

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SAINT FRANCIS HOSPITAL AND MEDICAL
CENTER, INC.,

Case No. 3:22-cv-00050-SVN

Plaintiff,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

STIPULATION AND ORDER REGARDING SUBPOENA SERVED ON NON-PARTY

The Parties hereto and non-Party subpoena respondent Connecticut Hospital Association (“CHA”) stipulate and agree to an Order allowing the parties to use in this litigation data previously provided to the Parties by CHA regarding hospital admissions and related information already in the possession of Plaintiff and Defendants (referred to herein as the “Limited Data Sets” described more fully in Exhibit 1) pursuant to the Amended Qualified Protective Order (Doc. 120), and without requiring CHA to produce the data requested by the Subpoena to CHA, and state the following in support:

1. On or about April 4, 2023, the Plaintiff served a Subpoena on CHA seeking “[d]ocuments sufficient to show, for all inpatient, newborn, observation, emergency department, same day surgery, and other outpatient visits and encounters at Connecticut hospitals and hospital-based facilities, on an annual basis, during the period from January 1, 2015 to the present” data from 33 separate data fields.

2. On April 14, 2023, CHA timely moved to quash the Subpoena, citing, among other things, concerns relating to state and federal privacy protections, including but not limited to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) to which some or all of the subpoenaed materials are or may be subject and arguing that it could not be required to produce the data requested by the Subpoena without an Order from the Court. (Doc. 111).
3. To address the concerns expressed by CHA in its Motion to Quash, Plaintiff has agreed to modify the scope of the Subpoena and production request so that the Plaintiff now seeks only data that it already possesses in the form of Limited Data Sets, as defined by 45 C.F.R. 164.514(e), previously provided to the Plaintiff and Defendants by CHA pursuant to Data Use Agreements between CHA and Plaintiff and Defendants.
4. The Parties agree that a Court order would allow the Plaintiff and Defendants to use the data in the Limited Data Sets in this litigation pursuant to 45 C.F.R. 164.512(e)(i) in a HIPAA compliant manner provided that the Qualified Protective Order entered into by the Court governs the use of this data.
5. The Parties further agree that because the Limited Data Sets are already in the possession of Plaintiff and Defendants, if the Court orders that Plaintiff and Defendants may utilize the Limited Data Sets subject to the terms of the Qualified Protective Order, such an order would resolve CHA’s Motion to Quash and CHA would have no obligation to produce any data in response to Plaintiff’s subpoena.
6. The parties agree that such an order would not waive any of CHA’s rights regarding the privacy or protection of any data in CHA’s possession or control.

The parties and CHA therefore stipulate and agree as follows:

1. Plaintiff and Defendants are permitted to use in this litigation the Limited Data Sets already in their possession subject to the terms of the Amended Qualified Protective Order entered by the Court (Doc. 120), for the time period of 2016 to the present, provided that the Limited Data sets as used in this litigation shall be treated as CONFIDENTIAL – ATTORNEYS’ EYES ONLY, and provided that the Parties may not re-identify the individuals from whom the Limited Data Sets are derived.
2. CHA’s Motion to Quash is denied as moot, and CHA is hereby released from any obligation under Plaintiff’s Subpoena and is not required to produce any data in its possession in response to Plaintiff’s subpoena.

Date: May 12, 2023

Respectfully submitted,

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Attorneys for Connecticut Hospital Association

SO ORDERED.

Dated:

U.S. District Magistrate Judge Richard A. Richardson

Exhibit 1

Limited Data Set Identifiers

Saint Francis: SS3720, SS3720B through SS3720H, inclusive.

Hartford Healthcare: SS3708, SS3708B through SS3708H, inclusive.