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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

13 UNITED STATES OF AMERICA *ex*
14 *rel.* BENJAMIN POEHLING,

15 Plaintiffs,

16 v.

17 UNITEDHEALTH GROUP, INC., *et al.*,

18 Defendants.
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No. CV 16-08697 FMO (SSx)

**ORDER TO PROVIDERS REGARDING
UNITEDHEALTH'S MOTION TO
COMPEL THE UNITED STATES TO
PRODUCE DOCUMENTS**

1 **WHEREAS** on April 16, 2021, Defendant UnitedHealth Group, Inc. and related
 2 entities (“UnitedHealth”) filed a motion to compel (“the Motion”) Plaintiff United States
 3 (“the Government”)¹ in the above-captioned matter to produce medical records responsive
 4 to UnitedHealth’s Requests for Production 145–152 from healthcare providers and
 5 suppliers who treat “Fee-for-Service” Medicare beneficiaries (“Providers”);

6 **WHEREAS**, the Parties have reached an agreement to resolve the Motion, and in
 7 accordance with the Parties’ agreement, this Court has ordered the Parties to work
 8 cooperatively to collect certain medical records from select Providers;

9 **WHEREAS** UnitedHealth has engaged Ciox Health, a chart retrieval vendor, to
 10 collect medical records from each Provider identified by UnitedHealth as having
 11 responsive data;

12 **WHEREAS** the Court has, in connection with this matter, entered an agreed-upon
 13 order resolving the Parties’ dispute; in accordance with that agreed-upon order, this Court
 14 **ORDERS** as follows:

15 1. Each Provider **SHALL** make every reasonable effort to identify and submit
 16 responsive medical records to Ciox Health;

17 2. If a Provider is unable to identify responsive medical records, the Provider
 18 **SHALL** communicate to Ciox Health that the charts are not available.

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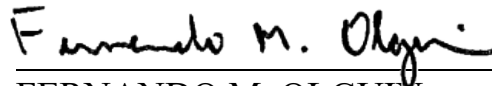
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 28 ¹ UnitedHealth and the Government, collectively, shall hereinafter be referred to as the
 “Parties.”

1 The Court has determined that providing medical records of Medicare patients to
2 CMS, UnitedHealth, or any vendor working on behalf of CMS or UnitedHealth, pursuant
3 to this Court Order does not violate the Health Insurance Portability and Accountability
4 Act ("HIPAA"), *see* 45 C.F.R. § 164.512(e), and patient authorization is not required to
5 respond to UnitedHealth's request for medical records.

6
7 **SO ORDERED.**

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9 Date: February 23, 2022


FERNANDO M. OLGUIN
United States District Judge