

So Ordered.

Dated: July 10th, 2017



*Frederick P. Corbit*

Frederick P. Corbit  
Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:

Kennewick Public Hospital District,  
  
Debtor.

Case No. 17-02025-9

ORDER AUTHORIZING  
PROCEDURES TO MAINTAIN  
CONFIDENTIALITY OF PATIENT  
INFORMATION AS REQUIRED  
BY PRIVACY RULES

Upon the motion (the "Motion")<sup>1</sup> of Kennewick Public Hospital District, a Washington public hospital district (d/b/a Trios Health) (the "District" or "Trios") and the debtor in the above-captioned chapter 9 case (the "Chapter 9 Case"), pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the "Bankruptcy Code"), for entry of an order establishing certain procedures to protect patient health information; and upon the Cudworth

<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings as ascribed in the Motion.

ORDER AUTHORIZING  
PROCEDURES TO MAINTAIN  
CONFIDENTIALITY OF  
PATIENT INFORMATION - 1

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1 Declaration; and it appearing that this Court has jurisdiction over this matter  
2 pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a  
3 core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of  
4 this proceeding and the Motion in this Court is proper pursuant to 28 U.S.C.  
5 §§ 1408 and 1409; and notice of the Motion appearing adequate and appropriate  
6 under the circumstances; and the Court having found that no other or further notice  
7 is needed or necessary; and the Court having reviewed the Motion and the  
8 Cudworth Declaration and having heard statements in support of the Motion at a  
9 hearing held before the Court (the “Hearing”); and the Court having determined  
10 that the legal and factual bases set forth in the Motion and at the Hearing establish  
11 just cause for the relief granted in this Order; and it appearing, and the Court  
12 having found, that the relief requested in the Motion is in the best interests of the  
13 District, its creditors, and other parties in interest; and any objections to the relief  
14 requested in the Motion having been withdrawn or overruled on the merits; and  
15 after due deliberation and sufficient cause appearing therefor, it is hereby

16 **ORDERED** that:

- 17 1. The Motion is GRANTED.
- 18 2. The following procedures are established to protect patient protected  
19 health information (“PHI”):  
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- 1 a. the District and the Notice Agent<sup>2</sup> shall omit any reference to  
2 current or former patients from the publicly filed and available  
3 matrix of creditors and any certificate of service;
- 4 b. the District and the Notice Agent shall identify current or  
5 former patients in (i) the List of Creditors and (ii) any other  
6 subsequent filings, including any plan of adjustment or  
7 disclosure statement, that would otherwise refer to any current  
8 or former patients solely by a code number, such as “Patient 1,”  
9 “Patient 2,” and so forth;
- 10 c. the District or the Notice Agent shall make an unredacted copy  
11 of the List of Creditors available to (i) the Court and to the  
12 United States Trustee for the Eastern District of Washington  
13 upon request; and (ii) any other party in interest only after this  
14 Court has entered an order, after notice and a hearing, directing  
15 the District or the Notice Agent to do so;
- 16 d. the District or the Notice Agent shall maintain a list of current  
17 or former patients (the “Patient List”) that would otherwise  
18 appear on the matrix of creditors, and shall make the Patient  
19 List, or any portion thereof, available to any party in interest  
20 only after this Court has entered an order, after notice and a  
21 hearing, directing the District or the Notice Agent to do so;
- 22 e. when the District or the Notice Agent serve any paper upon any  
person listed on the Patient List, the District or the Notice  
Agent shall note in the respective certificate of service that the  
parties served include persons listed on the Patient List; and
- f. to the extent any current or former patient of the District  
discloses their own PHI in any pleading, proof of claim, notice,  
or other publicly available document, whether filed in the  
Chapter 9 Case, any other public legal proceeding, or otherwise,  
the District and the Notice Agent shall be permitted and, to the  
extent required by the Bankruptcy Code, the Bankruptcy Rules,  
or any other applicable law, rule, or court order, are directed, to  
include such PHI in any subsequent pleading, notice, document,  
list, or other publicly disclosure made in connection with the

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<sup>2</sup> The claims and noticing agent for this Chapter 9 Case, Garden City Group, LLC  
(the “Notice Agent”).

Chapter 9 Case, such subsequent disclosure being deemed to not be a “wrongful disclosure” within the meaning of HIPAA or any regulation promulgated thereunder.

3. The District is authorized and empowered to take all actions necessary to implement the relief granted in this Order.

4. Notwithstanding any applicability of any Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

5. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, enforcement, or interpretation of this Order.

///END OF ORDER///

PRESENTED BY:  
FOSTER PEPPER PLLC

By: /s/ Jack Cullen  
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