

HARBOR-UCLA MEDICAL CENTER

SUBJECT: SUMMONS AND SUBPOENAS

POLICY NO. 613

PURPOSE:

To establish guidelines regarding the delivery and acceptance of subpoenas and subpoenas duces tecum at Harbor-UCLA Medical Center.

DEFINITIONS:

- **Subpoena:** A document which requests either the appearance of an individual and/or the production of documents with a due date.
- **Personal Subpoena:** A legal document issued by a court of law instructing appearance of an individual as a witness.
- **Subpoena Duces Tecum:** A legal document issued by a court of law in order to obtain access to records and/or documents. A subpoena duces tecum may also request the appearance of an employee along with records.
- **Employment Records:** A document containing information regarding an employee's pay, benefits, work schedule, department supervisor, or data of employment.
- **Summons and Complaint:** A complaint is the first document filed with the court by a person claiming legal rights against another. When a complaint is filed, the court clerk will issue a summons, which notifies the defendant that an action has been commenced against him/her and that the defendant has a specific time to file an answer or other response. The complaint, together with the summons, is required to be served on the defendant.
- **Deposition:** A pre-trial discovery device by which one party (through his or her attorney) asks oral questions of the other party or of a witness for the other party.

EFFECTIVE DATE: 3/83

SUPERSEDES:

REVISED: 9/86, 3/96, 1/99, 2/02, 2/05, 3/06, 8/14, 9/17, 1/18

REVIEWED: 10/92, 3/96, 1/99, 2/02, 3/06, 8/14, 9/17, 1/18

REVIEW COMMITTEE: N/A

APPROVED BY:

Kim McKenzie, RN, MSN, CPHQ
Chief Executive Officer

Anish Mahajan, MD
Chief Medical Officer

Patricia Soltero Sanchez, RN, BSN, MAOM
Chief Nursing Officer

Signature(s) on File.

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The Director of Human Resources (HR)/Designee is the designated Custodian of Records for workforce member records. The Health Information Management Director/Designee is the designated Custodian of Records for patient records, **and other documents, and/or items of production.** Either the Department of Human Resources (DHR) or the Department of Health Information Management (HIM) will process the subpoena depending on the type of records requested.

PROCEDURE:**A. Conditions for Receiving and Accepting Subpoenas:**

1. The Health Information Management (HIM) Department will accept subpoenas for patient records, summons and complaints where Harbor-UCLA Medical Center is the party to be served. The HIM Department will accept subpoenas or summons and complaints between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Harbor-UCLA Medical Center is only authorized to accept the Summons and Complaint on behalf of the facility for appropriate referral to the Board of Supervisor's Office.

If the subpoena is not related to patient records, documents and/or items of production, or is not a summons and complaint, the subpoena will not be accepted by the HIM Department.

If a subpoena is delivered to the HIM Department related to employment records, the process server must be directed to HR. If a subpoena is mailed to the HIM Legal Office, it will be date stamped and immediately forwarded to the HR Department, Building F-8 with a written description of the circumstances of the "*Service*".

2. The DHR will accept subpoenas that are employment-related between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday in Building F-8.

The HR Department representative will determine if the subpoena is employment-related. If the subpoena is not employment-related, it will not be accepted by the HR Department.

If a subpoena is delivered to HR related to patient records, or is a summons and complaint, the process server must be directed to serve the subpoena in Medical Professional Building, Suite 100. If the subpoena is mailed to HR, it will be date stamped and immediately forwarded to the HIM Legal Office, Medical Professional Building, Suite 100 with a written description of the circumstances of the "*Service*".

3. If employment-related, the HR representative will receive the subpoena, date stamp the document and identify if the subject is employed at Harbor-UCLA Medical Center. The HR representative will attempt to contact the workforce member immediately and request that s/he go directly to the HR Department to pick-up the document. The *server* may not enter any medical center business office or patient care area for the purpose of serving a subpoena.

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4. If it is determined that the workforce member has terminated employment from Harbor-UCLA Medical Center, the server will be so informed and the HR representative will not receive or allow the subpoena to be left in the HR Department.
5. If a Summons and Complaint is accepted for a physician, and the County of Los Angeles or Harbor-UCLA is a party to the case, the physician should be instructed to contact Risk Management at extension 2168 if they have any questions or need assistance.

B. Subpoenas for Employment Records:

Subpoenas for employment records must be presented to the HR Director/Designee.

1. The HR Department representative will provide employment records or related information as stated on the subpoena for no more than five years prior to the date of the request.
2. The HR representative will verify that the workforce member has been employed within the last five years or is currently employed at Harbor-UCLA Medical Center and that the requested records are available.
3. The subpoena must be served ten (10) working days before the records are needed to allow time for copying and processing.
4. A valid check of \$15.00 made out to Harbor-UCLA Medical Center to cover the processing fees and copying of the employment records must be presented to the Cashier's Office at the time of the request. The process server must present a receipt for copying fees from the Cashier's Office and provide it to the HR representative.
5. The HR representative will provide a copy of the employment records as requested to the server at a later date, so identified at that time, and *record* all fees paid for the purpose of obtaining employment records. Human Resources will contact the appropriate party when the records are ready for copying or pick-up.

Summons and Complaints: HR will immediately inform Harbor's Risk Management staff at extension 2168, and forward them a copy of the Summons for their reporting to Sedgwick Claims Management Services, Inc. A Referral Letter will then be sent to the attorney or Person Acting in Pro Per notifying them of the need to either serve or file with the Clerk of the Board of Supervisor's Office as follows:

Clerk of the Board of Supervisors
500 W. Temple Street, Room 383
Los Angeles, CA 90002

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C. Subpoena for Appearances/Depositions in the Scope of Employment:

1. When a workforce member is identified to appear personally in any proceeding arising out of his/her scope of employment, s/he will be permitted to appear on County time if it is during regularly scheduled work hours. S/he must provide valid proof of appearance at the proceeding including the date, location, purpose and length of time present at the proceeding to his/her supervisor on his/her next scheduled workday.
2. If a workforce member is subpoenaed to attend a civil action related to the scope of his/her duties, to which the County of Los Angeles is not a party, the subpoenaing party must pay \$150.00 for each day the workforce member is scheduled to remain in attendance at the action or proceeding. The check for that payment should be made payable to the "Treasurer and Tax Collector of the County of Los Angeles" and must be paid at the Cashier's Office on the same day the subpoena is served.
3. If a workforce member is identified to appear personally in a proceeding unrelated to his/her scope of employment, the workforce member may appear with prior approval from his/her immediate supervisor and must use his/her own time.

D. Subpoena for Arrests and Questioning:

1. If members of a law enforcement agency present a subpoena for the purpose of making an arrest or questioning a workforce member, the law enforcement officer/representative and the HR Director/Designee should follow the above procedures for serving subpoenas, restraining orders or warrants and gaining access to speak to the workforce member.
2. Members of the law enforcement agency must show proper identification, which will consist of a photo ID and a badge prior to serving the subpoena. If the HR representative determines that the identification presented by the law enforcement agency representative is not satisfactory, s/he will contact the L.A. County Sheriff's Department representative at Harbor-UCLA Medical Center for assistance.

For any situations not referenced above, the HR Department representative will contact the Department Manager to identify if the workforce member is at work and available to report to the L.A. County Sheriff's Department. If so, the manager will direct the workforce member to report to the L.A. County Sheriff's Department. The workforce member will then be directed to the LASD Officer/representative for arrest or questioning.

E. Summons, Suits, Subpoenas, Notice of Depositions Relating to Incidents, and Telephone Calls or Other Contacts by Outside Investigators, Attorneys, Etc.

1. Any workforce member named in or served a summons and complaint should contact the hospital's Risk Manager at extension 2168 and/or Intercare Holdings Insurance Services, Inc.
2. Workforce members named in or served a summons and complaint should not file a deposition, nor discuss incidents or patient care-treatment with any representative of a plaintiff (patient) without advice and/or other attending professional staff within the context of the usual physician/patient relationship.