

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF HEALTH

In the Matter of LaRae Lundeen Fjellman,
Unlicensed Complementary and
Alternative Health Care Practitioner.

PROTECTIVE ORDER

On June 23, 2006, the Minnesota Department of Health requested a Protective Order in the above matter limiting disclosure of data classified as private and confidential under the Minnesota Data Practices Act, closing the hearing in this proceeding and sealing the hearing record in order to maintain the not public nature of the private and confidential data. By letter dated June 25, 2006, counsel for the Respondent requested modification of paragraph 5 of the proposed Protective Order but otherwise made no objection to the proposed Protective Order. The requested modification is reflected in this Order.

The Department is represented by Audrey Kaiser Manka, Assistant Attorney General, 445 Minnesota Street, Suite 1200, St. Paul, Minnesota 55101-2130. The Respondent, LaRae Lundeen Fjellman, is represented by Susan M. Gallagher, Attorney at Law, Gallagher Law Office, L.L.C., 10 South Fifth Street, Suite 700, Minneapolis, MN 55402.

Based upon all the files and proceedings herein, it is appropriate to issue a Protective Order. This Order is issued pursuant to Minn. Stat. §§ 13.03, subd. 6, and 14.60, subd. 2 (2004) and Minn. Rule 1400.6700, subp. 4. This Order prohibits the

disclosure of data classified as “not public” under Minn. Stat. § 146A.04, subd. 2 (2004), Minn. Stat. Chapter 13, or other applicable law, to persons not bound by this Protective Order, as set forth below. Therefore, the Administrative Law Judge hereby enters the following:

ORDER

1. This Order is binding on the undersigned Administrative Law Judge, employees of the Department of Health, LaRae Lundeen Fjellman, counsel of record, employees assisting counsel in preparation of the case, witnesses subpoenaed or otherwise called to testify at the hearing and other persons to whom the not public data must be disclosed in order to adequately prepare for hearing on this matter.

2. “Data subject to this Protective Order” means data classified as “not public” by Minn. Stat. § 146A.06, subd. 2, Minn. Stat. Chapter 13, or other applicable law, and includes private or confidential data contained in the following: the contents of the Minnesota Department of Health’s case file; documents and records which become a part of the record of the hearing, including any written post-hearing submissions allowed by the Administrative Law Judge; the transcript of the hearing; the recommended decision of the Administrative Law Judge; and the final decision of the Commissioner of Health. “Not public” data specifically includes, but is not limited to, data on complementary and alternative health care clients.

3. Nothing in this Protective Order permits the disclosure of the identity of any reporter which is privileged under Minn. Stat. § 146A.04.

4. Any person bound by this Protective Order is prohibited from disclosing any of the data subject to this Protective Order to anyone other than those persons identified in paragraph 1 herein.

5. Upon the close of all proceedings subject to or related to this matter, counsel for the Respondent shall retain one copy of any documents identified as subject to this Protective Order. Counsel shall maintain said documents under seal and in such a manner as is sufficient to protect documents from disclosure. All additional copies shall be destroyed. In the event that the State requests verification that all documents except one copy were destroyed, counsel for Respondent shall provide such verification through affidavit.

6. This Protective Order will expire upon Respondent's compliance with the requirements of paragraph 5 herein.

7. The hearing in this matter will be closed and the hearing record will be sealed to the extent needed to permit free discussion of not public data.

Dated: June 26, 2006.

s/Barbara L. Neilson

BARBARA L. NEILSON
ADMINISTRATIVE LAW JUDGE