

SAMPLE QUALIFIED PROTECTIVE ORDER

ANDREA M. JAHN, JD, AND SHEILA WROBEL, JD, MBA

IN THE DISTRICT COURT OF ANY COUNTY, NEBRASKA

PATIENT,

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Petitioner,

ORDER FOR RELEASE OF MEDICAL
RECORDS AND PROTECTIVE ORDER

Vs.

THE OTHER SIDE,

Respondent.

On this April 15, 2003, upon the Motion to Quash by Provider, and under the authority of The Health Insurance and Portability and Accountability Act of 1996, U.S. P.L. 101-191 (August 21, 1996) and 45 C.F.R. 164.508, the Court finds that:

(1) Disclosure of Petitioner's medical record is appropriate in light of the physical injury issues pending before the Court in this case.

(2) The information contained in Provider's records on Petitioner is not otherwise available.

(3) The need for these records outweighs the potential injury to Petitioner and to Petitioner's patient relationship with Provider.

Having good cause shown, the COURT HEREBY ORDERS AS FOLLOWS:

(1) Provider, to appear and answer questions regarding the Petitioner's medical records, and to release such medical records to the Court.

(2) The parties to this Action, their counsel and Provider, to maintain the confidentiality of Petitioner's medical records and to restrict use, discussion and release of such medical records to solely the purposes of this litigation and as may be further authorized by this court or as otherwise permissible under federal law.

(3) The parties to this Action, and their counsel, to either destroy or return to Provider all copies of the Petitioner's medical record within thirty (30) days of the conclusion of this case, including the exhaustion of any appeals filed.

(4) The Petitioner's medical records or any portion submitted into evidence in this litigation shall be sealed and not available for public scrutiny.

DATED this April 15, 2003.

By: _____
Hon. Judge Judy