. Approximately one week later a redacted version was filed. The restricted records, however, were still accessible to one of plaintiff’s counsel in a database for debtor’s attorneys.

The Court denied defendants’ motion for summary judgment on the seventh claim. The Court noted that under Ky. Rev. Stat. § 214.181, the disclosure of HIV test results to anyone outside a list of enumerated list of persons and entities, not applicable in the case, was prohibited. Furthermore, a separate statute, Ky. Rev. Stat. § 446.070, created a private right of action for violations of Ky. Rev. Stat. § 214.181.

List as Related Resource:

[Confidentiality, Third-Party Billing, & the Insurance Claims Process: Implications for Title X, Abigail English et. al.](http://www.hivlawandpolicy.org/resources/confidentiality-third-party-billing-insurance-claims-process-implications-title-x-abigail)