

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CIOX HEALTH, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-cv-00040 (APM)
)	
ALEX AZAR, et al.,)	
)	
Defendants.)	
)	


ORDER

For the reasons set forth in the court’s Memorandum Opinion, ECF No. 48, the court grants in part and denies in part Defendants’ Motion to Dismiss, ECF No. 9, grants in part and denies in part Ciox’s Cross-Motion for Summary Judgment, ECF No. 12, and grants in part and denies in part Defendants’ Cross-Motion for Summary Judgment, ECF No. 22.

As stated in the Memorandum Opinion, the court (1) declares unlawful and vacates the 2013 Omnibus Rule insofar as it expands the HITECH Act’s third-party directive beyond requests for a copy of “an [EHR] with respect to [PHI] of an individual . . . in an electronic format,” 42 U.S.C. § 17935(e); and (2) declares unlawful and vacates the 2016 Guidance insofar as it, without going through notice and comment, extends the Patient Rate to reach third-party directives.

This is a final, appealable order.

Dated: January 23, 2020



 Amit P. Mehta
 United States District Judge