

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

WENDY DEVINE,

Plaintiff,

v.

LEROY CARHART, JR. M.D., *et al.*

Defendants.

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Civil No.: 425378-V

ENTERED

MAR 01 2017

Clerk of the Circuit Court
Montgomery County, Md.

QUALIFIED PROTECTIVE ORDER

Having considered Defendant Leroy Carhart, M.D.'s Motion for HIPAA Qualified Order Permitting Informal Interview of Plaintiff's Treating Health Care Providers and Plaintiff's Opposition thereto, and finding good cause to grant such Motion with appropriate conditions in order to avoid undue burden and expense, it is this 27th day of February, 2017, by the Circuit Court for Montgomery County, Maryland, hereby

ORDERED, that Defendants' Motion for Protective Order be GRANTED, subject to the conditions further ordered herein, some of which were not contained in Defendants' proposed Order; and it is further

ORDERED, that this Qualified Protective Order is authorized and issued pursuant to the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), codified at 42 U.S.C. 1320(d) *et seq.*, and subject to Federal Regulations in 45 C.F.R. § 164.512(e)(1)(i); and it is further

ORDERED, that counsel for Defendants is authorized, up until April 30, 2017, to conduct informal *ex parte* communications with Wendy Devine's following health care providers:

- a) Andrew Block, M.D.
- b) Albert Steren, M.D.; and it is further

ORDERED, that all such communications with the listed health care providers be limited to matters directly related to Wendy Devine's medical condition within 24 months of the medical procedures she underwent on or about January 19, 2016, and medical records related to those procedures; and it is further

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ORDERED, that, provided that they have read this Order and agree to be bound by its terms as evidenced by their signature on the last page of the Order or a copy thereof, a health care provider identified herein, may disclose protected health information verbally and/or in writing concerning the care and treatment the health care provider rendered to Wendy Devine, without first obtaining written or oral authorization from Ms. Devine, her family or personal representative; and it is further

ORDERED, that nothing in this Order is intended to compel any identified health care provider to orally or otherwise disseminate protected health information to the Defendants and/or their attorneys; that is, the decision whether or not to disseminate this information in an *ex parte* communication is voluntary and within the purview of the individual health care provider; and it is further

ORDERED, that by agreeing to have *ex parte* communications with Defendants' counsel, an identified health care provider thereby also agrees to make himself or herself reasonably and timely available thereafter to participate in *ex parte* communications with Plaintiff's counsel; and it is further

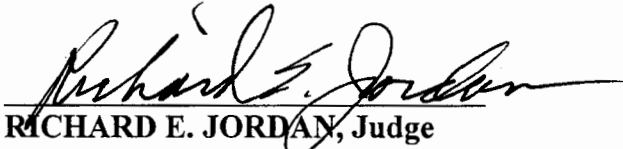
ORDERED, that counsel for the Plaintiff may not require prior notification of or presence at a meeting or discussion permitted by this Order; and it is further

ORDERED, that the use or disclosure of the protected health information obtained pursuant to this Order for any purpose other than in connection with this litigation is expressly prohibited; and it is further

ORDERED, that at the end of the litigation proceedings, the Order shall no longer be effective to authorize the disclosure of protected health information and whatever such information has been reduced to writing must either be returned to the provider/institutions or otherwise destroyed (including all copies made) with notice of such destruction to be provided to Plaintiff's counsel; and it is further

ORDERED, that within ten (10) days of any *ex parte* communication a copy of this Order signed by the health care provider shall be served on Plaintiff's counsel and filed herein by counsel for the Defendants for each provider who agrees to disclose health care information pursuant to its terms; and it is further

ORDERED, that as a condition of use at trial, Defendants' counsel shall disclose to Plaintiff's counsel at least sixty (60) days before trial all information obtained from *ex parte* communications which Defendants intend to offer into evidence or otherwise use at trial (except information that is otherwise known or should reasonably be known to Plaintiff's counsel through medical records or discovery).


RICHARD E. JORDAN, Judge
Circuit Court for Montgomery County, Maryland

AGREED AS TO THE TERMS OF THIS ORDER:

Health Care Provider

ENTERED

MAR 01 2017

Clerk of the Circuit Court
Montgomery County, Md.

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