

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-2181

DARLENE HADLEY,

Appellant,

v.

REEMPLOYMENT ASSISTANCE
APPEALS COMMISSION and
NAPLES COMMUNITY HOSPITAL,
INC.,

Appellees.

On appeal from the Reemployment Assistance Appeals
Commission.

Frank E. Brown, Chairman.

September 10, 2020

PER CURIAM.

Darlene Hadley appeals an order of the Reemployment Assistance Appeals Commission affirming the denial of reemployment assistance benefits on the ground that Hadley was discharged for misconduct connected with her work. There is no dispute that Hadley was discharged after she admitted accessing a patient's medical records without authorization in violation of the employer's confidentiality policy, which was promulgated to comply with the Health Insurance Portability and Accountability Act (HIPAA). Hadley conceded that she knew about the policy's

requirements and that she had to complete annual training regarding HIPAA compliance. Although there is no Florida case law directly addressing this issue, courts of other jurisdictions have held that unemployment benefits are properly denied based upon work-related misconduct where an employee knowingly accesses a patient's records—without the patient's authorization—in violation of the employer's rules regarding HIPAA compliance. *See, e.g., Pesoli v. Dep't of Emp't Sec.*, 983 N.E.2d 1, 6-8 (Ill. App. Ct. 2012) (affirming the denial of unemployment insurance benefits based upon work-related misconduct where a hospital secretary accessed a patient's confidential medical records for a non-work related reason knowing that it violated the hospital's confidentiality policy concerning HIPAA). Because Hadley has failed to show reversible error, we affirm.

AFFIRMED.

B.L. THOMAS, WINOKUR, and JAY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Darlene Hadley, pro se, Appellant.

Amanda L. Neff of Reemployment Assistance Appeals Commission, Tallahassee, for Appellee Reemployment Assistance Appeals Commission.