

IN THE SUPERIOR COURT OF CRISP COUNTY
STATE OF GEORGIA

ANTONIO CALDWELL, JR.,)
A MINOR, B/N/F JAMEKA JACKSON,)
INDIVIDUALLY; AND)
JAMEKA JACKSON AS THE NATURAL)
MOTHER OF ANTONIO CALDWELL, JR.,)
A MINOR,)

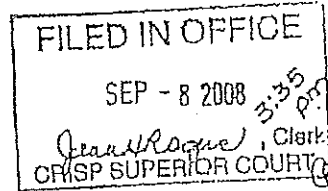
Plaintiffs,)

v.)

CRISP REGIONAL HOSPITAL, INC.)
AND FAWZI HIMADA, M.D.,)

Defendants.)

CIVIL ACTION FILE
NO. 07V-473



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; dietitians; emergency medical
technicians; physical therapists; speech pathologists; all
other medical institutions, practitioners and healthcare
providers.

This matter is before the Court on Defendant, Crisp Regional
Hospital, Inc.'s, Motion for a HIPAA Qualified Protective Order.
This Court GRANTS the Motion after considering the Briefs filed by
the Parties and the entire record in this action.

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.

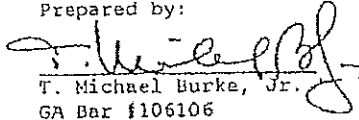
677(1982); Austin v. Moreland, 288 Ga. App. 270(2007); 45 C.F.R. § 164.512(e). Pursuant to State and Federal Law, Counsel for the Defendants are hereby authorized to speak with Antonio Caldwell, Jr.'s treating physicians or other healthcare providers outside the presence of Plaintiffs' Counsel, provided the healthcare provider consents to the interview. Antonio Caldwell, Jr.'s 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.

Antonio Caldwell, Jr.'s 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 conditions of Antonio Caldwell, Jr. 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. This Order shall not apply to psychiatrists or to


hospitals in which the patient is being or has been treated solely
for mental illness.

SO ORDERED this 8th day of September, 2008.

Prepared by:



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HONORABLE JOHN C. PRUDGEN