

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

AVERY GERMAN, a minor, by and through)  
ABBY BURKHART, his mother, natural )  
guardian and next friend, )

Plaintiffs, )

vs. )

Case No. 06-1328-JTM

KATHRYN E. SAWCHAK, M.D.; )  
ANN M. HENTZEN PAGE; and )  
HUTCHINSON HOSPITAL CORP., )

Defendants. )  
\_\_\_\_\_)

**AGREED ORDER FOR INSPECTION AND REPRODUCTION OF  
MEDICAL AND PROTECTED HEALTH INFORMATION  
PURSUANT TO STATE AND FEDERAL LAW (HIPAA) AND  
NOTIFICATION OF WAIVER OF PHYSICIAN-PATIENT PRIVILEGE**

**TO: All Hospitals, Clinics, Pharmacies, Physicians, Social Workers, Psychiatrists,  
Psychologists, Therapists, Governmental Agencies (State and Federal); All Other  
Medical Institutions, Practitioners, and Health Care Providers.**

You are hereby authorized, directed, and ordered pursuant to the laws of Kansas and applicable federal law, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA), to make available for examination and reproduction by the parties and their counsel denominated in this lawsuit and to the Kansas Medical Mutual Insurance Company ("KaMMCO") any and all medical of any type or nature whatsoever and/or any protected health information within your care, custody, or in any manner concerning, **Abby Burkhart, Date of Birth xx/xx/83**, Social Security No. \_\_\_\_\_ for the time period November 1, 2001 to the present.

Unless specifically excluded by this Order, all medical records and protected health

information in your possession for the relevant time period regarding the person noted above shall be produced; Provided however, that this Order does not provide for the production of any medical records maintained in connection with any program relating to substance abuse education, prevention, training, treatment, rehabilitation or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, and which are covered by the provisions of 42 U.S.C. § 290dd-2 and 42 C.F.R., Part 2.

You are further notified that the parties have agreed that counsel for either party is allowed to confer with any health care provider of Abby Burkhart without opposing counsel or opposing party being present provided the health care provider consents to the interview. This is based on the Court's finding that the plaintiff has made a claim for personal injuries and in filing this lawsuit, has waived any privilege existing between the patient and the health care providers.

Said inspection and reproduction may be requested by an attorney of record herein as set forth below, and all clerical fees and expenses shall be paid by the attorney requesting such examination, reproduction or interview.

This Order complies with HIPAA federal standards for privacy of individually identifiable health information, 45 C.F.R. Parts 160 and 164. This Order further allows the disclosure of (1) information regarding diagnosis of, treatment for, and general status relating to HIV and AIDS pursuant to K.S.A. 65-6001 et seq.

This Order shall be effective throughout the pendency of this action.

DATED this 6<sup>th</sup> day of March, 2007.

s/ DONALD W. BOSTWICK  
JUDGE OF THE DISTRICT COURT

APPROVED:

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