

**OLIVE VIEW-UCLA MEDICAL CENTER
POLICY & PROCEDURE**

NUMBER: 91

VERSION: 4

SUBJECT/TITLE: SUBPOENAS AND OTHER LEGAL PAPERS

POLICY: Olive View-UCLA Medical Center (OVMC) and its employees shall respond to the presentation of subpoenas and other legal papers in a responsible fashion.

PURPOSE: To state OVMC's policy and procedure on the service of subpoenas and other legal papers.

DEPARTMENTS: All

PROCEDURE: When a process server presents at the facility, OVMC workforce member will ask the process server to identify the person to whom he/she wishes to serve the subpoena or other legal papers and direct the individual to the appropriate office as described below:

1. Requests for Records
 - (1) **Request for Patient Records.** The Health Information Management (HIM) Director is the Custodian of Records for all patient records. As such, the process server shall be directed to the Health Information Management Department's Release of Information (ROI) Unit.
 - (2) **Request for Workforce Member/Employee Records.** The Department of Health Services (DHS) Director of Human Resources is the Custodian of Records for all employee records. As such, the process server shall be directed to the DHS Corporate Office of Human Resources.
2. Serving of Subpoenas/Legal Papers to a Workforce Member (except Dependence Court subpoenas)
 - (1) The process server shall be directed to Hospital Administration, Room 2C155.
 - (2) Hospital Administration will verify that the subpoena or other legal papers are for a current member of the workforce and will request the workforce member come to Hospital Administration to accept service.
 - (3) If the workforce member is not on campus, the process server will be informed of the next date the individual is expected. The work location

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of the workforce member shall not be given to a process server.

(4) During the hours when Hospital Administration is not open, the process server shall be directed to the Administrative Nursing Office (ANO), Room 2C210. The Nurse Administrator will request the workforce member to come to the office to accept service. If the workforce member is not on campus, the process server will be informed of the next date the individual is expected. The work location of the workforce member shall not be given to a process server.

(5) Neither Hospital Administration nor the ANO shall accept service for any workforce member.

3. Serving of Dependency Court Subpoenas

(1) The process server shall be directed to Hospital Administration, Room 2C155.

(2) Hospital Administration staff will determine if the involved provider is active at OVMC.

(1) If the provider is not active, the Hospital Administration staff will inform the process server.

(2) If the provider is active, the Hospital Administration staff will contact the OVMC Compliance Officer to accept the subpoena. If the OVMC Compliance Officer is not available, the Hospital Administration staff will contact the OVMC Risk Management Office to have a staff member come accept the subpoena.

4. Serving of Legal Papers to a Patient

(1) General Medical or Surgical Patients

(1) The process server shall be directed to the Nurse Administrator's Office (ANO), Room 2C210.

(2) The Nurse Administrator will determine if the patient is in the hospital and has not indicated that he/she does not want the fact of his/her presence in the hospital known.

(3) The Nurse Administrator will clear with the patient's attending physician that the service of subpoena or other legal papers will not adversely affect the medical condition of the patient. If the patient

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would not be adversely affected, the Nurse Administrator will call the Sheriff at x73409 to escort the process server to the patient’s room. If the patient would be adversely affected, the Nurse Administrator will inform the process server that the patient is not medically cleared to be served, and inform the process server when the patient is likely to be cleared for such activity.

- (4) No workforce member shall accept subpoenas or other legal papers for patients.

(2) Mental Health Patients

- (1) The process server shall be directed to the Nurse Administrator’s Office (ANO), Room 2C210.
- (2) The Nurse Administrator will determine if the patient is in the hospital. As hospital personnel are prohibited by law (HIPAA and the California Welfare and Institutions Code), except with the patient’s written consent, from disclosing the presence of any patient receiving mental health services, the Nurse Administrator will inform the process server that the individual is not a patient at the facility.

5. Criminal Matters

- (1) The law enforcement officer or process server shall be directed to the Sheriff if the subpoena or other legal papers are in regard to a criminal matter involving a patient or workforce member.
- (2) Warrants for the arrest of persons must personally be served to the individual by the law enforcement officer.
 - (1) If the warrant is for a patient, a Sheriff’s Deputy may accompany the law enforcement officer or process server to the patient.
 - (2) If the warrant is for a workforce member, a Sheriff’s Deputy will bring the workforce member to a private undisclosed location where he/she will be served.

References: DHS Policy No. 170 “Legal Papers”	
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