

**BEFORE THE OKLAHOMA STATE DEPARTMENT OF HEALTH  
OFFICE OF ADMINISTRATIVE HEARINGS**

**STANDING ORDER NO. 3  
PROTECTIVE ORDER**

The Department, through its employees and its hearing officers, is bound to protect the confidentiality of residents, clients or patients of any medical facility regulated by the Department which maintains medical records covered by the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations, 45 CFR § 164.512(e), as well as numerous state laws and rules.

Standing Order Number 3, Protective Order, may be entered independently by the Court and shall also be entered upon the request of any party to any proceeding. It shall remain in effect until further order of the Court. Any party feeling aggrieved by this directive can file an objection, with authority, requesting a hearing to set aside the protective order. The order may be issued verbally but will be made part of the final agency order.

Following is a standard protective order which may be changed to fit the specifics of the case in which it is entered.

**PROTECTIVE ORDER**

In accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations, 45 CFR § 164.512(e), and other applicable provisions of law, it is hereby ordered that the respective parties in this cases coming before the Office of Administrative Hearings of the Oklahoma State Department of Health shall not publish to any third party the name of any resident of the facility regulated by the Oklahoma State Department of Health nor shall any party publish, in whole or in part, any information from a resident's medical records or disclose any other information about the identity, care or treatment of a resident which would result in a third party being able to identify such resident.

Discovery requests for medical or other records of a resident, which are confidential in nature, shall be subject to the following requirements:

Information contained in facility's medical records shall be disclosed only to counsel of record in this action or only to individuals certified by such counsel as employed by or assisting counsel in preparation for, or at the trial of this action. For the purposes of compliance with this Order, medical records shall mean any note, memorandum, or any other form of information, including electronic format, which relates to a patient and is otherwise confidential.

Any such documents or information obtained shall be used only for the purpose of litigating this case.

The production of such documents or information concerning a resident's medical records shall not constitute a waiver of any privilege or other claim or right of withholding or confidentiality which resident may have.

Amended, eff. 06/01/15

It shall be the responsibility of the parties to maintain all confidential information in a secure place designed to prevent any third party from its availability.

All copies of all documents reflecting they are protected, privileged or confidential within the spirit of this Order, including any portion of a hearing transcript, exhibit, brief or other document, shall be filed and served in sealed envelopes or other appropriate containers clearly marked as being confidential and protected.

To the extent possible, all pleadings and other documents used in an administrative hearing shall be redacted to exclude the name of a resident. For the purpose of clarity in hearings, parties may file a letter with the Office of Administrative Hearings identifying any redacted party. Upon conclusion of the case, the letter shall be placed in a sealed envelope and kept with the court file.

Dated: June 1, 2015.

/s/Suzanne Nichols  
ADMINISTRATIVE LAW JUDGE

/s/Michael Mitchelson  
ADMINISTRATIVE LAW JUDGE

/s/Kim Heaton  
ADMINISTRATIVE LAW JUDGE

/s/Jan Preslar  
ADMINISTRATIVE LAW JUDGE

/s/Mary Womack  
ADMINISTRATIVE LAW JUDGE

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Amended, eff. 06/01/15