

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE  
February 19, 2019 Session

**FILED**  
04/18/2019  
Clerk of the  
Appellate Courts

**STEVEN WILLIAMS v. GATEWAY MEDICAL CENTER, ET AL.**

**Appeal from the Circuit Court for Montgomery County  
No. CC16CV2392      Ross H. Hicks, Judge**

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**No. M2018-00939-COA-R3-CV**

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RICHARD H. DINKINS, J., concurring in part and dissenting in part.

I concur in the result of the majority’s opinion insofar as it affirms the dismissal of the action on the basis, set forth in Section V, that Dr. Johnson was not an employee of Gateway Medical Center and, consequently, did not have access to Ms. Williams’ medical record. I concur with the holding in Section IV A that the omission of an expiration date on the HIPPA authorization was insignificant and did not keep the form from being substantially compliant with Tennessee Code Annotated section 29-26-121(a)(2)(E). I respectfully disagree with the holding in Section IV B that the failure of Mr. Williams to check the box to authorize access to specific medical records makes the authorization non-compliant. In my opinion, the purpose of the authorization form is to allow the recipient to receive the records pertinent to the case, thus serving as a bypass to the normal procedures for discovery governed by the Tennessee Rules of Civil Procedure. Consistent with the letter and spirit of the discovery rules, any deficiency in the authorization forms that limit the recipient’s ability to obtain the pertinent records should be addressed in accordance with Rule 26.

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RICHARD H. DINKINS, JUDGE