



OPERATIONAL POLICIES & PROCEDURES

SECTION V: RISK MANAGEMENT

PROCEDURAL MEMORANDUM: V-02-03-04

SUBJECT: THE HANDLING OF SUBPOENAS AND SUMMONS

POLICY: Subpoenas must be handled in a timely manner to protect the interests of Community Health of South Florida, Inc. (CHI) its employees and the organization as a whole from any legal action(s) by the court.

PURPOSE: The timely handling of subpoenas and summons and awareness of CHI staff on related matters.

PROCEDURE:

1. Employees must never accept service on any subpoena where the name of another employee is shown. Subpoenas directed to CHI , specifically should be served in Administration.
2. When a subpoena is served on CHI employee, the employee served with the original subpoena must contact Risk Management immediately but no later than twenty four (24) hours after service or during the weekend and holidays , within two (2) business day. The subpoena may be e-mailed or faxed to Risk Management. The original subpoena must be sent to Risk Management via interoffice mail in an envelope marked "Confidential".
3. The Risk Manager or the designee must ascertain the nature of the subpoena from the issuing attorney or agency and advise the involved employee whether that employee must report for deposition and/or court hearing. Risk Management will attempt to schedule any depositions at the Doris Ison Center.
4. Should a request be made for medical records, billing or any other records of any type or any type of media , Risk Management or designee will assess the request and submit for production to the appropriate CHI Department (e.g., Health Information Management

Department) with the request that the requested record be submitted within the statutory guidelines.

5. Subpoenas that are served for an employee related to non-CHI business matters, Risk Management will assess to determine whether this is in fact a non-CHI business matter. If it is not, the employee will be served in the Human Resources Department to assure confidentiality.
6. No service on any CHI staff will be done in any clinical or administrative areas. All process servers should be directed to Risk Management at the Doris Ison Health Centers.
7. For any further guidance on this policy, please contact Risk Management.
8. **HANDLING OF SUMMONS AND SUBPOENAS ON FTCA CASES:**

The following procedure shall be used in responding to subpoenas and/or summons received on any FTCA Cases :

**CHI Risk Management shall follow the following process.
Contact will be made as prescribed below:**

**A. U.S. Department of Health and Human Services
Office of the General Counsel General Law
Division Claims and Employment Law Branch
U.S. Dept. of Health and Human Services 330 C Street, SW
Attention: CLAIMS
Switzer Building, Suite 2600 Washington, D.C., 20201
HHS-FTCA-Claims@hhs.gov
Tel. : (202) 691-2369 202-619-2922 (fax)**

With regard to premature lawsuits in which a claimant files a lawsuit against a covered entity in State court, CHI will contact its General Counsel to make arrangements to obtain at least a 60-day extension from the state court to answer the complaint. CHI's General Counsel will communicate with the HHS Office of General Counsel for any specific legal issues that may arise.

Specific Claims Handling Procedures are detailed in CHI's Risk Management Program Plan and the Property/Casualty Claims Management Program Plan , respectively, which are adopted herein by endorsement .

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