

RIVER VALLEY COUNSELING CENTER

POLICY/PROCEDURE # COM-07

SUBJECT: RECEIPT & HANDLING OF SUMMONS & SUBPOENAS

DATE INITIATED/REVIEWED: 6/15, 11/15, 2/16, 11/18, 5/20

POLICY STATEMENT:

It is the policy of River Valley Counseling Center that when a legal document is presented to any system staff member, regarding entity legal matters, affecting a patient, the agency, or any staff member; the document(s) should be immediately referred to the Executive Director. A process server, i.e. sheriff, should not be permitted access to clinic sites or other clinical areas not open to the general public. Depositions by employees or any statement to attorneys regarding the operations of the entity or the care of its patients should be given only after authorization by the Executive Director. In all cases efforts to maintain the confidentiality of the patient's records will be followed.

PURPOSE:

1. To prevent interference with rendering of quality patient care and the performance of duties for purposes of service of summons, subpoenas or search warrants;
2. To delineate the procedures to be followed in handling businessrelated legal matters which involve RVCC employees;
3. To insure that no employee acts for the Agency in any legal matter, unless specifically authorized to do so by the Executive Director.

RESPONSIBILITY: Clinical Staff

PROCEDURE:

1. Order to appear or to provide medical records or information via subpoena, summons or search warrant.
 - a. Medical Records Department only, may receive requests, subpoenas, and/or search warrants for copying medical records and for introduction of records into evidence, in accordance with Hospital and/or department procedures. If Medical Records has any questions or concerns they should contact Administration and/or the Corporate Compliance Manager;
 - b. All other subpoenas involving other than the Medical Records Department, to provide records or to appear, will be handled through the Executive Director's Office.
2. Summons/subpoenas for "personal affairs".
 - a. Personal summons/subpoenas may not be served on the premises of any River Valley Counseling Center entity;
 - b. Employees home addresses or other personal information is not to be given out to process servers, i.e. sheriffs;
- c. Process server should be referred to the Executive Director for further qualification.

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If an employee is confronted with this they should be referred to Administration or Risk Management.

3. Search Warrants

- a. Search warrants are authorized by a judge acting on behalf of the Commonwealth. Upon service of such, the Executive Director should be notified immediately. All search warrants should be reviewed for appropriate documentation and judge's signature. warrants must be complied with but at the same time the confidentiality of any patient information must be maintained.
- b. When the order is a search for confidential patient information, the Executive Director will advise the officer serving the search warrant that this is being complied with on an involuntary basis and that the patient will be advised of this act.
- c. The patient's medical record should document:
 1. the presence of the search warrant;
 2. the officer conducting the search;
 3. the information reviewed in/or given to the serving officer.

4. River Valley Counseling Center related legal matters include:

- a. Employees involved in Agency Related legal matters will be contacted by the Executive Director;
- b. Responses by employees receiving calls and/or letters from attorneys or others, whether at work or at home, should be referred to the Executive Director. Employees should:
 - ascertain the name and phone number of the attorney or other person making the request;
 - not provide requested information unless directed to do so by the Executive Director;
 - inform the Executive Director of the call/letter as soon as possible.
- c. Depositions by Agency personnel shall not be given under any circumstances until the Executive Director authorizes such action.
- d. Employees appearing in court on matters directly related to the interest of RVCC shall be reimbursed for travel expenses and be paid for time spent in court.

D. SPECIAL CONSIDERATIONS

Each employee is required to refer any contact with attorneys, summonses, search warrants, complaints and subpoenas regarding business affairs to the Executive Director in accordance with the above procedures.

The Executive Director shall:

1. Advise department heads and/or employees of pending inquiries;

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2. Refer questions to appropriate legal counsel;
3. Coordinate insurance company questions and investigations relative to business practice;
4. Verify, as necessary, the need for further assistance or legal representation for an employee who has been involved in a work related legal matter;
5. Advise appropriate personnel of the status/resolution of cases/inquiries pending.