

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

TAMELA ALLEN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:10-00474-KD-N
)	
DONALD GANTT and)	
THE CITY OF MARION, ALABAMA,)	
)	
Defendants.)	

HIPAA PROTECTIVE ORDER

This action is before the undersigned on a motion for a HIPAA¹ order (doc. 35) filed by Donald Gantt, a defendant herein. Gantt seeks discovery of medical records held by four additional medical providers:

1. Dr. Subramonium K. Das, M.D., 1013 Medical Center Parkway #104, Selma, Alabama 36701.
2. Dr. Lonnie Felton, M.D., 1015 Medical Center Parkway, Selma, Alabama 36701.
3. Dr. Sai S. Nanburu, M.D, 1015 Medical Center Parkway, Selma, Alabama 36701.
4. Dr. Gordon V. Smith, M.D., 1015 Medical Center Parkway, Selma, Alabama 36701.
5. Dr. Kazi Ahmad, M.D., 1910 Cherokee Avenue SW, Cullman, Alabama 35055.

¹ Defendant seeks health information that is protected by the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Defendant does not limit the information he seeks to any particular health care provider/administrator or to any particular time period.

6. Dr. Charles Lett, M.D., 1013 Medical Center Parkway #A, Selma, Alabama 36701.

7. Cahaba Mental Health, 1017 Medical Center Parkway, Selma, Alabama 36701.

8. Woodland Hills Behavioral Health, 1910 Cherokee Avenue SW, Cullman, Alabama 35065.

Attached to the motion is a copy of plaintiff's confirmation that she does not oppose the motion. (Doc. 35-1). This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 6.

Upon consideration of plaintiff's lack of opposition (doc. 35-1) and all other pertinent portions of the record, the undersigned concludes and it is therefore **ORDERED** that Gantt's motion for a HIPPA order is due to be and is hereby **GRANTED**. The attorneys for the parties to this lawsuit are permitted to inspect and copy all health information relating to TAMELA ALLEN and to inspect and copy all information relative to the payment for any provisions of medical care to TAMELA ALLEN, as follows.

This Court Order authorizes Subramonium K. Das, M.D., Lonnie Felton, M.D., Sai S. Nanburu, M.D., Gordon V. Smith, M.D., Kazi Ahmad, M.D., Charles Lett, M.D., Cahaba Mental Health, and Woodland Hills Behavioral Health, when provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information regarding TAMELA ALLEN in response to such request or subpoena. This Court Order is intended to authorize disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and person who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family, nor does this Order permit disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than the party or an agent or employee of the attorney.

At the conclusion of this action and at the written request of an individual whose Protected Health information has been disclosed or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order.

Done this 20th day of May, 2011.

/s/ Katherine P. Nelson
KATHERINE P. NELSON
UNITED STATES MAGISTRATE JUDGE