

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

AIDE RODRIGUEZ, also known as,
HAYDEE RODRIGUEZ,

Plaintiff,

v.

Case No. 6:21-cv-01086

SAFECO INSURANCE COMPANY
OF AMERICA, a foreign corporation,

Defendant.

**ORDER AUTHORIZING INSPECTION AND
REPRODUCTION OF MEDICAL RECORDS**

TO: All Health Care Providers Licensed to Practice Medicine or the Healing Arts as Defined in K.S.A. 65-2801, et seq.

This order is effective as of the date and time shown on the electronic file stamp. This matter comes on before the Court on the Parties' Joint Motion seeking approval of an Order authorizing all health care providers defined as physicians under K.S.A. 65-2802, who have provided care and/or treatment to **Aide Rodriguez, a.k.a. Haydee Rodriguez, DOB** ; **Social Security Number:** , to produce any and all healthcare information within their custody and/or control pertaining to said person. Plaintiff appears by and through her attorneys, J. Corey Sucher and Tony L. Atterbury of Bull Attorneys, P.A. Defendant Safeco Insurance Company of America appears by and through its attorneys, Patrick J. Murphy and Anthony M. Singer of Woodard, Hernandez, Roth & Day, LLC.

WHEREUPON, the Court, after reviewing the files and records, hearing the arguments of counsel, and being fully and duly advised in the premises finds:

1. Plaintiff has made a claim for personal injuries, and in filing this lawsuit has, pursuant to K.S.A. 60-427, waived any physician-patient relationship privilege that existed with Shannon Lower-Kirker.

2. This Court, with due consideration to the laws of the state of Kansas and the Health Insurance Portability and Accountability Act (HIPAA), 45 CFR 164.512(e) enters this Order in compliance therewith.

3. Any records obtained through this Order shall not be disclosed to anyone other than the litigants, their counsel, expert witnesses, the Court, and staff, agents and associates of the litigants and their insurers, and the Court. All objections to the admissibility of said records at trial are preserved by all parties hereto.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

a. All Health Care Providers licensed to practice medicine or the healing arts as defined in K.S.A. 65-2802, are hereby authorized and directed pursuant to the laws of the State 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 protected healthcare information within their care, custody and/or control concerning Aide Rodriguez, a.k.a. Haydee Rodriguez, DOB 07/25/1974; and Social Security Number: XXX-XX-7128.

b. Protected health information subject to this order includes but is not limited to:

Every page of the entire medical chart cover to cover, including but not limited to: all records pertaining to the examination, diagnosis, care and/or treatment of the patient; patient intake and registration forms; patient insurance and identification information; office narratives; progress notes; prescription orders; lab results; nurse and physician assistant notes; consultation reports; order sheets; handwritten notes;

radiological and laboratory reports; itemized billing statements listing all charges, radiographic films, photographs and videotapes; and,

All secondary records regardless of whether generated by you. Secondary records include patient questionnaires; phone message slips; correspondence with patient and other health care providers; and all other documents contained in the medical chart from other health care providers, insurance representatives, attorneys, or governmental agencies.

This order does not authorize the release of substance abuse records protected by 45 USC § 290dd-2 or K.S.A. 65-5601 et seq.

c. Unless specifically excluded by this order, all protected health information in your possession regarding the person noted above shall be produced or made available for inspection. Said inspection and reproduction may be requested by any attorney of record herein as set forth below, and clerical fees and expenses permitted under K.S.A. 65-4971 shall be paid by the attorney requesting such examination, reproduction, or interview.

d. Counsel for the parties are hereby authorized to talk with Plaintiff's treating physicians or other treating health care providers without opposing counsel or the parties, including the plaintiff, being present or participating, provided the health care provider consents to the interview, and any and all such health care providers have the absolute right to refuse to participate in any such interviews or talks.

e. This Order shall be effective throughout the pendency of this action. At the conclusion of the action, all records obtained during the pendency of this action shall be properly disposed of, including but not limited to records in the possession of a party's agent, expert, or business associates.

IT IS SO ORDERED.