

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

November 28, 2016

CASE NO.: 1D16-3975

L.T. No.: 14-4171MPI

15-3271MPI

Lee Memorial Health System d/b/a v.
Lee Memorial etc.

State of Florida, Agency for Health
Care etc.

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellee's motion to determine confidentiality of appellate court records and/or to seal, filed November 22, 2016, is granted. The clerk is directed to maintain under seal the portions of the record consisting of petitioner's exhibits 2-38 (R. 1348- 10809), petitioner's exhibits 65-67 (R. 12581-12592), respondent's exhibits 1-2 (R. 12593-12719), 4-5 (R. 12726-12827), and respondent's exhibit 43 (R. 14805- 14933).

The information required by Florida Rule of Judicial Administration 2.420(e)(3) is as follows:

(A) This case is an appeal of a final administrative order directing the repayment of Medicaid overpayments and imposing fines and costs;

(B) Federal and state law restrict the disclosure of information concerning Medicaid applicants and recipients to purposes directly connected with the administration of the Medicaid State plan. 42 U.S.C. § 1396a(a)(7)(A)(i); 42 C.F.R. §§ 431.300-431.306; § 414.295(1)(b), (1)(c), (1)(e); Fla. Admin. Code R. 65A-1.204(2), (3). This information is also exempt from disclosure under Florida's public record law. § 414.295 (1)(b), (1)(c), Fla. Stat. In addition, protected health information is confidential pursuant to the Health Insurance Portability and Accountability Act of 1996 and other related provisions of law as stated with specificity in the motion;

(C) No names of the parties to this cause have been determined to be confidential;

(D) The progress docket is not confidential;

(E) Particular information that is determined to be confidential includes

information concerning Medicaid applicants and recipients and protected health information;

(F) Persons who are permitted to view confidential information in this case include the parties and their attorneys only;

(G) This court finds that (i) the degree, duration, and manner of confidentiality ordered by the court are no broader than necessary to protect the interests set forth in subdivision (c); and (ii) no less restrictive measures are available to protect the interests set forth in subdivision (c); and

(H) The clerk of the court is directed to publish this order in accordance with subdivision (e)(4) by posting a copy of this order, within ten (10) days following its entry, on the clerk's website and in a prominent public location in the courthouse, to remain posted in both locations for no less than thirty (30) days);and to provide a copy of this order to the clerk of the lower tribunal, with directions that the lower tribunal clerk is to seal the records identified in the order in accordance with Rule 2.420(g)(4).

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Donna Holshouser Stinson
Joanne B. Erde
Richard J. Shoop, Clerk

Tracy Cooper George, C. G. C. Joseph M Goldstein
Jacqueline Fae Howe

am



JON S. WHEELER, CLERK

