

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)	MDL Docket No. 1953
)	
HEPARIN PRODUCTS)	CHIEF JUDGE JAMES G. CARR
LIABILITY LITIGATION)	CASE NO. 1:08-60000
)	
)	ALL CASES

**PRETRIAL ORDER NO. 11
REGARDING PRODUCTION OF MEDICAL RECORDS**

It has come to the Court’s attention that Plaintiffs’ counsel, in the investigation of cases involving potentially contaminated Heparin, have met numerous obstacles in obtaining the pertinent medical records on behalf of those clients who are deceased. In order to promote efficiency, the Court hereby enters Pretrial Order No. 11, regarding the production of medical records.

In accordance with 45 CFR § 164.512(e) of the Health Insurance Portability & Accountability Act (HIPAA), the Court hereby orders the following:

(1) The health care covered entity identified in exhibit A shall produce records to the requesting counsel for the dates specified on the form attached hereto as Exhibit A.

(2) Plaintiff’s counsel identified on Exhibit A is considered the “personal representative,” in accordance with 45 CFR § 164.502(g)(4), of the deceased individual for the purpose of collecting medical records.

(3) Plaintiff’s counsel requesting records from a health care covered entity on behalf of a deceased individual must complete Exhibit A, setting for the name, date of birth, and social security number of the deceased individual, as well as the dates of service for those records he/she believes is reasonably related or believed to be related to the deceased’s use of heparin

and/or potentially resulting health problems and/or conditions relating to the use of such heparin. Plaintiff's counsel must provide the health care covered entity a completed form Exhibit A, along with a copy of this Order.

(4) Plaintiff's counsel shall pay reasonable costs to the health care covered entity for those costs associated with compliance with this Order.

(5) By performing the obligations required by this Order, the health care covered entity is deemed to be in full compliance with HIPAA. *See 45CFR §164.512(e).*

IT IS SO ORDERED

Dated: January 20, 2009

s/ James G. Carr

Chief Judge James G. Carr

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

IN RE:

HEPARIN PRODUCTS
LIABILITY LITIGATION

) MDL Docket No. 1953
)
) CHIEF JUDGE JAMES G. CARR
) CASE NO. 1:08-60000
)
) ALL CASES

EXHIBIT A TO PRETRIAL ORDER NO. _____
REGARDING PRODUCTION OF MEDICAL RECORDS

To: _____

Pursuant to Pretrial Order No. 11 and in accordance with 45 CFR § 164.512(e) of the Health Insurance Portability & Accountability Act (HIPAA), you are hereby ordered to produce the records of: Name: _____ (deceased)

Date of birth: _____ SSN: _____

For the time period: _____

To Plaintiff's counsel: _____

Firm Name _____

Address _____

Phone/fax: _____

Records requested: All medical records, including but not limited to, (*cross out any that you do not wish to receive*): office notes, history and physical, consultation reports, discharge summaries, discharge or transfer instructions or data, order and progress notes, laboratory results, nurses notes, emergency room records, operative reports/records, lab reports, incident reports, anesthesia records, arteriogram, venograms, angiograms, autopsy reports, billing records, code blue sheets/CPR method, progress notes, order sheets, outpatient clinic records, paramedic records, dialysis records, pathology reports, patient data cover sheet, personal property lists, pharmacy records, photographs, physical therapy sheet notes, post-op instrument count record, pre-op check list, recovery room records, scans, CAT, CT, and ultrasound records, surgical consent forms, vital signs charts, radiology studies/reports, x-ray reports.

Signature: _____ Date: _____
Plaintiff's Counsel, personal representative, pursuant to 45 CFR § 164.502(g)(4).