

DEPARTMENT OF HEALTH SERVICES
COUNTY OF LOS ANGELES



SUBJECT: CUSTODIAN OF RECORDS - RESPONSE TO
SUBPOENAS DUCES

POLICY NO. 365

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- PURPOSE::** To provide guidelines for designation of Custodians of Records for all confidential records of the Department and to assure uniform response to subpoenas duces tecum.
- POLICY::** The Assistant Director, Health Services, Hospitals, shall designate Custodians of Records for each facility under his/her direction to be responsible for all confidential records maintained in those hospitals.
- The Director, California Children's Services, shall designate a Custodian of Records to be responsible for all confidential records maintained by California Children's Services.
- The Deputy Director, Health Center Operations, shall designate Custodians of Records for each facility under his/her direction to be responsible for all confidential records maintained by the Comprehensive Health Centers, Public Health Centers and Juvenile Court Health Services.
- When records are subpoenaed, they must be produced on time and according to legal procedures which protect both the confidentiality of the material and the interests of the Department. There may be serious legal or financial consequences for failure to properly respond to subpoenas.
- GUIDE::** It shall be the responsibility of Custodians of Records (or their designees) to comply with all laws and regulations regarding the confidentiality and production of confidential records. No other employee of the Department may accept a subpoena duces tecum.
- When served with a subpoena duces tecum, Custodians of Records shall demand appropriate witness fees and mileage. Such fees shall be deposited in the County General Fund.
- Custodians of Records shall be responsible for the physical removal, safeguarding, and return of documents under subpoena and shall coordinate their activities with the facility or section maintaining the records. In cases where an action involves or is directed against the Department or any of its facilities or divisions, the affected person(s) or division(s) shall be notified immediately.
- DEFINITION::** A "Subpoena Duces Tecum" is a legal document issued by a court of law in order to obtain access to confidential records. Only a subpoena duces tecum directed to a designated Custodian of Records can legally compel the production in court of the Department's confidential records.

CROSS
REFERENCES:: Legal papers, Policy No. 170 Confidentiality of Records, Policy No. 360
Confidentiality of Patient Records, Policy No. 361 Confidentiality of Employee
Personnel Records, Policy No. 362 Confidentiality of Business Records,
Policy No. 363 Confidentiality of Non-Patient Public Health Records, Policy
No. 364

EFFECTIVE DATE: Nov 01, 1992

SUPERCEDES: May 1, 1992

APPROVED: Signature on File
