

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	
Jo Ann Blackwell, Michelene Brooks, and	)	C.A. No. 2017-CP-42-00219
Samuel H. Owens, Jr., individually and on	)	
behalf of all others similarly situated,	)	
	)	HIPAA QUALIFIED PROTECTIVE
	)	ORDER
Plaintiffs,	)	AUTHORIZING DISCLOSURE OF
	)	LIMITED PROTECTED HEALTH
v.	)	INFORMATION FOR SETTLEMENT
	)	ADMINISTRATION
Mary Black Health System, LLC, d/b/a	)	
Mary Black Memorial Hospital; CHSPSC,	)	
LLC; Professional Account Services, Inc.,	)	
	)	
Defendants.	)	
	)	

This matter came before the Court on the Joint Motion of Plaintiffs Jo Ann Blackwell, Michelene Brooks, and Samuel H. Owens, Jr. (collectively, “Plaintiffs”) and Defendants Mary Black Health System, LLC, d/b/a Mary Black Memorial Hospital; CHSPSC, LLC; and Professional Account Services, Inc. (collectively, “Defendants”) request for entry of a HIPAA-qualified protective order under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. § 1320d, *et seq.*, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160 and 164 (the Privacy Rule). Having reviewed the Joint Motion, the Court finds good cause to order the disclosure of the minimum necessary protected health information (“PHI”) in this matter subject to the conditions and limitations set forth herein, it is thus **ORDERED**:

1. Definitions

1.1 “**Covered Entity**” or “**Covered Entities**” means the healthcare facilities identified herein that are subject to HIPAA and that maintain the requested information, including Mary Black Health System, LLC; Gaffney H.M.A., LLC; and their affiliated entities to the extent they function as covered entities under 45 C.F.R. § 160.103.

1.2 “**PHI**” means “protected health information” as defined at 45 C.F.R. § 160.103 & 164.501, and limited to the information authorized for disclosure in Section 3 of this Order.

1.3 “**Claims Administrator**” means the Court-appointed claims administrator.

1.4 “**Parties**” means the Plaintiffs and Defendants collectively.

1.5 “**Qualified Persons**” means the persons authorized to receive PHI under this Order as set forth in Section 4 of this Order.

2. **Purpose and Limitations**

2.1 This Order constitutes a “Qualified Protective Order” under 45 C.F.R. § 164.512(e)(1)(v), and authorizes disclosure of the minimum necessary PHI for this litigation and settlement, subject to the safeguards and limitations stated herein.

2.2 The Covered Entities shall disclose the minimum necessary PHI solely for facilitating the settlement and resolution of this case, including but not limited to the following: (1) finalizing the Parties’ Class Action Settlement Agreement; (2) effectuating, administering, and implementing a Court approved class action settlement, including class member identification, notice, payment allocation, payment issuance, tax reporting if applicable, and audit/reconciliation related to settlement distributions; and (3) taking all steps necessary to provide notice to the members of the Settlement Class.

3. **Scope of Authorized Disclosure**

3.1 **Categories of PHI.** The Covered Entities are authorized to disclose the following PHI regarding individuals within the Settlement Class or otherwise identified in the Exhibits to the Parties’ Proposed Class Action Settlement Agreement:

- (i) Patient’s First and Last Name;
- (ii) Patient’s last known mailing address;

(iii) The amount of the Class Member Loss as defined by the Parties' Class Action Settlement Agreement; and

(iv) The last four (4) digits of the Patient's social security number.

3.2 **Exclusions.** No clinical/diagnostic information, treatment notes, diagnoses, procedure codes, images, or detailed medical records shall be disclosed pursuant to this Order unless expressly authorized by the Court.

3.3 **Minimum Necessary.** Disclosures shall be limited to the minimum necessary PHI to accomplish the purposes set forth in Section 2. The Covered Entities may rely on this Order as a request for the minimum necessary consistent with 45 C.F.R. § 164.514(d).

4. **Authorized Recipients and Use**

4.1 **Qualified Persons.** PHI disclosed under this Order may be disclosed to and used by only:

- (a) The Claims Administrator and its employees necessary for the settlement administration;
- (b) Counsel of record for the Parties and their support staff; and
- (c) The Court and its personnel as needed for settlement approval or administration.

4.2 **Permitted Uses.** PHI may be used solely for: class member identification; dissemination of class notices; calculation of settlement payments; issuance and tracking of payments; responding to inquiries from class members about their payments; tax reporting if applicable; and audits/reconciliations required by the settlement or the Court.

4.3 **Prohibited Uses and Disclosures.** PHI obtained under this Order shall not be used for any purpose other than those stated in this Order and shall not be disclosed to any other person or entity, including for marketing, sales, or unrelated litigation.

5. **Safeguards and Security**

5.1 **Administrative, Physical, and Technical Safeguards.** Qualified Persons receiving PHI must implement reasonable and appropriate safeguards to protect against unauthorized use or disclosure, including:

- (a) Secure transmission of all documents containing the PHI identified in Section 3 of this Order;
- (b) Restrict Access to all documents containing the PHI identified in Section 3 to the personnel identified in Section 4.1; and
- (c) Prohibition on storing PHI on portable media unless encrypted or password protected.

5.2 **Data Segregation.** PHI shall be segregated from other files where feasible and labeled as “Confidential – HIPAA PHI Subject to Court Order.”

5.3 **Incident Response.** Any actual or suspected unauthorized use or disclosure or security incident involving PHI shall be reported promptly, and in no event later than five (5) business days, to the producing Covered Entity and all Parties, with a description of the incident, affected data, and remedial steps taken.

6. **Responsibilities of the Covered Entities**

6.1 **Data Production.** Within ten (10) days of the entry of this Order, the Covered Entities shall produce to Plaintiffs the PHI identified in Section 3 of this Order.

7. **Responsibilities of the Claims Administrator and Parties**

7.1 **Compliance.** The Claims Administrator and Parties receiving PHI shall comply with this Order and applicable law, use PHI only for the permitted purposes, and maintain the safeguards described herein.

7.2 **Subcontractors.** If the Claims Administrator or Parties engage subcontractors or vendors to assist with permitted uses, they shall ensure such entities agree in writing to be bound by this Order and to implement equivalent safeguards before receiving any PHI.

7.3 **Certifications.** Upon completion of the settlement administration, the Claims Administrator shall certify in writing to the Parties and the Court compliance with the return or destruction obligations in Section 8.

8. **Return or Destruction of PHI**

8.1 **Post-Administration Disposition.** Within thirty (30) days of the distribution of the settlement proceeds as set forth in the Parties' Class Action Settlement Agreement, the Claims Administrator and Parties shall return to the Covered Entity or destroy all PHI, including all copies, extracts, and summaries, except that:

- (a) Counsel of record may retain one archival copy of work product and court filings containing PHI to the extent required by applicable professional obligations or law, which shall remain subject to this Order and maintained securely; and
- (b) The Claims Administrator may retain PHI only as required by law or regulation, after which it must be destroyed.

8.2 **Certification.** Any entity destroying PHI shall provide written certification of destruction identifying the date, method, and scope of destruction within thirty (30) days of destruction.

9. **No Waiver of Rights; No Authorization Required from Individuals**

9.1 **No Waiver.** Disclosure under this Order does not waive any rights, privileges, or objections, including regarding relevance, admissibility, or confidentiality.

9.2 **Individual Authorizations.** No individual authorizations are required for the Covered Entity to disclose the PHI described herein.

IT IS SO ORDERED.

Honorable J. Mark Hayes, II
Presiding Judge

April __, 2026

Spartanburg, South Carolina

{ELECTRONIC SIGNATURE PAGE TO FOLLOW}



Spartanburg Common Pleas

Case Caption: Jo Ann Blackwell , plaintiff, et al VS Mary Black Health System, Llc
, defendant, et al

Case Number: 2017CP4200219

Type: Order/Other

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132