

73152

SPECIAL ORDER NO. _____

STATE OF TEXAS

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IN THE DISTRICT COURT
GIVING PREFERENCE TO
CRIMINAL MATTERS

AND

144TH, 175TH, 186TH, 187TH
226TH, 227TH, 290TH
379TH, 399TH, and 437TH

COUNTY OF BEXAR

OF BEXAR COUNTY, TEXAS

STANDING ORDER REGARDING SUBPOENAS

Pursuant to 45 CFF 164.512(f)(1)(ii)(A) and 5 USC 552a(b)(7) & (11) and the authority arising under the laws of the State of Texas, the Criminal District Court Judges of Bexar County do hereby issue this Standing Court Order as follows:

I. COVERED ENTITIES

The Health Information Portability and Accountability Act, 45 CFR 160 and 164 (HIPAA), provides that a covered entity may use or disclose protected health information to the extent that such use or disclosure is required by law and use or disclosure complies with and is limited to the relevant requirements of such law.

Permitted disclosures include, but are not limited to, 45 CFR 164.512(f)(1)(ii)(A), which provides in pertinent part:

- (f) Standard: Disclosures for law enforcement purposes. A covered entity may disclose protected health information for a law enforcement purpose to a law enforcement official if the conditions in paragraphs (f)(1) through (f)(6) of this section are met, as applicable.

- (1) Permitted Disclosures: Pursuant to process and as otherwise required by law,

A covered entity may disclose protected health information. . . :

- (ii) In compliance with and as limited by the relevant requirements of:

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- (A) A court order or court-ordered warrant, or a subpoena or summons issued by a judicial officer,
- (B) A grand jury subpoena.

II. FEDERAL AGENCIES

Pursuant to 5 USC 552a(b), agencies of the United States government (as defined in 5 USC 551(1) and 5 USC 552(f)(1)) may not disclose any record of an individual including, but not limited to, educational records, financial transactions, medical history, and criminal or employment history if such information contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to that individual without prior written consent, unless disclosure of the record would be:

- (7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

...

- (11) pursuant to the order of a court of competent jurisdiction.

IT IS THEREFORE ORDERED that the Foreperson of any Grand Jury empaneled by these Courts and the Attorney representing the State are hereby authorized, without further Order of these Courts, to request from a covered entity or federal agency all necessary information, in accordance with applicable provisions of law.

IT IS FURTHER ORDERED that a copy of this Order shall be attached to all subpoenas issued at the request of the Foreman of the Grand Jury or the Attorney representing the State to either a covered entity for protected health information or to a federal agency for records pertaining to an individual held by such agency.

IT IS FURTHER ORDERED that the covered entity or federal agency identified in the subpoena attached hereto and incorporated herein by reference shall forthwith comply with the subpoena and remains subject to all enforcement provisions of the law and Chapter 24 of the

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Texas Code of Criminal Procedure, as may be applicable, and provide, if necessary, an employee who is competent to provide testimony before the grand jury or the trial court related to the requested information.

SIGNED and ORDERED on Jul 18, 2023

Michael Mery

Michael Mery (Jul 11, 2023 15:48 CDT)

MICHAEL MERY
JUDGE
144TH JUDICIAL DISTRICT COURT

Catherine Torres-Stahl

CATHERINE TORRES-STAHl
JUDGE
175TH JUDICIAL DISTRICT COURT

Kristina Escalona

Kristina Escalona (Jul 11, 2023 15:10 CDT)

KRISTINA ESCALONA
JUDGE
186TH JUDICIAL DISTRICT COURT

Stephanie Boyd

Stephanie Boyd (Jul 11, 2023 15:01 CDT)

STEPHANIE BOYD
JUDGE
187TH JUDICIAL DISTRICT COURT

Velia Meza

Velia Meza (Jul 11, 2023 12:52 CDT)

VELIA MEZA
JUDGE
226TH JUDICIAL DISTRICT COURT

Christine Del Prado

Christine Del Prado (Jul 13, 2023 13:04 CDT)

CHRISTINE DEL PRADO
JUDGE
227TH JUDICIAL DISTRICT COURT

Jennifer Peña

Jennifer Peña (Jul 13, 2023 15:33 CDT)

JENNIFER PEÑA
JUDGE
290TH JUDICIAL DISTRICT COURT

Ron Rangel

Ron Rangel (Jul 12, 2023 09:35 CDT)

RON RANGEL
JUDGE
379TH JUDICIAL DISTRICT COURT

Frank Castro

Frank Castro (Jul 11, 2023 15:03 CDT)

FRANK CASTRO
JUDGE
399TH JUDICIAL DISTRICT COURT

Joel Perez

Joel Perez (Jul 12, 2023 09:26 CDT)

JOEL PEREZ
JUDGE
437TH JUDICIAL DISTRICT COURT