

# Psychiatric records found in convenience store's trash

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The Associated Press

RAPID CITY, S.D. — Carl Schwartz knew something was wrong as soon as he saw the bundle of papers sticking out of the convenience store trash can with references to suicide and psychiatry.

"It was sticking right out of the can so you could read the top sheet, and the top sheet had the name of the hospital and the names of the patients and diagnosis right there on top because that's what's caught my eye," Schwartz said.

Schwartz, a senior editor at the Milwaukee Journal Sentinel, found the papers in Spearfish on Oct. 26 while filling his car with gas for the trip home after a Black Hills vacation.

He grabbed what he said "looked like a privacy nightmare" from the trash can and gave the documents to The Associated Press.

Officials at Rapid City Regional Hospital and the University of South Dakota School of Medicine determined that a fourth-year medical student violated rules by taking the papers outside the hospital, and compounded the error by dumping the documents in the trash.

"All medical records should be treated as confidential, but psychiatric records are held to a much higher standard," said Tim Sughrue, Rapid City Regional's chief operating officer.

A faculty committee will recommend discipline for the student, Daniel G. Lustig.

"I don't hide from the fact it shouldn't have happened and the school was responsible. And we're not going to just say 'Well, tsk, tsk,'" said Dr. Robert Talley, dean of the USD School of Medicine.

The discipline could range from a reprimand to dismissal from medical school, Talley said.

The medical school and hospital also are reviewing policies and procedures.

Lustig did not return messages left over a one-week period on the answering machine at his Rapid City residence. Paul Bunger, dean of medical student affairs at the school, said he advised Lustig not to comment publicly.

During a one-month training rotation in the psychiatric unit at Rapid City Regional, Lustig worked with patients and had access to records in the hospital's computer.

The discarded papers included documents referring to more than 125 psychiatric patients. Some documents were lists of patients in the hospital's psychiatric unit with their diagnoses.

The importance of keeping records confidential is made clear to everyone who works in any medical institution, said Dan Rode, vice president for policy and government affairs at the American Health Information Management Association.

"Never, ever do you take something outside of the institution," said Rode. "This is probably the most blatant thing I've ever heard of with somebody not only taking it out but also not even destroying it and actually putting it in a place where it could be discovered by someone else."