

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

COLLEEN M. KROM,)
)
Plaintiff,)
)
v.) Case No. 12-2499-EFM-JPO
)
BRAUM'S, INC.,)
)
Defendant.)
_____)

**ORDER ALLOWING INSPECTION AND REPRODUCTION OF MEDICAL AND
EMPLOYMENT RECORDS 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, Health Care Providers; and All Employers, Past and Present

You are hereby authorized 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 **any and all** medical and employment records of any type or nature whatsoever and/or any protected health information within your care, custody, or in any manner concerning COLLEEN M. KROM (DOB: 09/19/1932).

Medical documents and protected health information subject to this order include but are not limited to the entire medical chart cover to cover (including but not limited to any and all medical records from other health care providers and any and all correspondence); radiological films; monitoring strips of any kind; billing and payment

records; prescriptions; test results; any and all records related to HIV testing, HIV status, AIDS or sexually transmitted diseases; any and all records related to the diagnosis and treatment of mental, alcoholic, drug dependency, or emotional condition; psychotherapy notes that are part of the medical record.

Unless specifically excluded by this Order, all medical records and protected health information in your possession regarding the person noted above may be produced.

With respect to employment records, such records include but are not limited to all materials contained in the employee's personnel file cover to cover; wage, payment, salary and tax information; performance evaluations; job applications; workers compensation records and any other records pertaining to injuries incurred by the employee; any and all work releases or restrictions; any protected health information in the employer's records.

Said inspection and reproduction may be requested by any 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.*; and (2) information regarding diagnosis and treatment of mental, alcoholic, drug dependency and emotional condition pursuant to K.S.A. 65-5601 *et seq.* and 42. C.F.R. part 2. **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.

Although this order authorizes and permits the production of records, nothing in the order requires action on behalf of non-parties to the litigation.

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

Dated this 25th day of February, 2013.

s/ James P. O'Hara
HONORABLE JAMES P. O'HARA
UNITED STATES MAGISTRATE JUDGE

APPROVED:

By: /s/Michael J. Wyatt
Michael J. Wyatt, #23260
MANN LAW OFFICES, L.L.C.
201 E. First
Hutchinson, KS 67504-1202
620.662.2400 – Telephone
620.662.2443 – Facsimile
E-mail: mwyatt@mannlawoffices.com
Attorney for Plaintiff

By /s/Craig W. West
Craig W. West, #13223
FOULSTON SIEFKIN LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, KS 67206-4466
316.291.9784 - Telephone
866.347.3143 - Facsimile
E-mail: cwest@foulston.com
Attorney for Defendant