

PERSONNEL 3.0

Subpoenas Issued by Courts to Employees of the Bureau of Health Services -- 3.13

Date December 31, 1998

Issued:

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Revised:

Signature:



Cathy R. Taylor, DrPH, MSN, RN

By: Cathy R. Taylor, DrPH, MSN, RN
Assistant Commissioner
Bureau of Health Services

POLICY

Any employee of the Bureau of Health Services who receives a subpoena or court order to testify or to produce information which is his/her responsibility as an employee, must immediately contact the attorney assigned to the Bureau of Health Services prior to taking any action; as well as their immediate supervisor; Regional Director and Central Office Director.

APPLICABILITY

This policy applies to all employees of the Bureau of Health Services.

PURPOSE

To provide employees of the Bureau of Health Services with support of legal counsel when required to attend a court hearing to testify or to present records.

PROCEDURE

When an employee receives a subpoena or court order to testify or to present records which are his/her responsibility as an employee of the Bureau of Health Services, the employee must immediately contact the Office of General Counsel (OGC) attorney assigned to the Bureau of Health Services to communicate the contents of the subpoena/court order. A release provided by an attorney must be

an original and must be notarized. The employee must also contact their supervisor immediately on receipt of a subpoena or court order.

A notice of subpoena given over the telephone or by FAX should never be honored if the actual document has not been served on the employee who is to testify or produce records.

Under no circumstances should the employee attend a court hearing to testify or to produce information without first having a copy of the subpoena/court order in possession and having relayed its contents by phone or in person to the OGC attorney assigned to the Bureau of Health Services.

Any records supplied as the result of a subpoena or court order should be in the form of a copy, maintaining the original for the health department files.

OFFICE OF PRIMARY RESPONSIBILITY

Office of General Counsel, Department of Health, (615)741-1611