

CASE NO. ___-CI-_____

JEFFERSON CIRCUIT COURT
DIVISION FOUR (4)
JUDGE CHARLES L. CUNNINGHAM, JR.

PLAINTIFF(S)

VS.

QUALIFIED PROTECTIVE ORDER

DEFENDANT(S)

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Upon motion of the Defendant, and the Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED that an attorney for Defendant _____, is granted a Qualified Protective Order allowing the disclosure to them of certain otherwise protected personal healthcare information as set out in HIPAA. The Court sets the following parameters for the benefit of the healthcare providers and the parties in understanding the scope of this Order:

1. The purpose of this Order is to clarify that the law does not prohibit *ex parte* conversations between certain healthcare providers of Plaintiff _____ and attorneys representing the Defendant in the above-captioned lawsuit. This means neither the Plaintiff, nor his/her lawyer, need to be present. The specific healthcare providers so authorized are those who dealt with the following health issue(s): _____

_____.

Healthcare providers who did not deal with these issues are not authorized by this Order to have *ex parte* conversations regarding the Plaintiff's care.

2. These healthcare providers are *not* required to speak to either side *ex parte* if their professional ethics or personal schedule lead them to feel they should not do so.

However, they may ultimately be required to provide a court-ordered deposition (answering questions from all the attorneys, on the record, and under oath), or in-court testimony to both sides if that testimony is necessary for a full and accurate evaluation of the legal claims involving their patient.

3. The Plaintiff has made a claim that a fall he/she _____.
This order permits disclosure of personal healthcare information that might impact a claim for such an injury (such as how it might have come about, the prognosis, or whether pre-existing conditions contributed to the problem). Matters completely unrelated to that claim are not authorized for disclosure by this Order.
4. The healthcare provider may be paid reasonable and customary amounts for his or her time spent assisting the parties in the resolution of this matter. Such charges incurred in complying with this Order shall be paid by the defense attorney(s).
5. The Defendant and defense counsel shall treat any information received as confidential and only share it if, and when, a further order of this Court authorizes same.

So ordered this ____ day of _____, 202__ (and effective for 120 days thereafter).

CHARLES L. CUNNINGHAM, JR., JUDGE

xc: counsel of record