

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE HENNEPIN COUNTY HUMAN RESOURCES BOARD

In the Matter of:

Shirley Kersey,

Employee,

PROTECTIVE ORDER

v.

Hennepin County/Metropolitan Health Plan,

Employer.

The parties hereto, by and through their respective counsel, have requested the entry of this Order pursuant to provisions of the applicable statutes and rules concerning the use and disclosure of any data, documents or information (data) considered private or nonpublic under the Minnesota Data Practices Act and the Minnesota Patients Bill of Rights.

Pursuant to Minn. Stat. § 13.03, subd. 6 (1996), the Administrative Law Judge finds it appropriate that counsel for the Employer disclose to counsel for the Employee certain information as herein contained.

Therefore, IT IS HEREBY ORDERED that counsel for the Employer shall permit counsel for the employee and his agents and employees, to examine, on the Employer's premises: A) a complete copy of the personnel file of the Employee; B) a copy of the Metropolitan Health Plan (MHP) Administrative Manual; C) a copy of the Health Connection Policy and Procedure Manual; D) a copy of the Hennepin County Medical Center Policy and Procedure Manual; E) a copy of the MHP Health Connection Work Climate Survey Findings Report; F) copies of all available records relating to the employment and termination of the Employee by Hennepin County. These documents will be made available at a time agreed to by the parties but in no event later than May 19, 1997. This will be the only opportunity for the Employee's counsel to examine such documents, except by consent of the Employer's counsel or order of the Administrative Law Judge.

IT IS FURTHER ORDERED that counsel for the Employer shall permit counsel for the Employee and his agents and employees to listen to and duplicate, on the Employer's premises, all available audio tapes of the Employee performing her duties as a Health Connection Coordinator if the individual call was one relied upon by Hennepin County in the discipline of the Employee.

IT IS FURTHER ORDERED that counsel for the Employee shall not cause any material made available by this Order, to be duplicated without removing the names, addresses and phone numbers of any patients concerned in the records.

IT IS FURTHER ORDERED that the audio tapes made by the Employee will be subject to the following restrictions:

1. They will be used solely in connection with the above-entitled proceeding and will not be disclosed outside this proceeding.

2. They shall not be disclosed by counsel during the course of hearing preparation except to the following:

A. Parties' counsel and such employees as the parties' counsel who assist in the above-captioned proceeding, all of whom are bound by the terms of this Protective Order.

B. Independent experts or consultants working with the parties' counsel who, prior to disclosure, sign an agreement agreeing to be bound by the terms of this Protective Order.

C. Other persons necessary to adequately conduct this litigation, provided that such persons, prior to disclosure, agree on the record to be bound -- or sign an agreement agreeing to be bound -- by the terms of this Protective Order and specifically agreeing they will not disclose any private or confidential data outside of this proceeding.

3. Employee's counsel shall maintain in his possession any and all copies of the audio tape recordings produced pursuant to this Protective Order and shall return all such copies to the Employer's counsel when a final decision has been made.

Dated this 7th day of May, 1997.

JON L. LUNDE
Administrative Law Judge