

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ERIN M. MERTENS

Plaintiff,

vs.

APAC, INC.; APAC-KANSAS, INC., &
ASHLAND, INC.,

Defendants.

Case No. 07-1208-WEB

**AGREED ORDER FOR INSPECTION AND REPRODUCTION OF MEDICAL
EMPLOYMENT AND EDUCATIONAL RECORDS, INCLUDING 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, Psychologists, Psychiatrists, Therapists, Medical Institutions, Health Care Providers, Governmental Agencies (State and Federal); Insurance Companies, Schools and Employers Past and Present

NOW on this 29th day of October, 2007, this matter comes before the Court on the application of the parties for an order directing those referenced above to produce for inspection and reproduction any and all records, documents, or other information within their custody and/or control pertaining to **Erin M. Mertens**. Plaintiff Erin M. Mertens appears by and through her attorney, Sean M. Dwyer of Law Office of Sean M. Dwyer. Defendants APAC, Inc., APAC-Kansas, Inc. and Ashland, Inc. appear by and through their attorneys, Gaye B. Tibbets of Hite, Fanning & Honeyman L.L.P.

WHEREUPON, being adequately advised, the Court hereby finds and orders:

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 inspection and reproduction by the parties and their counsel denominated in this lawsuit **any and all** records, documents, and other information of any type or nature whatsoever, including **any and all** protected health information, within your care, custody, or control, concerning **Erin M. Mertens**, whose **date of Birth** (year) is **1975**, and whose **Social Security Number** (last four digits) is **0272**. **No medical records with dates prior to September 15, 1995 need be provided.**

It is noted specifically that this Order is intended to require the disclosure of all information regarding diagnosis and treatment of mental and emotional conditions, as well the diagnosis and treatment of alcohol and drug dependency, and that the plaintiff has made a full and knowing waiver of all statutory privileges provided with regard to the disclosure of such information: **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 are 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.**

This Court finds the disclosure of the records, documents, and other information subject to this Order is necessary to this proceeding because the condition of the plaintiff is an element or factor of the plaintiff's claim. Unless specifically excluded by this Order, ALL records, documents, or other information, including protected health information, in your possession regarding the person noted above shall be produced for inspection and reproduction. Such production may be requested by any attorney of record herein as set forth below, and clerical fees and expenses as permitted under K.S.A. 65-4971 shall be paid by the attorney requesting the

same.

It is noted that the plaintiff was given a fair and timely opportunity to object to the entry of this Order, has waived such objection, and is aware that this Order has been entered.

This Order complies with HIPAA federal standards for privacy of individually identifiable health information, 45 C.F.R. Parts 160 and 164, and with Kansas law regarding the disclosure of health care information.

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

Dated this 29th day of October, 2007.

s/ DONALD W. BOSTWICK
U.S. MAGISTRATE JUDGE

APPROVED:

s/Sean M. Dwyer
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