



**DECLARATION FOR MEDICAL RECORDS:
PROTECTIVE ORDER IN PLACE**

I, _____, attorney for _____, in the case of
_____ v. _____, declare under criminal
penalty of the State of Utah that the foregoing is true and correct:

1. I have issued a valid subpoena, discovery request, or other lawful process for the records of the following patient:

Name: _____

Date of Birth: ___/___/_____

MRN: _____

2. The subject of the records has placed his or her ____ mental or ____ physical condition at issue as a claim or defense in the litigation or proceeding.
3. The parties to the dispute giving rise to the request for information have agreed to a qualified protective order that satisfies the requirements of 45 C.F.R. §164.512(e)(1) and have presented it to a court or administrative tribunal with jurisdiction over this matter.
4. The protective order prohibits the parties from using or disclosing the protected health information ("PHI") for any purpose other than the litigation or proceeding for which the information was requested.
5. The protective order requires the destruction of the PHI and all copies made of the PHI at the end of the litigation or proceeding.
6. I attach the protective order to this affidavit and have highlighted the provisions required by this affidavit.
7. I understand that under federal law, 42 U.S.C. section 290dd-2, substance abuse treatment records cannot be released except as authorized by the patient or pursuant to a court order.
8. I understand that pursuant to 45 U.S.C. section 508(a)(2) psychotherapy notes may only be disclosed if the patient signs a specific, separate, AUTHORIZATION (available at: <http://www.privacy.utah.edu>) permitting the disclosure.

Signature

Printed Name: _____

Name of Law Firm: _____