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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA, et al., *ex*
 14 *rel.* LOYD F. SCHMUCKLEY, JR.,
 15 Plaintiffs,
 16 v.
 17 RITE AID CORPORATION,
 18 Defendant.

20 STATE OF CALIFORNIA *ex rel.* LOYD F.
 21 SCHMUCKLEY, JR.,
 22 Plaintiff,
 23 v.
 24 RITE AID CORPORATION,
 25 Defendant.

2:12-CV-1699-KJM-EFB

**STIPULATED ADDENDUM TO
FEBRUARY 8, 2018 STIPULATED HIPAA
QUALIFIED PROTECTIVE ORDER
[DKT. 109]; [PROPOSED] ORDER
THEREON**

[Fed. R. Civ. P. 26(c); Local Rule 141.1]

Complaint Filed: September 21, 2017

1 **STIPULATION**

2 Pursuant to Federal Rule of Civil Procedure 26(c), 45 C.F.R. § 164.512, and the applicable
3 local rules, the parties stipulate to and petition the Court to enter the following Addendum to the
4 currently effective Stipulated HIPAA Qualified Protective Order (“HIPAA QPO”) [Dkt. 109].

5 The parties acknowledge that nothing in this stipulation expands, diminishes or otherwise
6 alters any of the duties and procedures required under the terms of the HIPAA QPO [Dkt. 109]
7 and/or any applicable regulations promulgated under HIPAA or related California privacy law. This
8 stipulated Addendum only addresses the need for protection of Personally Identifying Information,
9 such as, but not limited to, social security numbers, of Medi-Cal beneficiaries and/or Rite Aid
10 pharmacy customers that may be reflected and/or contained in the documents, records and data
11 relevant to this matter.

12 **ADDENDUM TO HIPAA QPO**

13 The parties agree to the following addendum to the Stipulated HIPAA Qualified Protective
14 Order [Dkt. 109], as follows:

15 1. The parties agree to adopt and add to the Stipulated HIPAA Qualified Protective Order
16 all the above-mentioned recitals;

17 2. The parties agree to supplement section 2. **DEFINITIONS** by adding the following
18 provision:

19 2.17 Personally Identifying Information/PII: This term shall encompass both (i) the
20 definition of “personal information” set forth in California Civil Code § 1798.3 and (ii) the
21 definition of “patient identifying information” set forth in 42 C.F.R. § 2.11.

22 3. The parties agree to modify definition 2.2 “CONFIDENTIAL” Information or Items to
23 now read as follows:

24 information (regardless of how it is generated, stored or maintained) or tangible things
25 that qualify for protection as: (1) PHI as that term is defined under HIPAA and the
26 Federal Regulations enacted pursuant to HIPAA; and/or (2) PII as defined herein.

27 4. The parties agree that wherever it appears within Section 5.2 and Section 8 of the
28 HIPAA QPO, the defined term “PHI” shall now be read to mean “PHI and/or PII.”

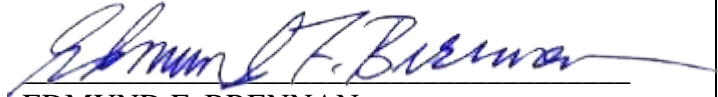
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[PROPOSED] ORDER

The above modifications having been stipulated by all parties, and the Court having found good cause,

IT IS SO ORDERED that the above stipulated addendum to the Stipulated HIPAA Qualified Protective Order [Dkt. 109] is approved.

Dated: September 10, 2018.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE