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OCT 6 - 2009

FIRST JUDICIAL DISTRICT OF PA
USER I.D.: _____

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

DOCKETED
COMPLEX LIT CENTER

OCT 6 - 2009

J. STEWART

IN RE DIGITEK® LITIGATION

MARCH TERM 2009

NO. 5166

In Re: Digitek Litigation-ORDER

THIS DOCUMENT APPLIES TO ALL CASES



**CASE MANAGEMENT ORDER No. 6
(Production of Medical and
Pharmacy Records of Deceased Plaintiffs)**

Due to the difficulties the parties are experiencing in obtaining pertinent medical and pharmacy records of individuals who are deceased, the Court hereby enters Case Management Order No. 6 regarding the production of such records.

In accordance with 45 C.F.R. §164.512(e) of the Health Insurance Portability & Accountability Act (“HIPAA”), it is hereby **ORDERED** as follows:

(1) The health care covered entity identified in Exhibit A shall produce records to the requesting counsel or their designee, RecordTrak, 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 C.F.R. §164.502(g) (4), of the deceased individual for the sole and limited purpose of collecting medical and pharmacy records. RecordTrak is authorized to collect the records on behalf of Plaintiff’s counsel, or the requesting counsel.

(3) Counsel or their designee, RecordTrak, requesting records from a health care covered entity on behalf of a deceased individual must complete Exhibit A, setting forth 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 are reasonably related or believed to be related to the

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

(4) Counsel or RecordTrak shall pay reasonable costs to the health care covered entity for those costs associated with compliance with this Order, and in accordance with any applicable state law.

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

Dated: October 1, 2009


HONORABLE SANDRA MAZER MOSS

EXHIBIT A TO CASE MANAGEMENT ORDER NO. 6

To: _____

Pursuant to Pretrial Order No. 1 and in accordance with 45 C.F.R. §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: _____

Address: _____

Phone/Fax: _____

Records requested: All medical records, including but not limited to, (cross out any that you do 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 C.F.R. §164.502(g) (4)



First Judicial District of Pennsylvania
 Court of Common Pleas of Philadelphia
 Complex Litigation Center

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 Philadelphia PA 19107
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 215-686-5137 (Fax)
 (<http://courts.phila.gov>)

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 Trial Division

Esther R. Sylvester
 Supervising Judge
 Trial Division—Civil

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 Coordinating Judge
 Complex Litigation Center

Charles A. Mapp, Sr.
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 Director
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Facsimile Transmission Cover Sheet

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To: *Peter Miller Esq.* *Walter Swayze, Esq.* From:

(610) 660-0628
 Fax No.: (540) 672-3055 (215) 972-8016 Date: 10/2/08

Cc:

Pages (including cover sheet): 4

Re: *Digitel CMO. # 6*

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OCT. 6.	11:07AM	95406723055	ES	0'49"	P.	4	OK	886

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