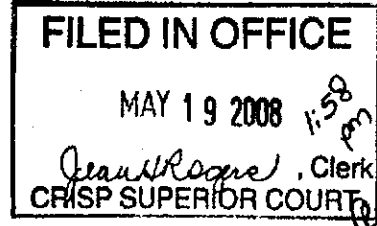


IN THE SUPERIOR COURT OF CRISP COUNTY  
STATE OF GEORGIA

EDWARD S. POUNDERS, in his  
Capacity as the next friend of JOHN DYLAN  
POUNDERS, a minor,  
  
Plaintiff,

v.

DANIEL H. BAILEY, M.D. and CRISP  
REGIONAL HEALTH SERVICES, INC.,  
d/b/a CRISP REGIONAL HOSPITAL, INC.,  
and FICITIOUS PARTIES 1-5,  
  
Defendants.



CIVIL ACTION

NO. 08V-012

**ORDER GRANTING DEFENDANTS' MOTION FOR QUALIFIED  
PROTECTIVE ORDER PURSUANT TO HIPAA AND PERMITTING  
EX PARTE INTERVIEWS WITH MEDICAL PROVIDERS**

**To: All hospitals; clinics, pharmacies; physicians; nurses; certified nursing assistants; dieticians; emergency medical technicians; physical therapists; speech pathologists; all other medical institutions, practitioners and healthcare providers.**


This matter is before the Court on Defendant Bailey's Motion for a HIPAA Qualified Protective Order filed March 27, 2008 and Crisp Regional Hospital, Inc.'s Motion for a HIPAA Qualified Protective Order filed April 29, 2008. Plaintiff has objected to the Motions. This Court GRANTS the Motions after considering the briefs filed by the parties and oral arguments presented by counsel on May 6, 2008.

Controlling state and federal law clearly allows defense counsel to conduct *ex parte* conferences with healthcare providers. See O.C.G.A. § 24-9-40; *Orr v. Sievert*, 162 Ga. App. 677 (1982); *Austin v. Moreland*, 288 Ga. App. 270 (2007); 45 C.F.R. § 164.512(e). Pursuant to state and federal law, counsel for the parties are hereby authorized to speak with John Dylan Pounders' treating physicians or other healthcare

providers without counsel for the other parties, including Plaintiff, being present or participating, provided the healthcare provider consents to the interview. John Dylan Ponders' physicians or other healthcare providers may provide records and discuss his medical conditions and past, present and future treatment with counsel for the parties, including counsel for the Defendants. However, the decision to do so lies with the treating physicians and other medical personnel, and they are not compelled by this Order, may choose not to be interviewed, and are not required to engage in *ex parte* communications.

John Dylan Ponders' health information, which includes any verbal communication that is/was created or received by a healthcare provider that relates to past, present or future health condition of John Dylan Ponders may be disclosed to counsel for the parties and their legal associates, paralegals, investigators and office staff. The use or disclosure of any Protected Health Information obtained by counsel for the Defendants during *ex parte* interviews is limited to uses and disclosures for purposes of this litigation.

SO ORDERED this 19<sup>th</sup> day of May, 2008.

  
HONORABLE JOHN C. PRIDGEN

Prepared by:

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