

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA PROTECTION AND ADVOCACY)
SERVICES COMMISSION, *et al.*,)

Plaintiffs,)

v.)

No. 1:08-CV-1317 RLY-JMS

COMMISSIONER, INDIANA DEPARTMENT)
OF CORRECTION,)

Defendant.)

**Qualified Protective Order Pursuant to the Health Insurance
Portability and Accountability Act and Indiana Statutes**

Come now the parties, having filed their Joint Stipulation to Enter Qualified Protective Order Pursuant to the Health Insurance Portability and Accountability Act and State law, and the Court having read the stipulation, and being duly advised, finds that good cause exists to grant it, and,

IT IS THEREFORE ORDERED that the plaintiffs' counsel and their agents and employees may review the protected health records of past and current prisoners within the Indiana Department of Correction (including the New Castle Correctional Facility) who have been, are, or will be members of the certified class in this case as well as all past and present prisoners with mental health diagnoses or who are in isolated or segregated environments within the Indiana Department of Correction (including the New Castle Correctional Facility) subject to the following Qualified Protective Order which is hereby entered in this cause.

- a. The plaintiffs are prohibited from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which the information has been, and will be, requested.

- b. At the conclusion of this action, plaintiffs shall return to the Indiana Department of Correction, or shall destroy, the protected health information, including all copies made.

IT IS FURTHER ORDERED that that the actual health records may not be disclosed to the patient/prisoner without class counsel first notifying defendant's counsel in writing or by electronic mail of the intent to do so and allowing a reasonable time to object to disclosure. If defendant's counsel objects, the health records may not be disclosed to the patient/prisoner until the objection is resolved, either between counsel or by the Court. If defendant's counsel does not agree to allowing disclosure of the specific health record to the patient/prisoner, the dispute over disclosure may be submitted to the Court in an appropriate discovery motion. Plaintiffs may seek judicial modification of this portion of the agreement if their counsel believe that it is interfering with their ability to prepare this case for trial or to otherwise represent their clients.

06/01/2010

Date

Judge,

cc:

Kenneth J. Falk
ACLU of Indiana
kfalk@aclu-in.org

Gavin M. Rose
ALCU of Indiana
grose@aclu-in.org

David R. Smith
Indiana Protection and Advocacy Services Commission
drsmith@ipas.in.gov

Karen T. Davis
Indiana Protection and Advocacy Services Commission
ktdavis@ipas.gov

Debra J. Dial
Indiana Protection and Advocacy Services Commission
djdial@ipas.in.gov

Gary W. Ricks
Indiana Protection and Advocacy Services Commission
gricks@ipas.in.gov

David A. Arthur
Deputy Attorney General
david.arthur@atg.in.gov

Eric Beaver
Deputy Attorney General
eric.beaver@atg.in.gov