

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ATTORNEY GENERAL OF THE,	:	
STATE OF CONNECTICUT, and	:	
STATE OF CONNECTICUT	:	
Plaintiffs,	:	
	:	
v.	:	Civ. No. _____
	:	
HEALTH NET OF THE NORTHEAST, INC.,	:	
HEALTH NET OF CONNECTICUT, INC.,	:	
UNITED HEALTH GROUP INC., and OXFORD	:	
HEALTH PLANS, LLC.	:	
Defendants.	:	

[PROPOSED] PRELIMINARY INJUNCTION

Based on the showing made by Plaintiffs Attorney General of the State of Connecticut and the State of Connecticut, in the Motion For Preliminary Injunction, together with all supporting papers, including complaint, the affidavit of Thomas Ryan with attached exhibits, and the memorandum of law, Effective February 17, 2009, it appears to the Court that Plaintiffs will suffer existent, immediate, and continuing irreparable injury as a result of the actions of defendants Health Net of the Northeast, Inc., Health Net of Connecticut, Inc., UnitedHealth Group Inc., and Oxford Health Plans, LLC, their officers, employees, successors, and agents, in violation of the Health Information Technology for Economic and Clinical Health (HITECH) Act amended the Health Insurance Portability and Accountability Act of 1996 (hereinafter “HIPAA”) to authorize state Attorneys General to enforce HIPAA. 42 U.S.C. §1302(a), and from immediate and continuing violations of state law, Conn. Gen. Stat. §§36a-701b and 42-110b, until a trial on the merits is held and final order is entered in this action.

THEREFORE, IT IS ORDERED:

1. Each defendant is enjoined from violating the rights of citizens under HIPAA occasioned by the acts complained herein as provided under 42 U.S.C. §1320d-5(d)(A).
2. Each defendant is ordered to comply with the security standards for protection of protected health information under HIPAA (45 C.F.R. §164.300 *et seq.*), as well as complying with defendants' policies regarding protection of protected health information and personal information, by specifically ensuring the confidentiality and integrity of protected health information they have created, received, maintained and transmitted, including, but not limited to, requiring that every portable electronic device contain only encrypted protected health information.
3. Each defendant is ordered to comply with the privacy rule standards of protected health information under HIPAA (45 C.F.R. §164.500 *et seq.*), by specifically ensuring the proper use and disclosure of protected health information that remains potentially accessible to unauthorized persons.
4. Each defendant is ordered to take affirmative and corrective action to remedy the existent data breach as alleged in the complaint, including all efforts to ensure citizens affected by this breach against identity theft, and/or any other loss or harm.
5. Each defendant is ordered to take affirmative and corrective action to conduct effective training of all members of their respective workforces (including independent contractors) on the policies and procedures with respect to protected health information, and personal information as defined under state law, regarding the requirements of federal and state law.

6. The Court grants the Plaintiffs' request for waiver of security under Fed.R.Civ.P. 65(c).

Dated: _____

United States District Judge

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed in accordance with Rule 5(b) of the Federal Rules of Civil Procedure on this 13th day of January 2010 to:

Attorney Joseph J. Kempf, Jr.
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