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Hartford, CT 06156-9998

Sofia Furu
Case Manager
Legal Support Services,
W101
(860) 952-8629
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Attn: Unisource

Re: Records Requested for Aetna Patients.

Dear Sir or Madam:

Aetna has received a subpoena from you in the above-captioned matter. This subpoena includes a request for Protected Health Information (PHI) within the meaning of the HIPAA Privacy Rules (45 C.F.R. Parts 160-164). As you may be aware, the HIPAA Privacy Rules impose restrictions on Aetna's ability to disclose protected health information. An exception is provided under 45 C.F.R. 164.512(c) for responses to subpoenas and other discovery requests, provided the covered entity receives "satisfactory assurances" that reasonable efforts have been made by the party seeking the disclosure to "ensure that the individual who is the subject of the protected health information that has been requested has been given notice of the request." The regulation goes on in 45 C.F.R. 164.512(e)(1)(iii) to define what is meant by "satisfactory assurances." For your convenience, we would ask that you use the below format to provide us these assurances. Upon receipt, we will comply with your request. **In the alternative, you may choose to have the attached authorization executed in full by our member.**

I, _____, hereby provide Aetna with the following assurances for purposes of compliance with the requirements of 45 C.F.R. 164.512(e):

1. I have caused a notice to be given to* the individual whose information has been requested in the above-captioned subpoena.
 - Alternatively, you may state that you have made a "good faith effort" to provide such notice.
2. The notice included sufficient information about the litigation or proceeding in which the protected health information is requested to permit the individual to raise an objection to the court or administrative tribunal.
3. The time for the individual to raise objections to the court or administrative tribunal has elapsed and no objections were filed *
 - Alternatively, you may state that, "any objections filed by the individual have been resolved and the disclosures being sought are consistent with such resolution".

An alternative recognized under the HIPAA Privacy Rules would be a "qualified protective order", as described in 45 C.F.R. 164.512(c)(1)(ii)(B). If such an order has been issued, we would ask you to provide the following assurances:

I, _____, hereby provide Aetna with the following assurances for purposes of compliance with the requirements of 45 C.F.R. 164.512(c):

The parties to the dispute giving rise to the request for information have agreed to a qualified protective order and have presented it to the court or administrative tribunal with jurisdiction over the dispute * A copy of this order is enclosed.

- Alternative, you may state that. "The party seeking the protected health information has requested a qualified protective order from the court or administrative tribunal with jurisdiction over the dispute "

The qualified protective order that was issued for requested] meets the requirements of 45 C.F.R. 164 512(e)(1)(v)

I have read and executed the above correspondence and assert this to be true and correct

Requestor

For your convenience, a copy of the requirements for qualified protective orders are set out below

Qualified Protective Orders

A "qualified protective order" must meet the following requirements from Section 512(e)(1)(v):

It must be an order of a court or of an administrative tribunal or a stipulation by the parties to the litigation or administrative proceeding that:

1. Prohibits the parties from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which the information was requested: and
2. Requires the return to the covered entity or destruction of the protected health information (including all copies made) at the end of the litigation or proceeding

Sincerely,

Sofia Furu

Enclosures