

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA, and THE STATE OF WISCONSIN,
ex rel. DR. TOBY TYLER WATSON,

Plaintiffs,

v.

Case No. 11-CV-236-JPS

JENNIFER KING VASSEL,

Defendant.

**SECOND MOTION FOR ENTRY OF
HIPAA QUALIFIED PROTECTIVE ORDER**
(King-Vassel & Wisconsin)

Qui tam relator Dr. Toby Watson moves for the entry of a qualified protective order under 45 CFR §164.512(e) promulgated under the Health Insurance Portability and Accountability Act of 1996, Pub.L. No. 104-191, §264, 110 Stat. 1936 (HIPAA) to:

1. engage in discovery against defendant King-Vassel, and
2. allow Wisconsin Medical Assistance Program, Wisconsin BadgerCare System, and Wisconsin Forward Health pursuant to a discovery request or requests,

to disclose protected health information limited to identifying additional off-label prescriptions written by Dr. King-Vassel and presented to Medicaid for payment for uses that do not have support in the American Hospital Formulary Service Drug Information (AHFS), the United States Pharmacopeia–Drug Information (or its successor publications) (US Pharmacopeia), or the DRUGDEX Information System (DRUGDEX), which are the statutorily incorporated "compendia" under 42 U.S.C. §1396r–8(k)(6), §1396r–8(g)(1)(B)(i) for determining off-label outpatient drug coverage under Medicaid and therefore false claims.

Dated this 15th day of September, 2013.

LAW PROJECT FOR PSYCHIATRIC
RIGHTS, INC.

s/ James B. Gottstein

James B. Gottstein (Alaska Bar # 7811100)
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